*"A City for All Ages"*

# CITY OF PORT ST. LUCIE, FLORIDA

## AGENDA

City Council Meeting

Monday, September 26, 2016,
following the 7:00 p.m. Special Council Meeting

City Hall Council Chambers
121 SW Port St. Lucie Boulevard

## Mayor and City Council

**Gregory J. Oravec, Mayor**

| | |
|---|---|
| **Linda Bartz, Vice Mayor** | **District I** |
| **Michelle Lee Berger, Councilwoman** | **District II** |
| **Shannon Martin, Councilwoman** | **District III** |
| **Ronald E. Bowen, Councilman** | **District IV** |

## Administration

Patricia Roebling, Interim City Manager

O. Reginald Osenton, City Attorney

Karen A. Phillips, City Clerk

**NOTICE OF COUNCIL MEETINGS AND AGENDAS**

**The second and fourth Monday of each month are the regular meeting dates for the City Council; special meetings may be called whenever necessary. Council Agendas are on the City's website and the bulletin board in the lobby of City Hall on the Thursday prior to each regular Council meeting. A public copy of the complete agenda is also available for review in the City Clerk's Office and at the City Hall lobby reception desk. Questions regarding the agenda should be directed to the City Clerk at (772) 871-5157.**

**Web Site: http://www.cityofpsl.com**

# Agenda

## City Council Meeting
## City Hall Council Chambers
## 121 SW Port St. Lucie Boulevard
## Monday, September 26, 2016, following the 7:00 p.m. Special Council Meeting

Anyone wishing to speak during Public to be Heard is asked to fill out a Beige Participation Card and submit it to the City Clerk. Anyone wishing to speak on any Agenda Item or at a Public Hearing is asked to fill out a Green Participation Card and submit it to the City Clerk.

Participation Cards are available on the side table in Council Chambers, at the Reception Desk in City Hall lobby, and in the City Clerk's Office.

**AS A COURTESY TO THE PEOPLE RECORDING THE MEETING, PLEASE TURN ALL CELL PHONES TO SILENT.**

1. **MEETING CALLED TO ORDER**

2. **ROLL CALL**

3. **INVOCATION & PLEDGE OF ALLEGIANCE**

4. **PROCLAMATIONS AND SPECIAL PRESENTATIONS**

5. **PUBLIC TO BE HEARD**

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

7. **APPROVAL OF CONSENT AGENDA**

   A. **APPROVAL OF MINUTES** - SPECIAL COUNCIL AUGUST 15, 2016

   B. **MAJOR SITE PLAN APPLICATION,** UNITED REFRIGERATION, LOCATED ON THE WEST SIDE OF LTC PARKWAY OFF OF GLADES CUTOFF ROAD IN THE LTC RANCH PUD, CONSTRUCTION OF A 132,098 SQ FT WAREHOUSE BUILDING, P16-109, PLANNING & ZONING DEPARTMENT

   C. **MINOR SITE PLAN APPLICATION,** RPR INVESTMENTS, LOCATED ON THE SOUTHEAST CORNER OF BILTMORE STREET AND LAKEHURST DRIVE AND WEST OF A DRAINAGE RIGHT-OF-WAY, PROPOSING AN OPEN STORAGE YARD WITH AN 800 SQ FT OPEN STORAGE PAVILION, P16-070, PLANNING & ZONING DEPARTMENT

   D. **MAJOR SITE PLAN APPLICATION,** ST. LUCIE TAX COLLECTOR, LOCATED NORTH OF TRADITION PARKWAY, SOUTH OF TANFORAN BOULEVARD, EAST OF VILLAGE PARKWAY, AND WEST OF I-95, CONSTRUCTION OF A 15,948 SQ FT OFFICE BUILDING, P16-114, PLANNING & ZONING DEPARTMENT

E. **STATE FY 2016-2017 VICTIM OF CRIME ACT GRANT (VOCA), AWARD,** #VOCA-2016-CITY OF PORT ST. LUCIE-00822, TOTALING $122,678.94 WHICH INCLUDES A 25% MATCHING REQUIREMENT ($30,669.73) HOWEVER THIS GRANT ALLOWS FOR EXISTING SUPERVISORY PERSONNEL TIME TO SERVE AS CASH MATCH, SO NO ADDITIONAL GENERAL OR FORFEITURE FUNDS WILL BE NEEDED, TO COVER THE SALARIES AND BENEFITS OF THE EXISTING POLICE VICTIM ADVOCATE COORDINATOR AS WELL AS THAT OF ONE ADDITIONAL FULL-TIME VICTIM ADVOCATE, GRANT AWARD PERIOD IS FROM 10/1/16 TO 9/30/17, POLICE DEPARTMENT

F. **TEMPLE BETH EL ISRAEL,** REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN THE CITY'S RIGHTS-OF-WAYS FOR THE 2016 COMMUNITY HEALTH FAIR ON OCTOBER 20, 2016, SIGNS SCHEDULED TO BE PLACED OCTOBER 1, 2016, THROUGH OCTOBER 21, 2016, INTERIM CITY MANAGER

G. **EPISCOPAL CHURCH OF THE NATIVITY,** REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN THE CITY'S RIGHTS-OF-WAYS FOR THE 1ST ANNUAL PUMPKIN PATCH FROM OCTOBER 15TH TO OCTOBER 31ST, SIGNS SCHEDULED TO BE PLACED OCTOBER 7, 2016, THROUGH OCTOBER 31, 2016, INTERIM CITY MANAGER

H. **SUNLIGHT COMMUNITY CHURCH,** REQUEST FOR CITY SPONSORSHIP FOR THE SOLE PURPOSE OF LOCATING TEMPORARY SIGNAGE WITHIN THE CITY'S RIGHTS-OF-WAYS FOR THE HISPANIC HERITAGE CELEBRATION NIGHT ON OCTOBER 1, 2016, SIGNS SCHEDULED TO BE PLACED SEPTEMBER 27, 2016, THROUGH OCTOBER 1, 2016, INTERIM CITY MANAGER

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

A. **ORDINANCE 16-56,** AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

B. **ORDINANCE 16-57,** AN ORDINANCE TO REZONE 1.57 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT

KNOWN AS FLORIDA RECREATION AND INVESTMENTS P14-038; PROVIDING FOR AN EFFECTIVE DATE.

C. **ORDINANCE 16-61,** AN ORDINANCE AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 61.25, "TEMPORARY METER PERMITS," TO REFLECT THE CHANGE IN RATES AND FEES APPLICABLE TO THE MONTHLY USAGE BILLINGS FOR TEMPORARY METERS; AMENDING CHAPTER 62, "WATER, WASTEWATER AND RECLAIMED WATER UTILITY SERVICE RATE SCHEDULE," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING THE APPENDIX TO CHAPTER 62 SETTING FORTH A WATER, WASTEWATER AND RECLAIMED WATER RATE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

D. **ORDINANCE 16-62,** AN ORDINANCE AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 61.11, "WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; ADOPTION; CALCULATING APPLICATION; TIME OF PAYMENT," TO PROVIDE FOR AMENDED WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; BY AMENDING SECTION 61.16, "RECLAIMED WATER CONNECTIONS," TO PROVIDE FOR AMENDED RECLAIMED SYSTEM CAPITAL CHARGES; BY AMENDING SECTION 61.24, "WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; ADOPTION; APPLICABILITY; TIME OF PAYMENT," TO PROVIDE FOR AMENDED WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

E. **ORDINANCE 16-63,** AN ORDINANCE AMENDING CHAPTER 60, "UTILITY SYSTEMS DEPARTMENT," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 60.06, "DEFINITIONS;" AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," BY AMENDING SECTION 61.05, "WATER METER INSTALLATION CHARGE;" AMENDING CHAPTER 65, "WATER SYSTEM USER RULES," BY AMENDING SECTION 65.09, "CONTROL OF BACKFLOW AND CROSS-CONNECTIONS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

F. **ORDINANCE 16-64,** AN ORDINANCE AMENDING THE 2015-16 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 6 PAGES, ATTACHED HERETO AND DESIGNATED AS 2015-16 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.

G. **ORDINANCE 16-65,** AN ORDINANCE AUTHORIZING THE ABANDONMENT AND RELEASE OF A PORTION OF A FIFTY FOOT FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, AT PAGE 1177, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; ABANDONING AND RELEASING SAID PORTION OF THE FLOWAGE EASEMENT; PROVIDING FOR AN EFFECTIVE DATE.

H. **ORDINANCE 16-66,** AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A QUIT CLAIM DEED FROM THE CITY OF PORT ST. LUCIE TO TRADITION LAND COMPANY, AN IOWA LIMITED LIABILITY COMPANY, OF PREVIOUSLY CONVEYED UTILITY SITES 1, 4, 5, AND 6 AND ACCESS EASEMENTS, RECORDED IN SOUTHERN GROVE PLAT NUMBERS 3 AND 14; AND ROAD RIGHTS OF WAY FOR E/W 2, LESS WESTERN 75 FEET IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED OCTOBER 30, 2007 AND RECORDED ON NOVEMBER 1, 2007, IN OFFICIAL RECORDS BOOK 2899 AT PAGE 2933 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AND E/W 1 (DISCOVERY WAY) CUL-DE-SAC RIGHT-OF-WAY REMNANTS IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED MARCH 16, 2009 AND RECORDED ON MARCH 24, 2009, IN OFFICIAL RECORDS BOOK 3071 AT PAGE 2591 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

9. **OTHER PUBLIC HEARINGS**

10. **FIRST READING OF ORDINANCES**

A. **ORDINANCE 16-67,** AN ORDINANCE TO REZONE 0.92 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF PORT ST. LUCIE BOULEVARD, EAST OF WAYNE STREET, SOUTH OF CHAPMAN AVENUE, AND WEST OF KAIL STREET; FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS COFFEE PORT ST. LUCIE, LLC (P16-085); PROVIDING FOR AN EFFECTIVE DATE.

B. **ORDINANCE 16-68,** AN ORDINANCE TO REZONE 1.61 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GATLIN BOULEVARD BETWEEN BOUGAINVILLEA AVENUE AND IMPORT DRIVE FROM LIMITED MIXED USE (LMD) TO PROFESSIONAL (P) FOR A PROJECT KNOWN AS GATLIN DIALYSIS (P16-124); PROVIDING FOR AN EFFECTIVE DATE.

C. **ORDINANCE 16-69,** AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22

THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

D. **ORDINANCE 16-70,** AN ORDINANCE TO REZONE 1.57 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS FLORIDA RECREATION AND INVESTMENTS P14-038; PROVIDING FOR AN EFFECTIVE DATE.

E. **ORDINANCE 16-71,** AN ORDINANCE AMENDING TITLE IX – GENERAL REGULATIONS, CHAPTER 93 – FIRE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY AMENDING SECTION 93.03 SECURITY AND FIRE ALARM SYSTEMS TO ADD CERTAIN DEFINITIONS, TO PROVIDE FOR ISSUANCE OF CEASE AND DESIST ORDERS, TO PROVIDE FOR A THIRD-PARTY ADMINISTRATOR TO ADMINISTER THE PERMIT PROCESS, TO CLARIFY THE APPLICATION AND APPROVAL PROCESS; TO REDUCE THE PERMIT TERM TO ONE YEAR AND PROVIDE SIX MONTH AMNESTY PERIOD FOR REGISTRATION OF PREVIOUSLY NON-PERMITTED ALARM SYSTEMS FOLLOWING ADOPTION OF ORDINANCE, TO PROVIDE FOR A THIRD-PARTY ADMINISTRATOR TO ISSUE PERMITS, TO ESTABLISH INSTALLATION REQUIREMENTS AND DUTIES OF ALARM OWNERS AND ALARM COMPANIES, ESTABLISHING PROCEDURE FOR DETERMINATION OF FALSE ALARM AND NOTICE TO ALARM USER AND/OR RECORD TITLE OWNER, TO ESTABLISH A REVISED FEE SCHEDULE FOR FALSE ALARMS, PROVIDING CLARIFICATION REGARDING THE RESPONDING AGENCY, AND TO ESTABLISH AN APPEAL PROCEDURE FOR DETERMINATION OF FALSE ALARMS; DELETING IN ITS ENTIRETY SECTION 93.05 FALSE ALARM DISPATCH CHARGE, COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

## 11. RESOLUTIONS

A. **RESOLUTION 16-R73,** A RESOLUTION APPROVING THE PRELIMINARY PLAT AND CONSTRUCTION PLANS FOR TRADITION PARKWAY – WESTERN GROVES WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF TRADITION LAND COMPANY, LLC; PROVIDING AN EFFECTIVE DATE.

B. **RESOLUTION 16-R74,** A RESOLUTION APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT FOR SYMPATICO PLAZA (P16-067) WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF PORT ST. LUCIE PROPERTIES, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE.

C. **RESOLUTION 16-R75,** A RESOLUTION DESIGNATING THE CITY OFFICIALS AUTHORIZED TO WITHDRAW FUNDS FROM THE DEPOSITORY ACCOUNTS; PROVIDING AN EFFECTIVE DATE.

D. **RESOLUTION 16-R76,** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM TRADITION LAND COMPANY, LLC, AN IOWA LIMITED LIABILITY COMPANY, CONCERNING THE CONVEYANCE OF ADDITIONAL COMMUNITY BOULEVARD ROAD RIGHT-OF-WAY; RELOCATION OF E/W NO. 2 ROAD RIGHT-OF-WAY; AND RELOCATION OF UTILITY SITES 1, 4, 5 and 6; PROVIDING AN EFFECTIVE DATE.

**13. NEW BUSINESS**

A. **ADDENDUM TO THE EMPLOYMENT AGREEMENT OF PATRICIA ROEBLING, P.E.,** CITY ATTORNEY

**14. DETERMINATION OF EXCUSED ABSENCES**

A. **COUNCILMAN BOWEN,** ATTORNEY-CLIENT SESSION, SPECIAL CITY COUNCIL MEETING, AND REGULAR CITY COUNCIL MEETING SEPTEMBER 12, 2016

**15. CITY MANAGER'S REPORT**

**16. COUNCILMEMBERS REPORT ON COMMITTEE ASSIGNMENTS**

**17. PUBLIC TO BE HEARD** - (IF NECESSARY AS DETERMINED BY CITY COUNCIL AT CONCLUSION OF PUBLIC TO BE HEARD)

**18. ADJOURN**

**NOTICE:** No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

**NOTICE:** The public and press are invited to review the backup for Council meetings. Copies are available on the City's web site and in the City Clerk's Office and the Communication Department on Thursday, Friday, and Monday before Council meetings. On meeting nights, a copy of the backup material is available in the Reception Area of City Hall for public review.

# September Meeting Calendar

| DATE | MEETING | TIME | LOCATION |
|---|---|---|---|
| 9-26-16 | Community Redevelopment Agency (CRA) Meeting | 6:30 p.m. | City Hall Complex Council Chambers Building A |
| 9-26-16 | Special City Council Meeting Budget Hearing | 7:00 p.m. | City Hall Complex Council Chambers Building A |
| 9-26-16 | Regular City Council Meeting | To Follow 7:00 p.m. Special Council Meeting | City Hall Complex Council Chambers Building A |
| 9-28-16 | Special Magistrate Hearing | 9:00 a.m. | City Hall Complex Council Chambers Building A |
| 9-28-16 | Site Plan Review Committee Meeting | 1:30 p.m. | City Hall Complex Council Chambers Building A |

CA092616

**NOTICE**
**AGENDA ADDENDUM**
**CITY COUNCIL REGULAR MEETING**
**SEPTEMBER 26, 2016**

13. **NEW BUSINESS**

**b) CROSSTOWN PARKWAY EXTENSION PROJECT PROPERTY ACQUISITION SUPPLEMENTAL AGREEMENT** TO FDOT PURCHASE AGREEMENTS FOR PARCELS 801 AND 802 CONCERNING THE LIBERTY LANE PROPERTY LOCATED AT 8881 AND 8883 U.S. HIGHWAY 1, SPECIAL COUNSEL, AZLINA GOLDSTEIN SIEGEL, ESQ.

C2A092616

**NOTICE**
**AGENDA ADDENDUM**
**CITY COUNCIL REGULAR MEETING**
**SEPTEMBER 26, 2016**

13. **NEW BUSINESS**

**c) DISCUSSION OF THE CITY MANAGER SEARCH AND CONSIDERATION OF CANDIDATES,** MAYOR ORAVEC

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7B
Meeting Date: 9/26/16

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Planning and Zoning Director |
| Agenda Item: | Motion: Major Site Plan Application – United Refrigeration (P16-109) |
| Submittal Date: | 9/14/2016 |

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The proposed project is to allow the construction of a 132,098 sq. ft. warehouse building. The property is located in the LTC Ranch Industrial Park.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** NA

**LEGAL INFORMATION:** NA

**PLANNING AND ZONING BOARD:** The Planning and Zoning Board recommended approval of the site plan at their September 6, 2016 meeting with 5 members voting in favor and 1 abstaining.

**SPECIAL CONSIDERATION:** NA

**PRESENTATION INFORMATION:** NA

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located on the west side of LTC Parkway off of Glades Cutoff Road in the LTC Ranch PUD.

**ATTACHMENTS:** Staff report, maps, application and site plan

PT/TK

RECEIVED
SEP 15 2016
CITY MANAGER'S OFFICE

# City of Port St. Lucie

## Planning and Zoning Department Memorandum

***TO:*** **PLANNING AND ZONING BOARD – MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **THRESIAMMA KURUVILLA, PLANNER**

***RE:*** **UNITED REFRIGERATION**
**MAJOR SITE PLAN APPLICATION**
**PROJECT NO. P16-109**

***DATE:*** **AUGUST 25, 2016**

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***PROPOSED PROJECT:*** The proposed project is to allow the construction of a 132,098 sq. ft. warehouse building.

***APPLICANT:*** Bradley J. Currie, AICP of EDC, Inc.

***OWNER:*** RJS Property Development, Inc; the proof of ownership is attached to the staff report.

***LOCATION:*** The property is located on the west side of LTC Parkway off of Glades Cutoff Road in the LTC Ranch PUD.

***LEGAL DESCRIPTION:*** The property is legally described as LTC Ranch PUD #2, Parcel 11.

***SIZE:*** 6.9 acres.

***EXISTING ZONING:*** Planned Unit Development (PUD) zoning district

***FUTURE LAND USE:*** HI-LI-U (Heavy Industry/Light Industry/Utility)

***EXISTING USE:*** Vacant

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | HI/LI/U | PUD | Cemex Gypsum industrial building |
| S | HI/LI/U | PUD | Parkway Commerce Center |
| E | CS/LI/ROI | PUD | Vacant property |
| W | HI/LI/U | PUD | Vacant property |

***CONCURRENCY REVIEW:***

The project has been reviewed for compliance with Chapter 160, City Code, regarding provision of adequate public facilities and documented as follows.

***Sewer/Water Service***: City of Port St. Lucie is the water and sewer service provider. A developer's agreement with the City Utilities Department, that is consistent with the adopted level of service, is required prior to issuance of building permits.

***Transportation***: The applicant has provided a trip generation analysis which indicates that the project will generate 470 average daily trips and 40 a.m. and 42 p.m. peak hour trips as per the Institute of Transportation Engineers Trip Generation 9th edition manual. Traffic conditions within the LTC Ranch Development of Regional Impact (DRI) are monitored through the annual report. The roads in LTC Ranch PUD have already been constructed. This project is not expected to adversely affect the transportation level of service for the adjacent roads.

***Land Use Consistency:*** The land development thresholds will remain as provided for within the LTC Ranch DRI approved development order. The proposed uses are industrial in nature and well suited with the industrial park.

***Parks/Open Space***: The site plan shows 1,550 sq. ft. of useable open space with benches and exceeds the minimum requirement of 1,501 sq. ft.

***Stormwater:*** The project includes a paving and drainage plan that is in compliance with the adopted level of service standard.

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

***Public School Concurrency Analysis:*** This is not applicable.

***ZONING REVIEW:***

The project has been reviewed for compliance with the requirements of Chapter 158, Zoning Code, and documented as follows:

***Use:*** The proposed use of the property is for a warehouse building which is a permitted use in the LTC Ranch PUD.

***Building Height:*** The height of the warehouse building is proposed to be 43 feet. The maximum building height allowed in LTC Ranch PUD is 75 feet.

***Setbacks:*** The proposed setbacks shown on the site plan are in accordance with the required setbacks of the LTC Ranch PUD.

***Parking:*** The site is required to have 81 parking spaces and 90 are being provided, including 4 handicapped parking spaces.

***Dumpster Enclosure:*** The site plan includes a dumpster enclosure (12' x 24') allowing for both general and recyclable refuse.

***Architectural Design Standards***: This project has been reviewed and found in compliance with the Citywide Design Standards.

## *NATURAL RESOURCE PROTECTION REVIEW:*

The project has been reviewed for compliance with the requirements of Chapter 157, Natural Resource Protection Code and documented as follows:

***Environmental***: An environmental assessment report prepared on June 2016, by Crossroads Environmental shows no existing native upland habitat on this site. Per the LTC Ranch DRI, no native habitat preservation was required for this parcel. The applicant has to obtain a clearing permit prior to construction of the building.

***Wildlife Protection:*** No listed species were identified on the site.

## *OTHER:*

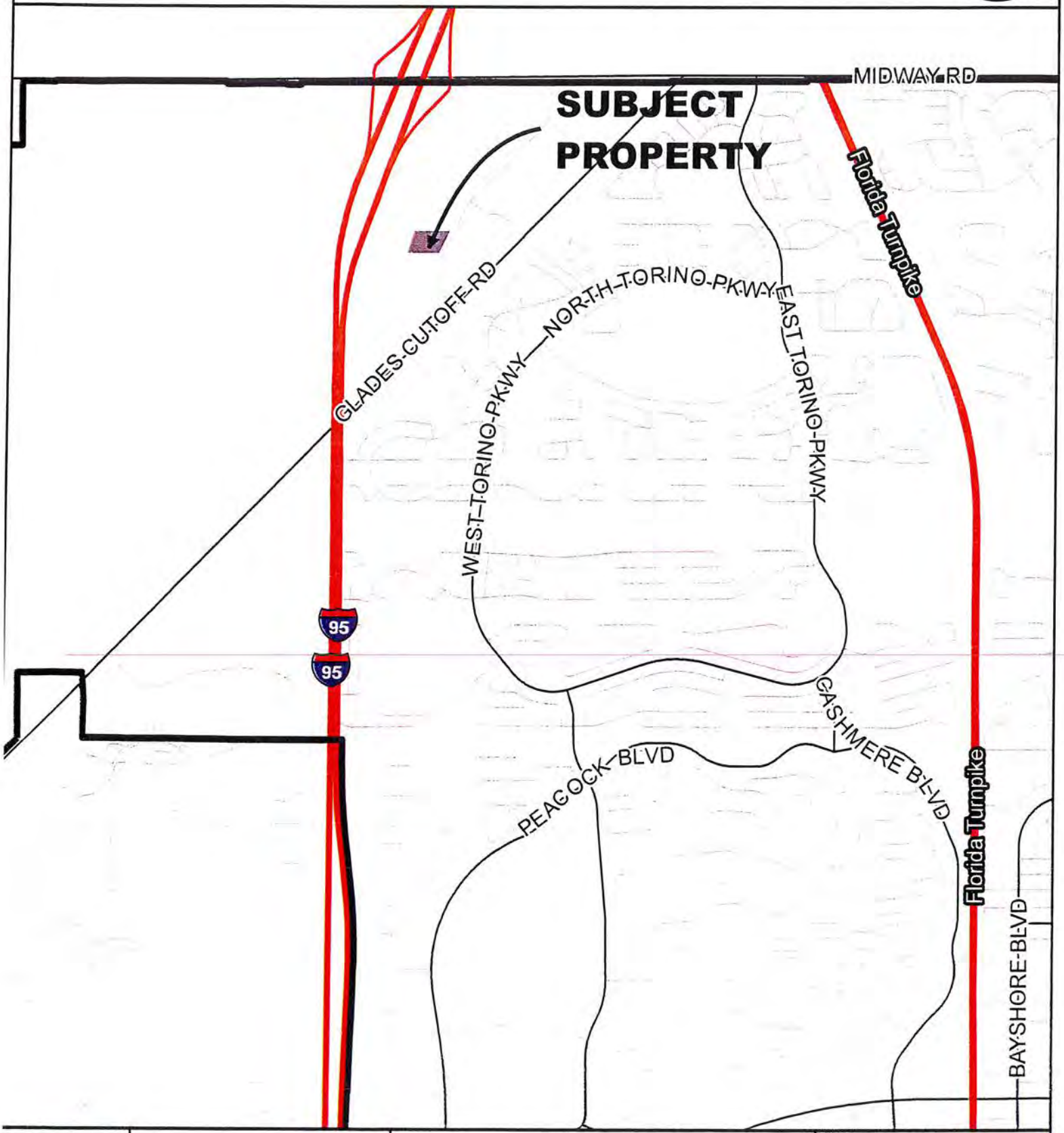
***Fire District:*** The access location has been approved by the Fire District for safety purposes.

***Public Art:*** The applicant has agreed to pay $50,000 fee in lieu of art work on site.

## *STAFF RECOMMENDATION*:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan, and recommends approval. On July 27, 2016, the Site Plan Review Committee recommended approval of the site plan.

# GENERAL LOCATION

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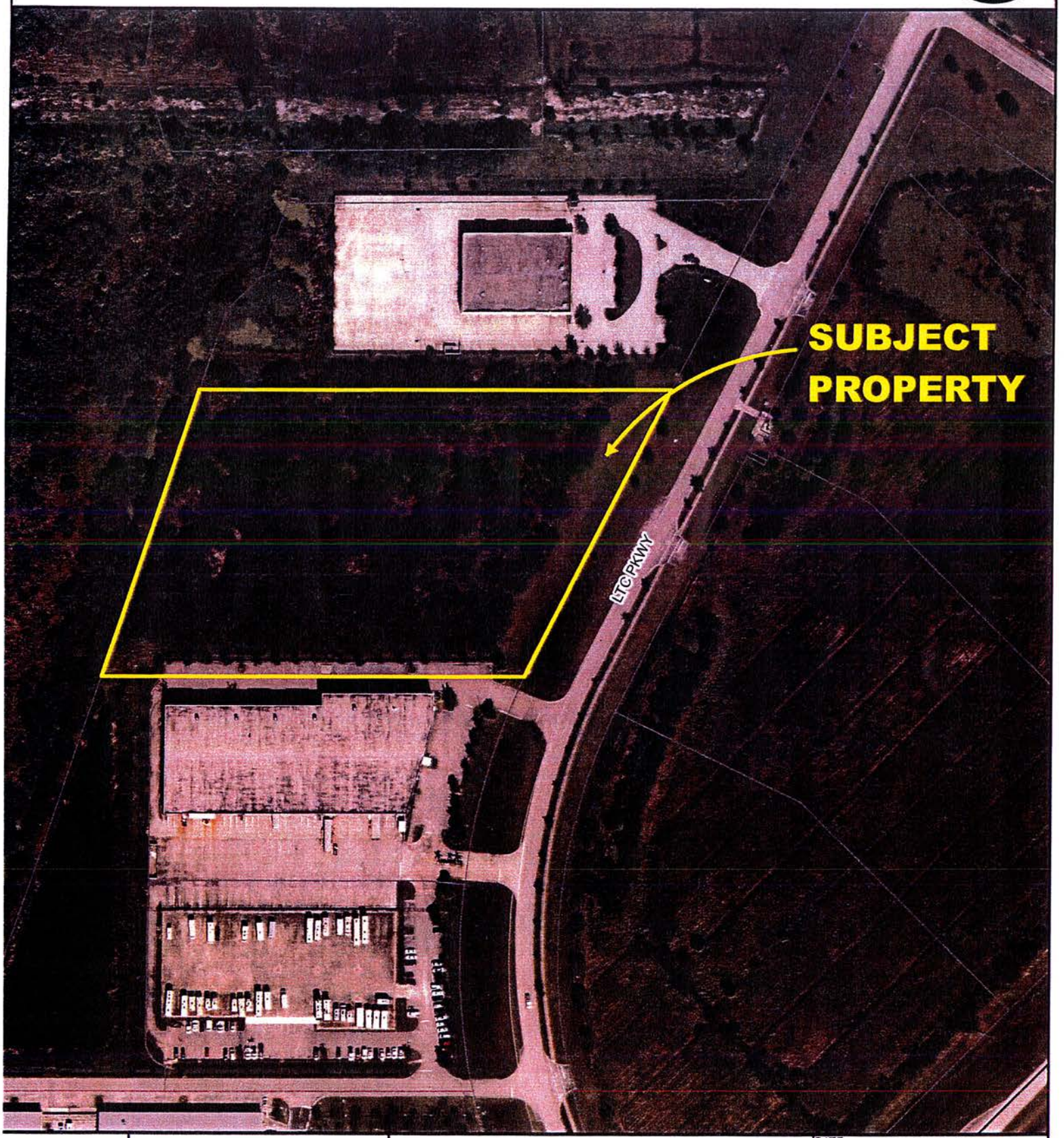
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>UNITED REFRIGERATION<br>LTC RANCH PUD NO. 2, PARCEL 11 | DATE: 7/13/2016<br>APPLICATION NUMBER: P16-109<br>USER: patricias<br>SCALE: 1 in = 0.5 miles | |

# AERIAL

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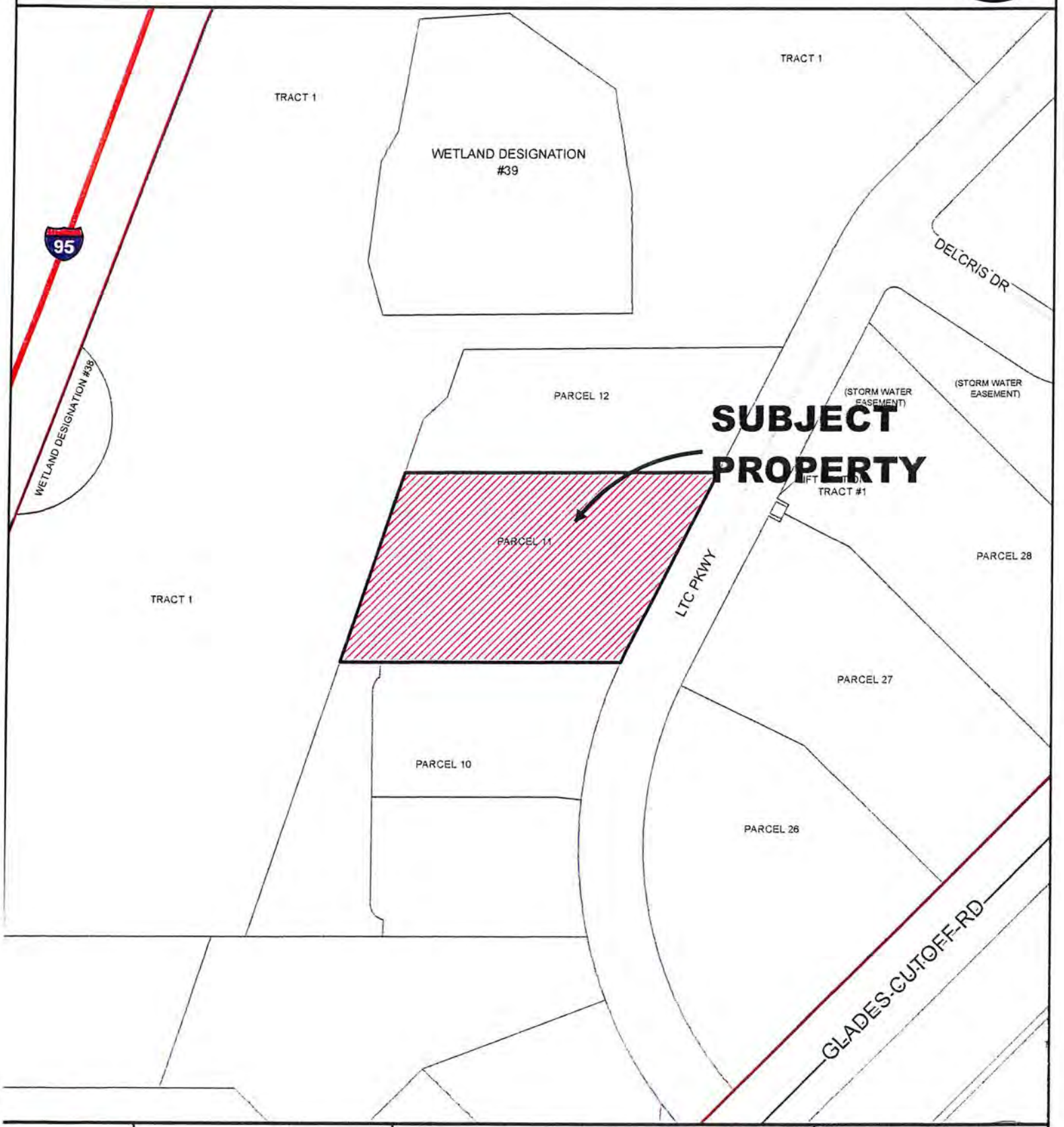
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SITE PLAN<br>UNITED REFRIGERATION<br>LTC RANCH PUD NO. 2, PARCEL 11<br>AERIAL DATE 2014 | DATE: 7/13/2016<br>APPLICATION NUMBER: P16-109<br>USER: patricias<br>SCALE: 1 in = 200 ft | |

# EXISTING ZONING

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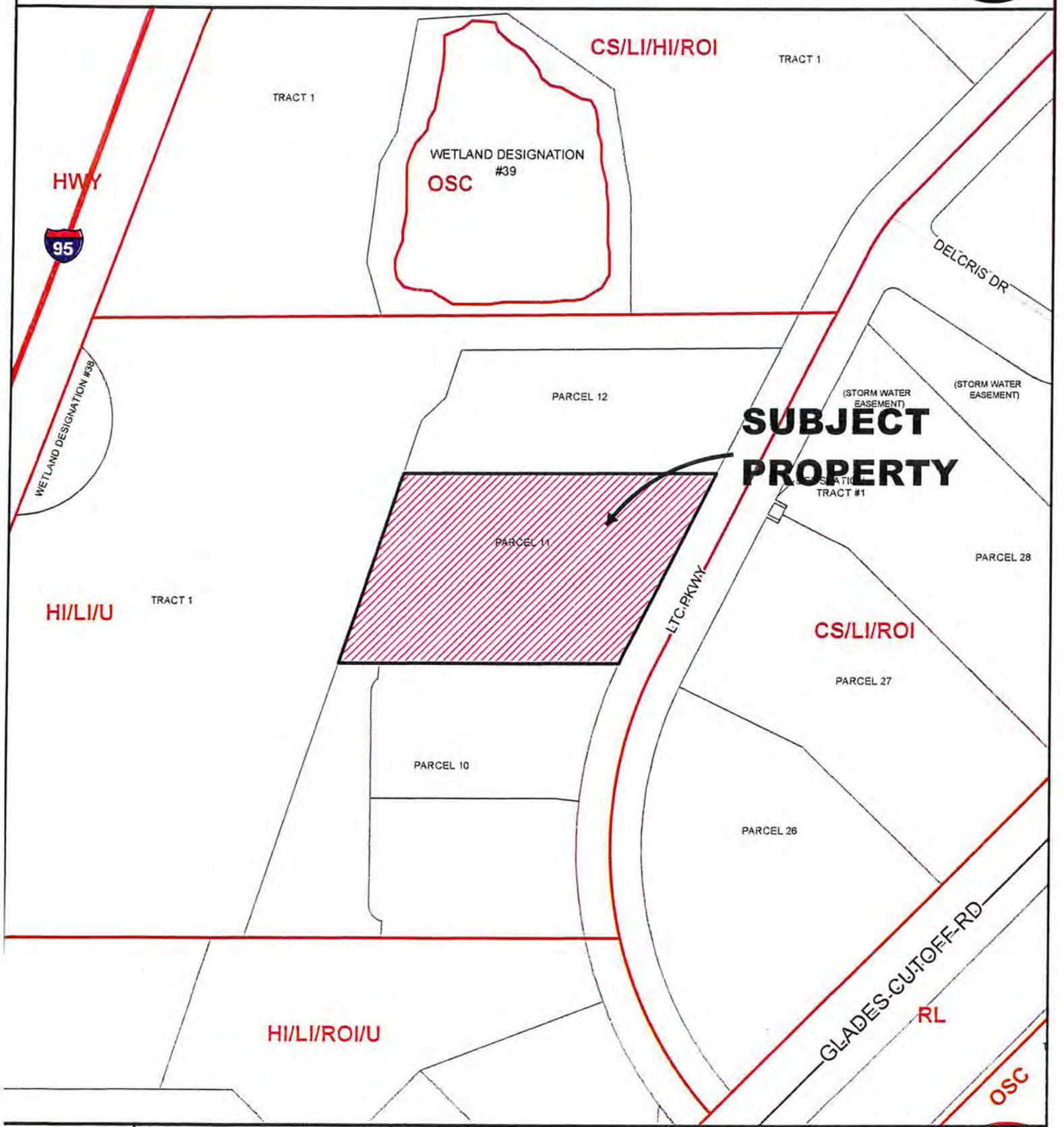
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>UNITED REFRIGERATION<br>LTC RANCH PUD NO. 2, PARCEL 11 | DATE: 8/23/2016<br>APPLICATION NUMBER: P16-109<br>USER: patricias<br>SCALE: 1 in = 300 ft |

# FUTURE LAND USE

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|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>UNITED REFRIGERATION<br>LTC RANCH PUD NO. 2, PARCEL 11 | DATE: 8/23/2016<br>APPLICATION NUMBER: P16-109<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

# APPLICATION FOR SITE PLAN REVIEW

ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772) 871-5124

P&Z File No. 16-109
Fees (Nonrefundable) $ 13649.75 Arch.: $ 518
Receipt #'s: 10080.1

PRIMARY CONTACT EMAIL ADDRESS: patriciasesta@edc-inc.com

PROJECT NAME: United Refrigeration

LEGAL DESCRIPTION: LTC RANCH PUD #2 (PB 48-2) PARCEL 11 (6.90 AC) (OR 2352-2165)

LOCATION OF PROJECT SITE: LTC Parkway off of Glades Cut Off Road

PROPERTY TAX I.D. NUMBER: 3301-702-0009-000-1

STATEMENT DESCRIBING IN DETAIL: Construction of a 132,098 sf warehouse with associated site improvements.

THE CHARACTER AND INTENDED USE OF THE DEVELOPMENT: Warehouse

GROSS SQ. FT. OF STRUCTURE (S): N/A
NUMBER OF DWELLING UNITS & DENSITY FOR MULTI-FAMILY PROJECTS:

UTILITIES & SUPPLIER: PSLUSD

GROSS ACREAGE & SQ. FT. OF SITE: 6.9 ac / 300,564 sf **ESTIMATED NO. EMPLOYEES:

FUTURE LAND USE DESIGNATION: HLI-U ZONING DISTRICT: PUD

OWNER(S) OF PROPERTY:
Name, Address, Telephone & Fax No.:
RJS Property Development, Inc.
1100 Barnett Drive, Suite 4
Lake Worth, FL 33461

APPLICANT OR AGENT OF OWNER:
Name, Address, Telephone & Fax No.:
Bradley J. Currie, AICP, Engineering Design & Construction, Inc.
469 NW Prima Vista Blvd., Port St. Lucie, FL 34983
Ph: 772-340-4990, Fx: 772-340-7996

PROJECT ARCHITECT/ENGINEER:
(Firm, Engineer Of Record, Florida Registration No., Contact Person, Address, Phone & Fax No.)
R.J. Kennedy, P.E. # 56218, Engineering Design & Construction, Inc.
1934 Tucker Court, Fort Pierce, FL 34950
Ph: 772-462-2455, Fx: 772-462-2454

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245, inclusive, of the zoning ordinance.

***When a corporation submits an application, it must be signed by an officer of the corporation.** Corporation signatures must be accompanied with an approved resolution authorizing the individual to sign such applications.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

| OWNER'S SIGNATURE | HAND PRINT NAME | TITLE | DATE |
|---|---|---|---|
| | Randall Sjaardema | Pres | 5/23/16 |

**RJS Property Development, Inc.**
1100 Barnett Drive
Lake Worth, FL 33461

## AGENT CONSENT FORM

---

Project Name: United Refrigeration

Parcel ID: 3301-702-0009-000-1

BEFORE ME THIS DAY PERSONALLY APPEARED Randall Sjaardema WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

> I hereby give CONSENT to Engineering Design & Construction, Inc. to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a commercial development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 23 day of May, 2016, by Randy Sjaardema (Name of Person Acknowledging) who is personally known to me or who has produced _____(type of identification) as identification and who did (did not) take an oath.

Rachel Gl

(Signature of Person Taking Acknowledgement)

RACHEL GLATTHORN
MY COMMISSION # FF 173503
EXPIRES: January 20, 2019
Bonded Thru Notary Public Underwriters

(Name of Acknowledger Typed, Printed or Stamped)

(Title or Rank)

(Serial Number, if any)

(Notary's Seal)

Owner's Signature

Randall Sjaardema

Owner's Name (Print)

1100 Barnett Dr Suite 4

Street Address

Lake Worth FL 33461

City, State, Zip Code

(561) - 586 - 6499

Telephone

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 2701965 OR BOOK 2752 PAGE 2165, Recorded 09/06/2005 at 12:49 PM
Doc Tax: $7245.00

Prepared by and return to:
**Robert L. Crane, Esq.**

**BOOSE, CASEY, CIKLIN, ET AL**
**515 North Flagler Drive Suite 1900**
**West Palm Beach, FL 33401**

File Number: **L748-40179**

COPY

[Space Above This Line For Recording Data]

# Special Warranty Deed

**This Special Warranty Deed** made this 26th day of **August, 2005** between **LTC RANCH LIMITED PARTNERSHIP, a Florida limited partnership; LTC RANCH LIMITED PARTNERSHIP II, a Florida limited partnership; and L B & L, LIMITED, a Florida limited partnership** whose post office address is **700 Island Landing Dr., Saint Augustine, FL 32095**, grantor, and **RJS PROPERTY DEVELOPMENT, INC., a Florida corporation** whose post office address is **1100 Barnett Drive, Lake Worth, FL 33461**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Saint Lucie County, Florida**, to-wit:

**Parcel 11, L.T.C. RANCH P.U.D. #2, according to the Plat thereof, recorded in Plat Book 48, Page 2, Public Records of St. Lucie County, Florida.**

**Parcel Identification Number:** 3301-700-0014-000/3

Subject to taxes for 2005 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

COPY

Witness Name: L. DuPont

Witness Name: Karen Hinson

LTC RANCH LIMITED PARTNERSHIP, a Florida limited partnership

By: _____
JAMES A. KERN, General Partner

Witness Name: L. DuPont

Witness Name: Karen Hinson

LTC RANCH LIMITED PARTNERSHIP II, a Florida limited partnership

By: _____
JAMES A. KERN, General Partner

State of Florida
County of St Johns

The forgoing instrument was acknowledged before me this 8th day of August, 2005 by JAMES A. KERN, General Partner on behalf of LTC RANCH LIMITED PARTNERSHIP, a Florida limited partnership and LTC RANCH LIMITED PARTNERSHIP II, a Florida limited partnership on behalf of the partnerships. He [ ] is personally known to me or [✓] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____

Mary Lynne DuPont
MY COMMISSION # DD288488 EXPIRES
June 2, 2008
BONDED THRU TROY FAIN INSURANCE, INC

COPY

Witness Name: Amy Kelly

Witness Name: Linda A Erbacher

L.B.& L. ~~LIMITED~~, a Florida limited partnership

By: L.B. Holdings, Inc., a Florida corporation

By: Edwin C. Lunsford Jr.
EDWIN C. LUNSFORD, JR. President

State of Florida
County of Volusia

The forgoing instrument was acknowledged before me this 8th day of August, 2005 by EDWIN C. LUNSFORD, JR., President of L.B. Holdings, Inc. of LB&L, LIMITED, a Florida limited partnership on behalf of the corporation and the partnership. He [✓] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Anne R Kreis
Notary Public

Printed Name: Anne R Kreis

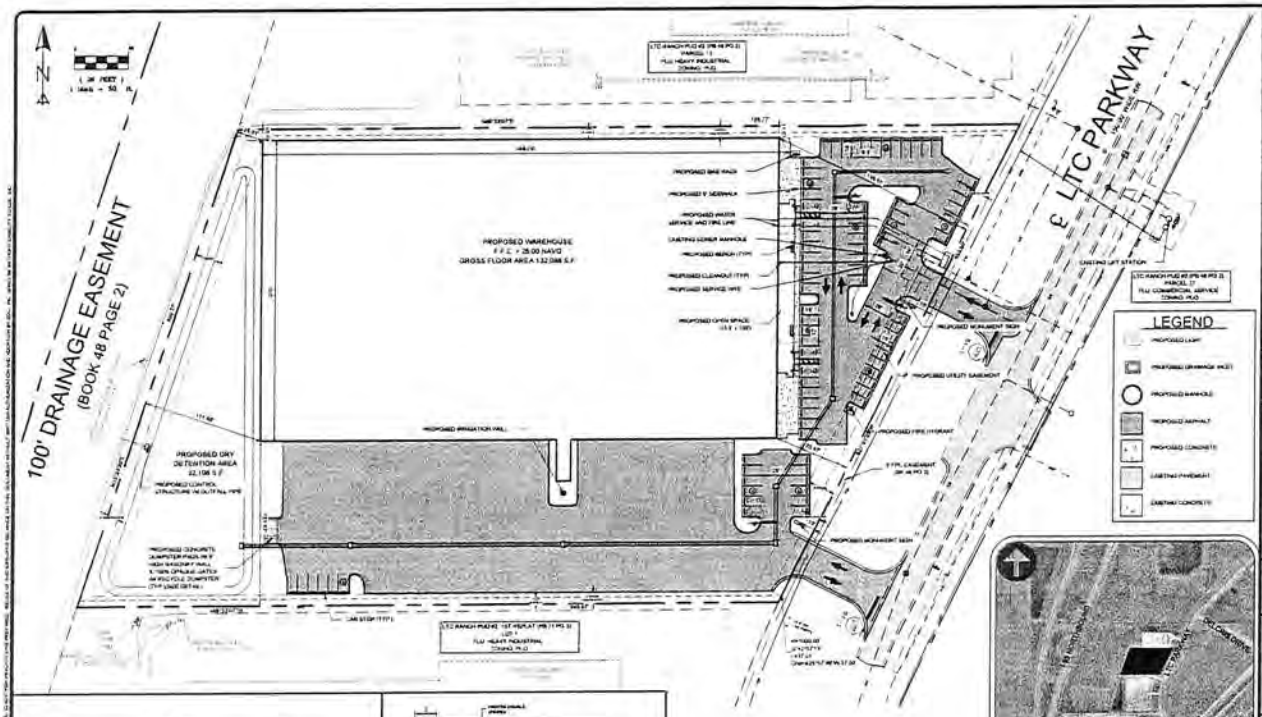
My Commission Expires:

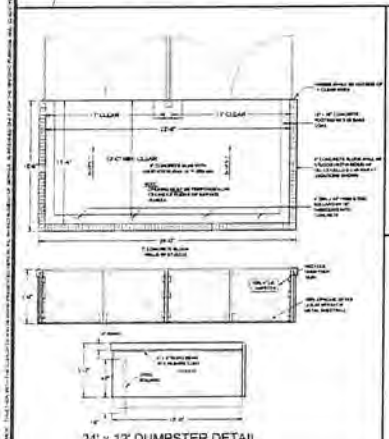
Anne R. Kreis
Commission #DD318567
Expires: May 11, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

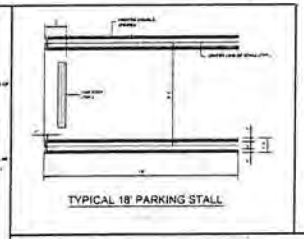
COPY

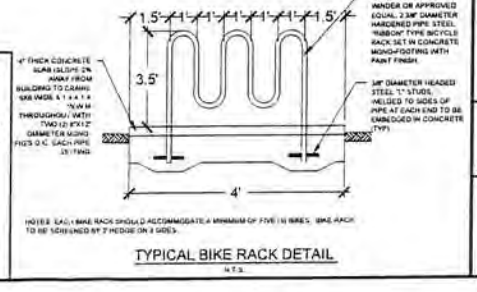


"F3" LTC PUD #2








TYPICAL BIKE RACK DETAIL
N.T.S.

**LEGAL DESCRIPTION**

PARCEL 11, L.T.C. RANCH P.U.D. #2 RECORDED IN PLAT BOOK 48, PAGE 2, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA

PARCEL ID #: 3301-702-0009-000-1

PROJECT NAME: UNITED REFRIGERATION

SITE ADDRESS: LTC RANCH PUD #2 PARCEL 11

OWNER/DEVELOPER: CARMEN CARDSELLA
11401 ROOSEVELT BOULEVARD
PHILADELPHIA, PA 19154

**SITE DATA**

FUTURE LAND USE: HI
ZONING: PUD

**LAND USE TABLE**

| | | | |
|---|---|---|---|
| PARCEL SIZE | 300,158 S.F. | 6.891 AC | 100.00% |
| IMPERVIOUS AREA | 226,920 S.F. | 5.207 AC | 75.57% |
| PROP. BUILDING AREA | 132,096 S.F. | 3.032 AC | 44.01% |
| PROP. PAVEMENT AREA | 91,344 S.F. | 2.097 AC | 30.43% |
| PROP. CONCRETE AREA | 3,379 S.F. | 0.078 AC | 1.12% |
| PERVIOUS AREA | 73,238 S.F. | 1.684 AC | 24.43% |
| DRY DETENTION AREA | 32,108 S.F. | 0.737 AC | 10.70% |

MAXIMUM BUILDING COVERAGE: 50%
MAXIMUM IMPERVIOUS COVERAGE: 80%
MAXIMUM BUILDING HEIGHT: 75'

**BUILDING SETBACK REQUIREMENTS**

FRONT: 25'
SIDE: 10' (20' IF YARD ADJOINS PUBLIC ROW OR DRAINAGEWAYS)
REAR: 25' FROM PROPERTY LINE AND DRAINAGEWAYS

**PARKING CALCULATIONS**

PARKING REQUIREMENTS PER 158.221 G.22
1 SPACE / 500 S.F. (UP TO 10,000 S.F.) + 1 SPACE / 2,000 S.F. + 1 SPACE / 500 S.F. + 10,000 S.F. + 1 SPACE / 2,000 S.F. x 122,096 S.F.
= 20 SPACES + 61.05 SPACES
= 81 SPACES

HANDICAP SPACE REQUIREMENT PER 158.221 (1):
76-100 SPACES = 4 HC

PARKING REQUIRED = 81 SPACES (4 HC)
PARKING PROVIDED = 90 SPACES (4 HC)

LOADING SPACE REQUIREMENT PER 158.221 G.4 A.2
12x25 FOR 120,000-200,000 S.F. = 4 SPACES

**PROVIDER OF UTILITIES**

WATER: PSLUSD
WASTEWATER: PSLUSD
IRRIGATION: PROPOSED WELL

**DRAINAGE SYSTEM**

PROJECT PROPOSES A SERIES OF INLETS THAT ULTIMATELY DISCHARGE INTO A DRY DETENTION AREA. A NEW CONTROL STRUCTURE WILL BE CONSTRUCTED WITH DISCHARGE SEMI CONSISTENT WITH THE EXISTING SOUTH FLORIDA STORMWATER MANAGEMENT PERMIT. THE NEW DRY FACILITIES WILL BE SIZED FOR WATER QUALITY TREATMENT AND STORMWATER ATTENUATION. THE STORMWATER CALCULATIONS WILL BE DEVELOPED TO CURRENT CITY OF PORT ST. LUCIE AND SOUTH FLORIDA WATER MANAGEMENT STANDARDS.

**HAZARDOUS WASTE**

ANY AND ALL HAZARDOUS OR TOXIC MATERIALS GENERATED OR USED OR STORED ON SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

**WELLFIELD PROTECTION ORDINANCE**

THIS PROJECT IS NOT LOCATED IN A PUBLIC WATER SUPPLY WELLFIELD PROTECTION ZONE.

**TRAFFIC STATEMENT**

INSTITUTE OF TRANSPORTATION ENGINEERS
TRIP GENERATION 8th EDITION

WAREHOUSING (150)
(AVERAGE RATES UTILIZED)

| | AVERAGE RATE | PROJECT S.F. | TRIPS |
|---|---|---|---|
| WEEKDAY DAILY TRIPS: WAREHOUSING (150) | 3.561 /000 S.F. | 132,091 S.F. | = 470 |
| A.M. PEAK HOUR TRIPS: WAREHOUSING (150) | 0.301 /000 S.F. | 132,091 S.F. | = 40 |
| P.M. PEAK HOUR TRIPS: WAREHOUSING (150) | 0.321 /000 S.F. | 132,091 S.F. | = 42 |

**USEABLE OPEN SPACE**

0.5% OF SITE AREA IS REQUIRED TO BE PROVIDED AS USEABLE OPEN SPACE IN ACCORDANCE WITH THE CITYWIDE DESIGN STANDARDS.

REQUIRED: 0.5% x 300,158 S.F. = 1,501 S.F.
PROVIDED: 15.3' x 100' = 1,530 S.F.

**NOTES**

1) ALL SIGNS ARE TO BE REVIEWED SEPARATELY FROM SITE PLAN APPROVAL.

PSL PROJECT NO.
P16-109
PSLUSD FILE NO.
#5253

EDC
ENGINEERS & SURVEYORS
1444 TUCKER COURT
FORT PIERCE, FL 34950
772-465-3466
FORT SAINT LUCIE OFFICE
1400 SW PRIMA VISTA BLVD
PORT SAINT LUCIE, FL 34984
772-464-0450
www.edcinc.com
C.A.# 0_ CERTIFICATE OF AUTHORIZATION WITH
L.B. CERTIFICATE OF AUTHORIZATION 6666

| | | | |
|---|---|---|---|
| 1/2/17 | TRUCKS ON SITE (ALL CLEARED) | | |
| 12/13/16 | ADDED SITE PLAN COMMENTS | | |
| DATE | REVISION | BY | CHK |

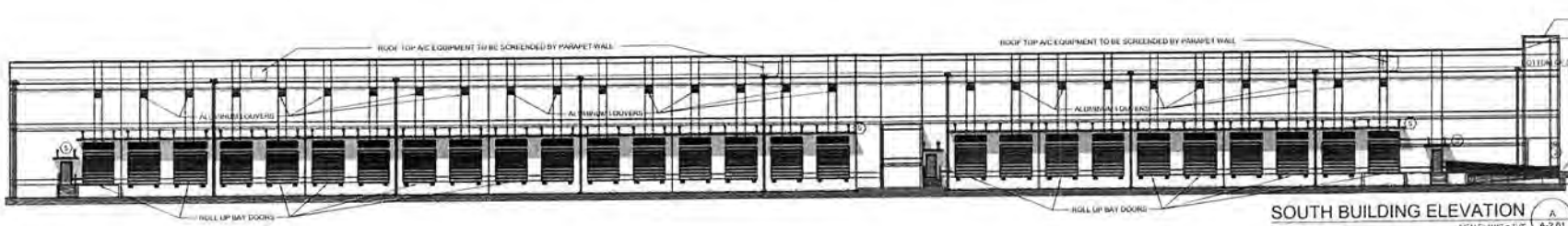
UNITED REFRIGERATION
PARCEL 11
SITE PLAN
PORT ST. LUCIE FLORIDA

R.J. KENNEDY, P.E. (DATE)
#56218

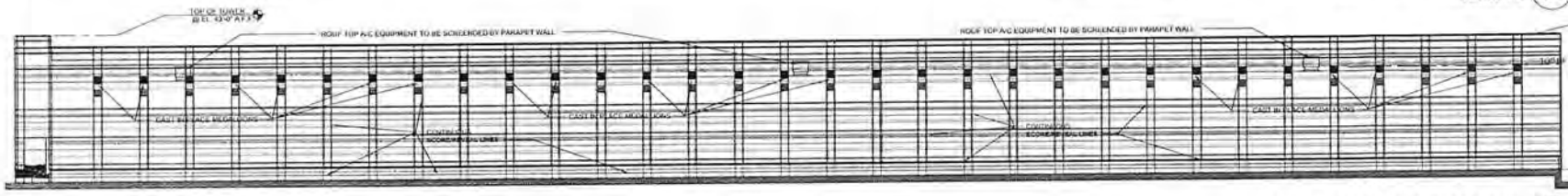
EDC
1444 TUCKER COURT
FORT PIERCE, FL 34950
772-465-3466

16-111

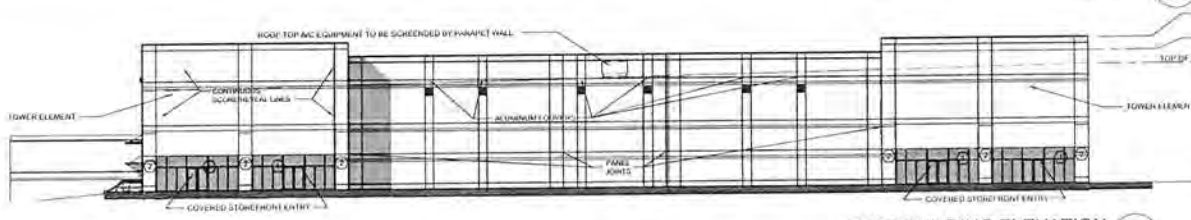
1 OF 1



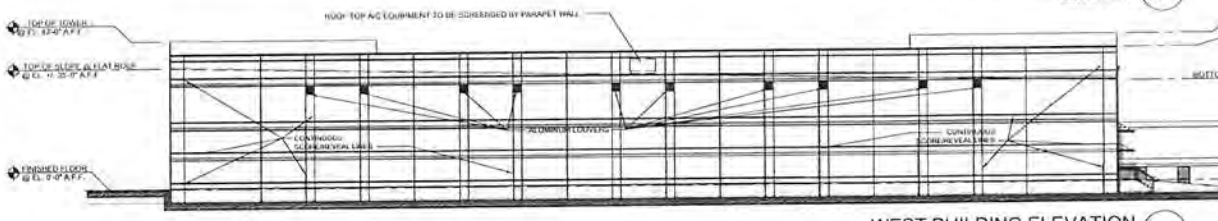

SOUTH BUILDING ELEVATION (A / A-2.01)
SCALE: 1/16" = 1'-0"



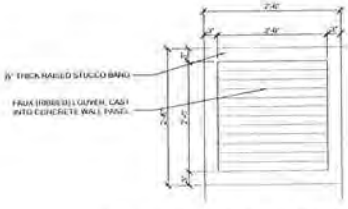

NORTH BUILDING ELEVATION (B / A-2.01)
SCALE: 1/16" = 1'-0"




EAST BUILDING ELEVATION (C / A-2.01)
SCALE: 1/16" = 1'-0"




WEST BUILDING ELEVATION (D / A-2.01)
SCALE: 1/16" = 1'-0"




DETAIL @ TYPICAL MEDALLION (1 / A-2.01)
SCALE: 1" = 1'-0"

## ARCHITECTURAL ELEMENTS

| SYMBOL | DESCRIPTION |
|---|---|
| 1 | PREDOMINANTLY VERTICAL, RECTANGULAR WINDOWS |
| 2 | SQUARE COLUMNS |
| 3 | STONE OR PAVERS AT PROJECT ENTRY, DROP-OFF, OR PEDESTRIAN CROSSING (300 SF MINIMUM) |
| 4 | PEDESTRIAN COURTYARD OR PLAZA (300 SF MINIMUM) |
| 5 | CANOPIES |

BUILDING PAINT COLORS ARE AS FOLLOWS:

1. MAIN BUILDING COLOR: SW 6068 NICE WHITE
2. ACCENT COLOR: SW 6267 SWANKY GREY

NOTE:
THIS BUILDING SHALL BE CONSTRUCTED AS A TILT-UP CONCRETE STRUCTURE, WITH A FLAT, SINGLE PLY MEMBRANE ROOF SYSTEM

07.06.2016 SITE PLAN SUBMITTAL

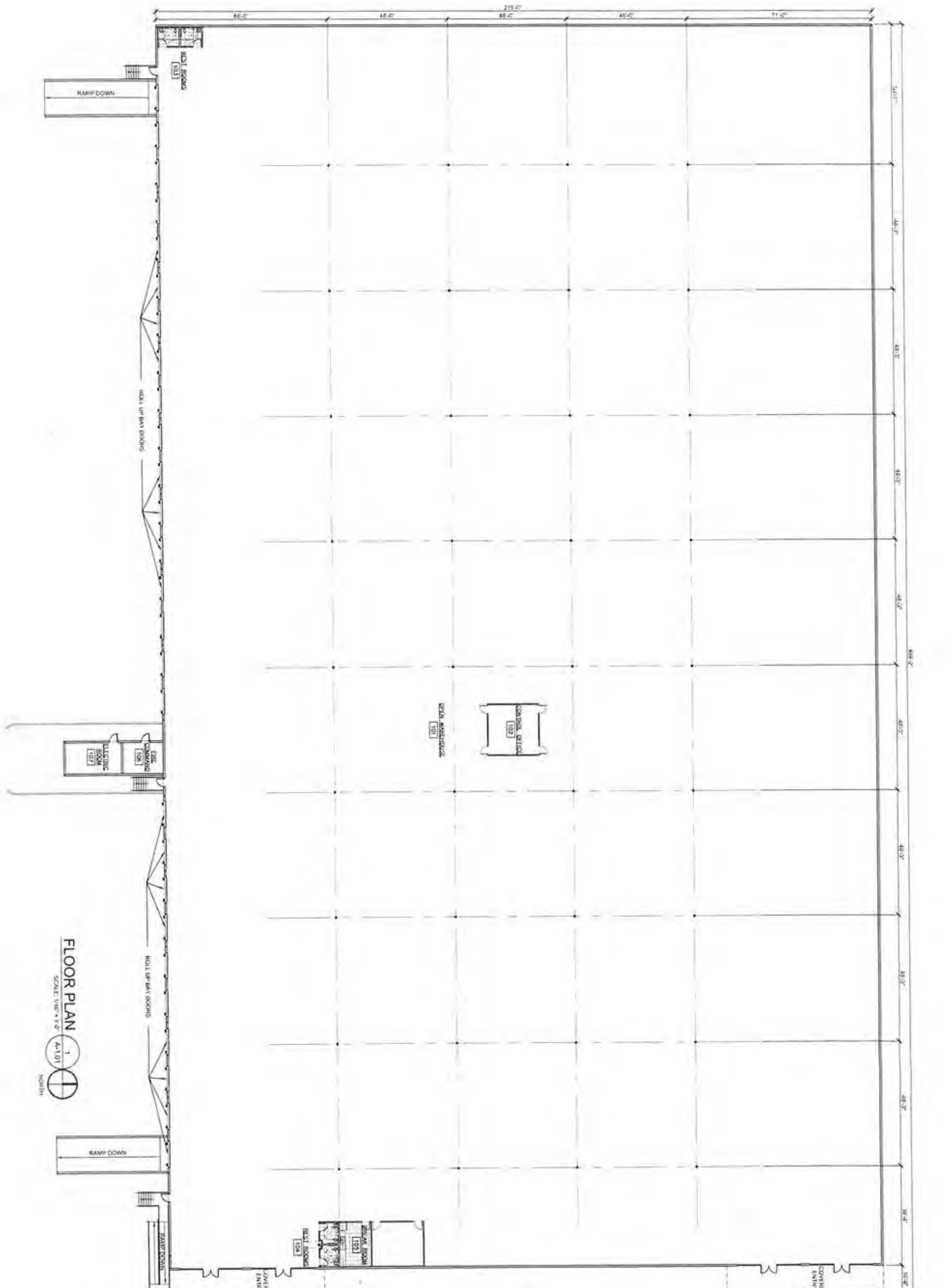
BRENT A. WOOD ARCHITECTURE LLC

UNITED REFRIGERATION INC.

UNITED REFRIGERATION DISTRIBUTION CENTER

BUILDING ELEVATIONS

A-2.01




07.06.2016 SITE PLAN SUBMITTAL

| Sheet Number | Drawing Name | Project Name | Client | Architect |
|---|---|---|---|---|
| A-1.01 | FLOOR PLAN | UNITED REFRIGERATION DISTRIBUTION CENTER | UNITED REFRIGERATION INC. | BRENT A. WOOD ARCHITECTURE LLC |

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7C
Meeting Dates: 9/26/16

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, AICP, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Motion: Minor Site Plan Application for RPR Investments (P16-070) |
| Submittal Date: | 9/13/2016 |

---

**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The applicant is proposing an open storage yard with an 800 square foot open storage pavilion.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION:** N/A

**SITE PLAN REVIEW COMMITTEE RECOMMENDATION:** The Site Plan Review Committee unanimously recommended approval of the site plan application at their July 27, 2016 meeting.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on the application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located on the southeast corner of Biltmore Street and Lakehurst Drive and west of a drainage right-of-way.

**ATTACHMENTS:** staff report, maps, application, site plan.

PT/kh

RECEIVED
SEP 15 2016
CITY MANAGER'S OFFICE

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

---

***TO:*** **CITY COUNCIL – MEETING OF SEPTEMBER 26, 2016**

***FROM:*** **KATHERINE H. HUNTRESS, PLANNER**

***RE:*** **RPR INVESTMENTS**
**MINOR SITE PLAN APPLICATION**
**PROJECT NO. P16-070**

***DATE:*** **SEPTEMBER 13, 2016**

---

***PROPOSED PROJECT:*** The applicant is proposing an open storage yard with an 800 square foot open storage pavilion.

***APPLICANT:*** Chris Murphy, P.E. with CivilSurv Design Group, Inc.

***OWNER:*** RPR Investments, Inc.

***LOCATION:*** The property is located on the southeast corner of Biltmore Street and Lakehurst Drive and west of a drainage right-of-way.

***LEGAL DESCRIPTION:*** The property is legally described as Lots 1 and 2, Block 234, Port St. Lucie Section 28.

***SIZE:*** 0.50 acres

***FUTURE LAND USE:*** CS/LI (Service Commercial/Light Industrial)

***EXISTING ZONING:*** CS (Service Commercial)

***EXISTING USE:*** Vacant land

***SURROUNDING USES:***

| | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | LI/CS | CS | Commercial development |
| S | LI/CS | CS | Commercial development |
| E | CG | CG | Commercial development |
| W | LI/CS | IN | Commercial development |

***CONCURRENCY REVIEW:*** The project has been reviewed for compliance with Chapter 160, City Code, regarding provision of adequate public facilities and documented as follows:

***Sewer/Water Service:*** N/A

***Transportation:*** The applicant has indicated on the site plan that the number of vehicle daily trips projected to be generated from the proposed project is 13 average daily trips. The proposed project is projected to generate 6 p.m. peak hour trips. Trip projections are calculated by using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. It is not expected to adversely affect the transportation level of service for the adjacent roads.

***Parks/Open Space:*** N/A

***Stormwater:*** The site plan is in compliance with the adopted level of service standard.

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

***Public School Concurrency Analysis:*** N/A

***ZONING REVIEW:*** The project has been reviewed for compliance with the requirements of Chapter 158, Zoning Code, and documented as follows:

***Use:*** The proposed use of an open storage yard is a permitted use in the CS (Service Commercial) zoning district.

***Building Height:*** The proposed maximum height of the open storage pavilion is 12.67' and the maximum height allowed in the CS (Service Commercial) zoning district is 35'.

***Setbacks:*** The proposed setbacks shown on the north, south, east, and west sides of the site plan are in accordance with the required setbacks of the CS (Service Commercial) zoning district.

***Parking:*** N/A

***Dumpster Enclosure:*** N/A

***Architectural Design Standards:*** N/A

***NATURAL RESOURCE PROTECTION:*** The project has been reviewed for compliance with the requirements of Chapters 153 and 157, Natural Resource Protection Code, and documented as follows:

> ***Native Habitat/Tree Protection:*** The site is less than 2 acres. The applicant has provided a tree survey and a landscape plan that shows the tree mitigation on site.
>
> ***Wildlife Protection:*** A site survey for gopher tortoises shall be conducted prior to clearing.

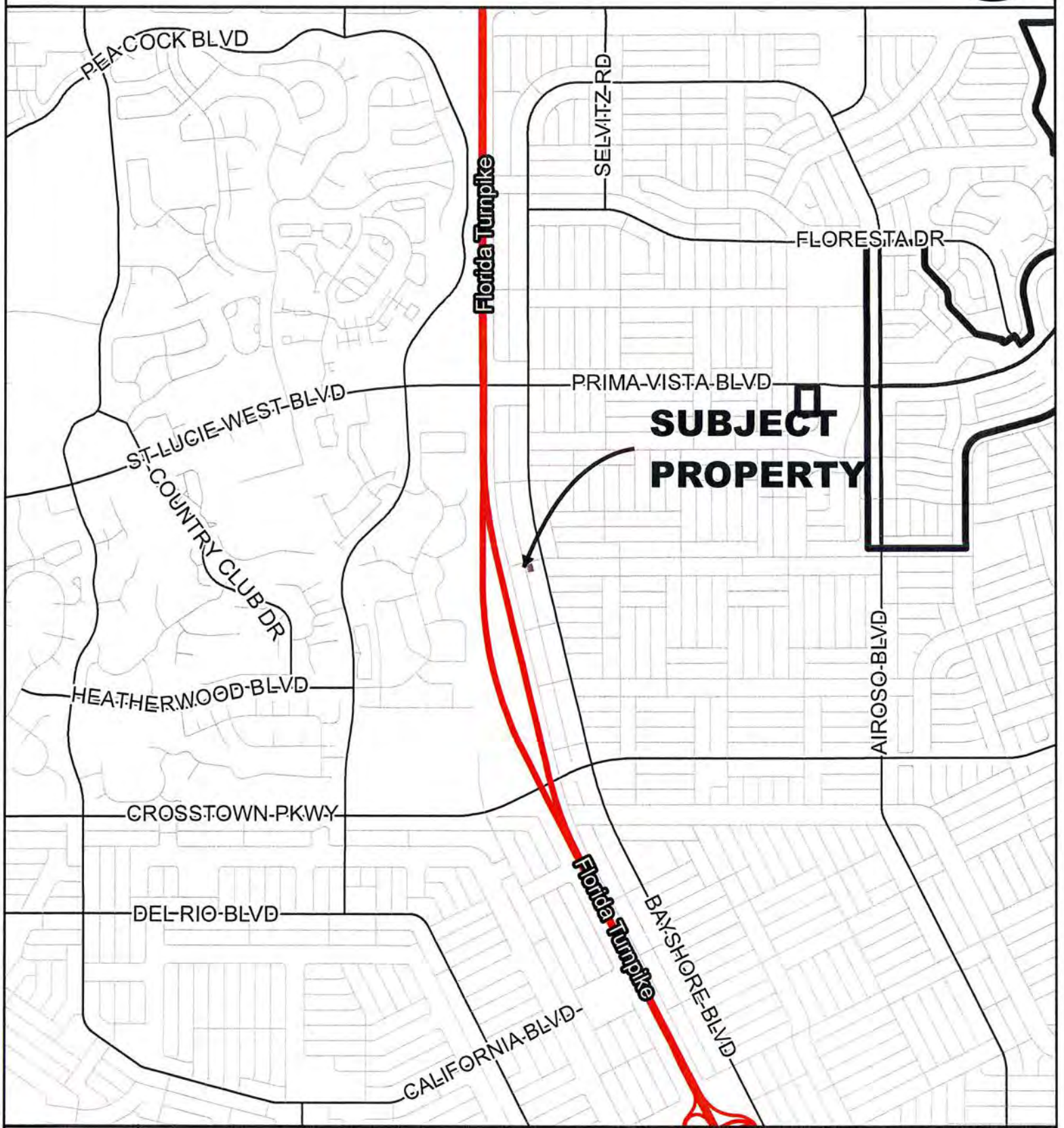
***OTHER:***

> ***Fire District:*** The St. Lucie County Fire District reviewed the project for safety purposes.
>
> ***Public Art:*** The applicant has indicated that they will pay a fee in lieu of artwork on site.

---

***STAFF RECOMMENDATION:*** The Site Plan Review Committee reviewed the request on July 27, 2016 and unanimously recommended approval.

# GENERAL LOCATION

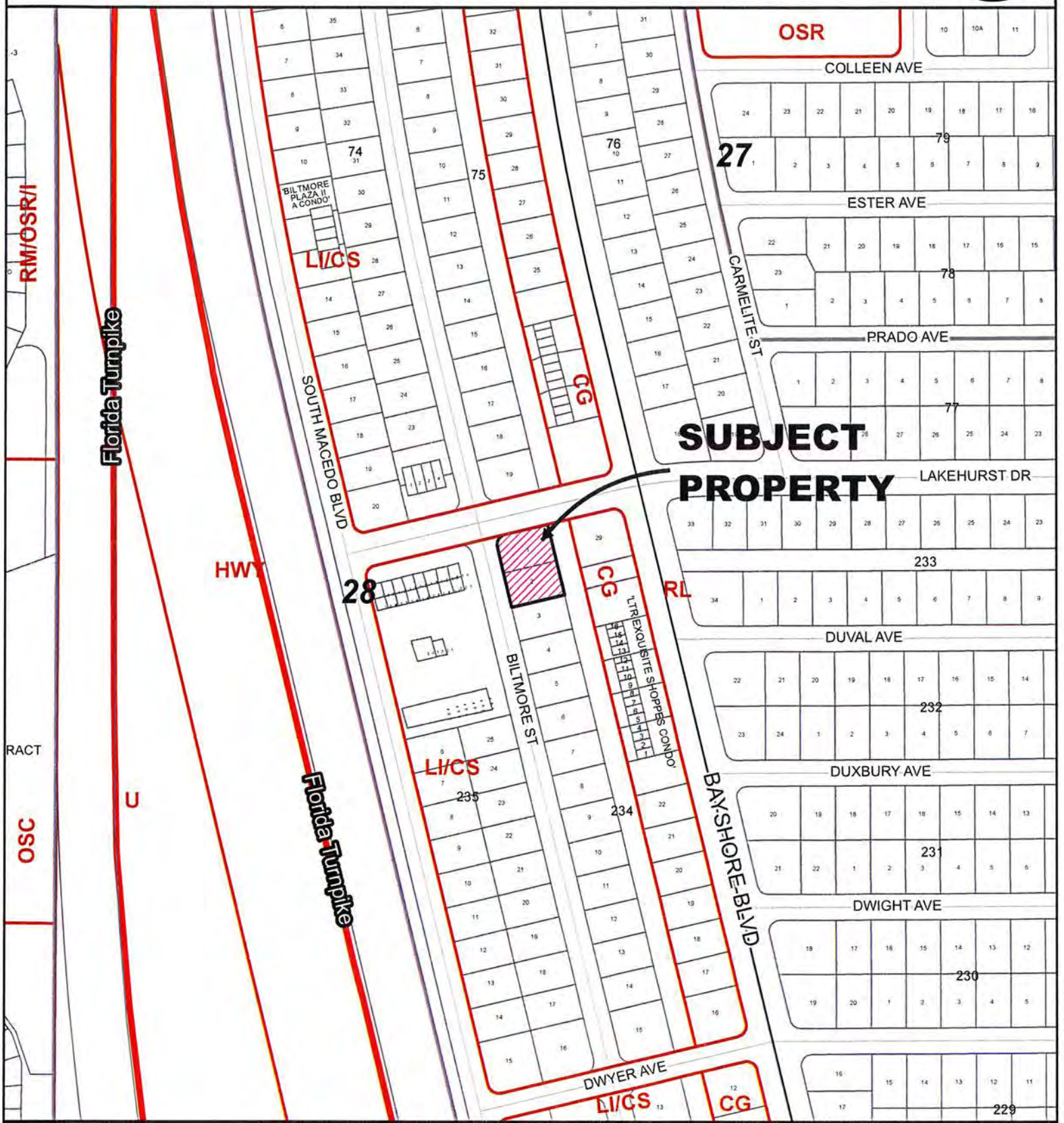



| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SITE PLAN<br>RPR INVESTMENTS, INC.<br>SECTION 28, BLOCK 234, LOTS 1 & 2 | DATE: 5/11/2016<br>APPLICATION NUMBER: P16-070<br>USER: patricias<br>SCALE: 1 in = 0.5 miles | |

# AERIAL

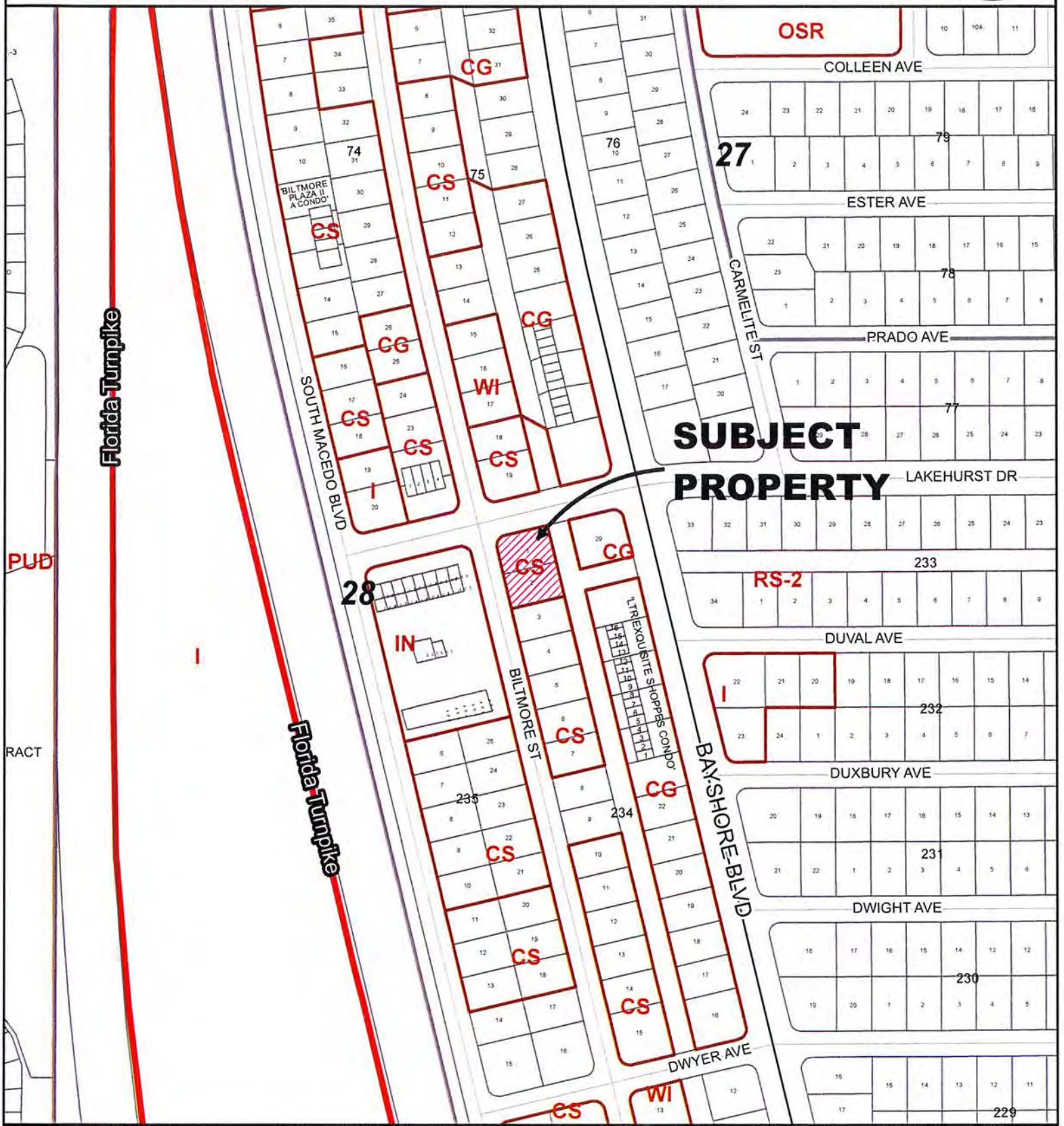
| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>RPR INVESTMENTS, INC.<br>SECTION 28, BLOCK 234, LOTS 1 & 2<br>AERIAL DATE 2014 | DATE: 5/11/2016<br>APPLICATION NUMBER: P16-070<br>USER: patricias<br>SCALE: 1 in = 100 ft | |

# FUTURE LAND USE




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>RPR INVESTMENTS, INC.<br>SECTION 28, BLOCK 234, LOTS 1 & 2 | DATE: 5/11/2016<br>APPLICATION NUMBER: P16-070<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

# EXISTING ZONING




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>RPR INVESTMENTS, INC.<br>SECTION 28, BLOCK 234, LOTS 1 & 2 | DATE: 5/11/2016<br>APPLICATION NUMBER: P16-070<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

# APPLICATION FOR SITE PLAN REVIEW

**ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED**

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772) 871-5124

P&Z File No. _____
Fees (Nonrefundable) $ _____ Arch.: $ _____
Receipt #'s: _____

PRIMARY CONTACT EMAIL ADDRESS: tnt_builders@comcast.net

PROJECT NAME: RPR Investments Inc.

LEGAL DESCRIPTION: Lot 1 & 2 Block 234 PSL Sec 28

LOCATION OF PROJECT SITE: 832 Lakehurst Dr.

PROPERTY TAX I.D. NUMBER: 3420635045900001 & 3420635046000001

STATEMENT DESCRIBING IN DETAIL

THE CHARACTER AND INTENDED USE OF THE DEVELOPMENT: open storage/parking

GROSS SQ. FT. OF STRUCTURE (S): 800 sq. feet.

NUMBER OF DWELLING UNITS & DENSITY FOR MULTI-FAMILY PROJECTS:

UTILITIES & SUPPLIER: City of Port St Lucie - water

GROSS ACREAGE & SQ. FT. OF SITE: .48 / 20,711 **ESTIMATED NO. EMPLOYEES: 0

FUTURE LAND USE DESIGNATION: CS ZONING DISTRICT:

OWNER(S) OF PROPERTY:
Name, Address, Telephone & Fax No.: RPR Investments Inc
981 SW Biltmore St
Port St Lucie, FL 34983

APPLICANT OR AGENT OF OWNER:
Name, Address, Telephone & Fax No.: Same as above.

PROJECT ARCHITECT/ENGINEER:
(Firm, Engineer Of Record, Florida Registration No., Contact Person, Address, Phone & Fax No.)
Chris Murphy, P.E.,
Civilsurv Design Group, Inc. CA 28988
2400 Rhode Island Ave.
Fort Pierce, FL 34950

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245. inclusive, of the zoning ordinance.

***When a corporation submits an application, it must be signed by an officer of the corporation.** Corporation signatures must be accompanied with an approved resolution authorizing the individual to sign such applications.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

| OWNER'S SIGNATURE | HAND PRINT NAME | TITLE | DATE |
|---|---|---|---|
| | Jason Meredith | Mgmr | 4/19/16 |

JOSEPH E. SMITH, CLERK THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 4132518 OR BOO 309 PAGE 294, Recorded 11/18/2015 a 1:31 AM
Doc Tax: $0.70

Steven G. Vitale, P.A.
211 S. Colorado Avenue, Suite 2
Stuart, FL 34994
772-781-1999
File Number:
Will Call No:

Parcel Identification No. 3420-635-0459-000/1 and 3420-635-0460-000/1

# Quit Claim Deed

COPY

**This Quit Claim Deed** made this _____ day of **October, 2015** between **TNT Builders of South Florida, LLC, a Florida limited liability company**, whose post office address is **981 SW Biltmore Street, Ft. Pierce, FL 34982**, grantor, and **RPR Investments, Inc., a Florida corporation**, whose post office address is **981 SW Biltmore Street, Ft. Pierce, FL 34982**, grantee.

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Saint Lucie County, Florida** to-wit:

> **Lot 1 and 2, Block 234, Port St. Lucie Section Twenty Eight, according to the map or plat thereof as recorded in Plat Book 7, Page 1, Public Records of Saint Lucie County, Florida.**

**To Have and to Hold**, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

x Witness Name: Kerry Toth

Witness Name: Melissa McLeod

x Witness Name: Kerry Toth

Witness Name: Melissa McLeod

TNT Builders of South Florida, LLC, a Florida limited liability company

By: Jason C. Merritt, as Managing Member

x By: David J. Toth, as Managing Member

MGRM

COPY

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 23 day of October, 2015 by Jason C. Merritt, as Managing Member of TNT Builders of South Florida, LLC, a Florida limited liability company, on behalf of the limited liability company. He [X] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Melissa McLeod
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF030187
Expires 6/23/2017

Notary Public

Printed Name: Melissa McLeod

My Commission Expires: _____

COPY

State of Florida
County of St Lucie

The foregoing instrument was acknowledged before me this _____ day of October, 2015 by David J. Toth, as Managing Member of TNT Builders of South Florida, LLC, a Florida limited liability company, on behalf of the limited liability company. He [ ] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

Melissa McLeod
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF030187
Expires 6/23/2017

Notary Public

Printed Name: Melissa McLeod

My Commission Expires:

COPY

COPY

COPY

**RPR Investments Inc.**
**981 S.W. Biltmore St.**
**Port St. Lucie, FL 34983**

June 15, 2016

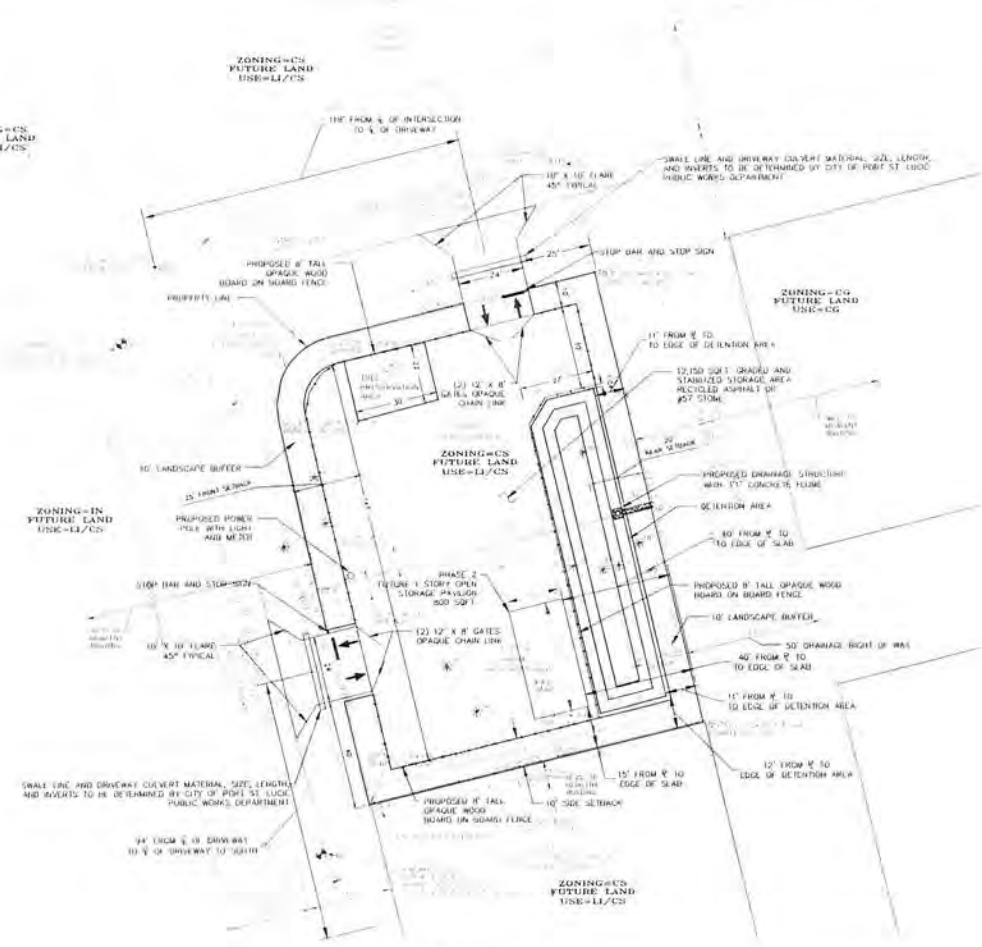
City of Port St. Lucie
Planning and Zoning Department, Building B
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984

**Re: SP16-070 Site Plan application for proposed storage yard for RPR Investments Inc./TNT Builders of South Florida, LLC**

Please be advised that I am authorizing Chris Murphy, P.E. with the firm CivilSurv Design Group, Inc. to present the project and to address general questions regarding the above referenced Site Plan approval when it is scheduled for SPRC or City Council. Mr. Murphy is also authorized to coordinate and submit to the City Engineering plans associated with the project following Site Plan approval.

Sincerely,
RPR Investments, Inc.

Jason Merritt
Secretary/Treasurer




Min. Building Setbacks:
Front: 25ft
Rear: 20ft
Side: 10ft
Max. Storage Structure Height: 21ft

GRAPHIC SCALE

1 IN FEET 1
1 inch = 20 ft.

LOCATION MAP

## SITE DATA

**SITE ADDRESS**
832 SW LAKEHURST DR
PORT ST. LUCIE, FLORIDA 34953

**OWNER/APPLICANT**
TNT BUILDERS of SOUTH FLORIDA LLC
981 SW BILTMORE ST
PORT ST. LUCIE, FLORIDA 34953

**ENGINEER**
CIVILSURV DESIGN GROUP
2400 RHODE ISLAND AVENUE
FORT PIERCE, FLORIDA 34950
PHONE: (772) 323-2244

**SURVEYOR**
CIVILSURV DESIGN GROUP
2400 RHODE ISLAND AVENUE
FORT PIERCE, FLORIDA 34950
PHONE: (772) 323-2244

**ARCHITECT**
N/A

**TAX PARCEL I.D. NUMBER(S)**
3420-635-0456-000-1
3420-635-0469-000-1

**ZONING / LAND USE**
CS / LI
MAX. ALLOWABLE BUILDING HEIGHT: 35'

**SITE DATA**

| | | | | |
|---|---|---|---|---|
| TOTAL IMPERVIOUS AREA | = 12,150 SF | = 0.28 AC | = 56 % | |
| TOTAL OPEN AREA | = 8,558 SF | = 0.20 AC | = 42 % | |
| SITE AREA | = 20,708 SF | = 0.48 AC | = 100.00 % | |

**PARKING DATA**
NOT APPLICABLE CONTRACTOR STORAGE YARD

**FLOOD ZONE**
BY GRAPHIC PLOTTING ONLY, SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING FLOOD ZONE DESIGNATION "X", PANEL NUMBER 12111C0206G, EFFECTIVE DATE OF FEBRUARY 18, 2014

**WASTEWATER SOURCE**
NO SANITARY SEWER CONNECTION PROPOSED

**POTABLE WATER SOURCE**
PORT ST. LUCIE UTILITIES SYSTEMS DEPARTMENT

**DRAINAGE STATEMENT**
PROPOSED STORMWATER DRAINAGE SYSTEM TO CONSIST OF A CONTROL STRUCTURE, DETENTION AREA AND CULVERTS DISCHARGING TO RIGHT OF WAY

**TRAFFIC STATEMENT**
AVERAGE TRIPS PER DAY = 15 TRIPS/DAY MON-FRI

PEAK HOUR TRIPS = 8 TRIPS/HOUR
PER ITE (INSTITUTE OF TRANSPORTATION ENGINEERS)
LR TRIP GENERATION, 9TH EDITION GENERAL LIGHT INDUSTRIAL CODE 110

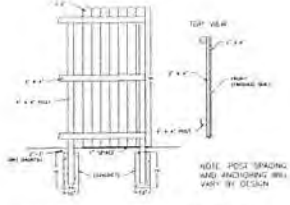
**CONSTRUCTION SCHEDULE**
BEGIN CONSTRUCTION: JULY 2016
END CONSTRUCTION: JULY 2017

**LEGAL DESCRIPTION**
LOT 1 AND 2, BLOCK 224, PORT ST. LUCIE SECTION THIRTY EIGHT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 7, PAGE 1, PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA

**HAZARDOUS WASTE**
ANY AND ALL HAZARDOUS OR TOXIC MATERIALS GENERATED, USED OR STORED ON SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS

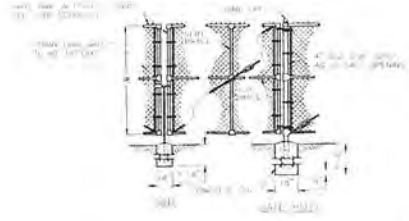
**ENVIRONMENTAL STATEMENT**
PROJECT WILL MEET AND COMPLY WITH ALL LOCAL AND STATE REGULATIONS AND REQUIREMENTS, REGARDING VEGETATION AND WATER HABITATS

**PHASING**
PHASE 1: ALL SITE IMPROVEMENTS EXCEPT FOR OPEN STORAGE STRUCTURE
PHASE 2: OPEN STORAGE STRUCTURE




TYPICAL BOARD ON BOARD FENCE

TYPICAL GATE DETAIL



CITY OF PORT ST. LUCIE PROJECT NO. P16-070

SEP 14 2016

CIVILSURV
A Tradition of Innovative Engineering
CivilSurv Design Group, Inc.
2400 RHODE ISLAN AVE. FORT PIERCE, FL 34950 Tel: 772-323-2244

CM
MT
CM

TNT BUILDERS of SOUTH FLORIDA LLC
981 SW BILTMORE St.
PORT ST. LUCIE, FL

SITE PLAN

1 1

SP-1

# CITY OF PORT ST LUCIE

**COUNCIL AGENDA MEMORANDUM**

Agenda Item #: 7D
Meeting Date: 9/26/2016

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director Planning and Zoning |
| Agenda Item: | Motion: St. Lucie County Tax Collector Site Plan (P16-114) |
| Submittal Date: | 9/15/2016 |

---

**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The St. Lucie County Tax Collector has submitted a proposed site plan to construct a 15,948 square foot office building in Tradition.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION:** N/A

**SITE PLAN REVIEW COMMITTEE:** The site plan was unanimously recommended for approval by the Site Plan Review Committee on July 27, 2016.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located north of Tradition Parkway, south of Tanforan Boulevard, east of Village Parkway, and west of I-95.

**ATTACHMENTS:** Staff report, maps, application, public art form, deed, a reduced site plan, and a full size site plan.

PT/DR

RECEIVED
SEP 15 2016
CITY MANAGER'S OFFICE

# City of Port St. Lucie

Planning and Zoning Department Memorandum

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***TO:*** **CITY COUNCIL – MEETING OF SEPTEMBER 26, 2016**

***FROM:*** **DANIEL ROBINSON, PLANNER**

***RE:*** **ST. LUCIE COUNTY TAX COLLECTOR**
**MAJOR SITE PLAN APPLICATION**
**P16-114**

***DATE:*** **SEPTEMBER 15, 2016**

---

***APPLICANT:*** St. Lucie County Tax Collector.

***OWNER:*** Chris Craft, Tax Collector, St. Lucie County Tax Collector.

***LOCATION:*** The property is located north of Tradition Parkway, south of Tanforan Boulevard, east of Village Parkway, and west of I-95.

***LEGAL DESCRIPTION:*** The property is legally described as Tradition Plat No. 66, Lot 2.

***SIZE:*** 4.10 acres.

***FUTURE LAND USE:*** NCD (New Community Development).

***EXISTING ZONING:*** Tradition MPUD (Master Planned Unit Development).

***EXISTING USE:*** Cleared vacant land.

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | NCD | Tradition MPUD | Existing fire station |
| S | NCD | Tradition MPUD | Vacant lot |
| E | NCD | Tradition MPUD | Existing church |
| W | NCD | Tradition MPUD | Existing school |

***PROPOSED PROJECT:*** The proposed project consists of a 15,948 square foot one story municipal office building.

***CONCURRENCY REVIEW:*** The project has been reviewed for compliance with Chapter 160, City Code, regarding provision of adequate public facilities and documented as follows:

***Sewer/Water Service:*** The City of Port St Lucie will provide sewer/water services. A developer's agreement with the City Utilities Department, that is consistent with the adopted level of service, is required prior to issuance of building permits.

***Transportation:*** The applicant indicated, by providing data on the site plan, that this project will generate 1,099 daily vehicle trips on the road adjacent to the project and 176 vehicle trips per hour during PM peak hours. The information provided is based upon the Institute of Transportation Engineer's (ITE) "Trip Generation Manual", Ninth Edition. The ITE code used for the proposed site was "Government Office Building" (Code 730). It is not expected to adversely affect the transportation level of service for the adjacent roads. Roadway improvements are addressed in the Tradition DRI development order.

***Parks/Open Space:*** Per the Tradition MPUD the project is required to provide 893 square feet of useable open space. The applicant is proposing to provide 1,045 square feet of useable open space.

***Stormwater:*** The project will include a paving and drainage plan that is in compliance with the adopted level of service standard.

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

***Public School Concurrency Analysis:*** N/A

***ZONING REVIEW:*** The project has been reviewed for compliance with the requirements of Chapter 158, Zoning Code and documented as follows:

***Use:*** The proposed use of the property is a civic facility in the Mixed Use Area of the Tradition MPUD (Master Planned Unit Development).

***Building Height:*** The maximum proposed height of the one story building is 39 feet. The maximum height allowed in the MPUD is 100 feet.

***Setbacks:*** The proposed setbacks shown on the site plan are in accordance with the required setbacks of the Tradition MPUD.

***Parking:*** The site is required to have 80 parking spaces and 153 spaces are being provided.

***Dumpster Enclosure:*** The site plan includes a dumpster enclosure (12'8" x 25'3") allowing for both general and recyclable refuse.

***Architectural Design Standards***: Tradition Architectural Review Board has approved the proposed site plan.

***NATURAL RESOURCE PROTECTION REVIEW:*** The project has been reviewed for compliance with the requirements of Chapter 157, Natural Resource Protection Code and documented as follows:

***Native Habitat/Tree Protection:*** Per Tradition DRI development order this site is not subject to any upland native or wetland preservation requirements.

***Wildlife Protection:*** The site has previously been cleared.

***OTHER:***

***Fire District:*** The access location (external and internal) has been approved by the Fire District for safety purposes.

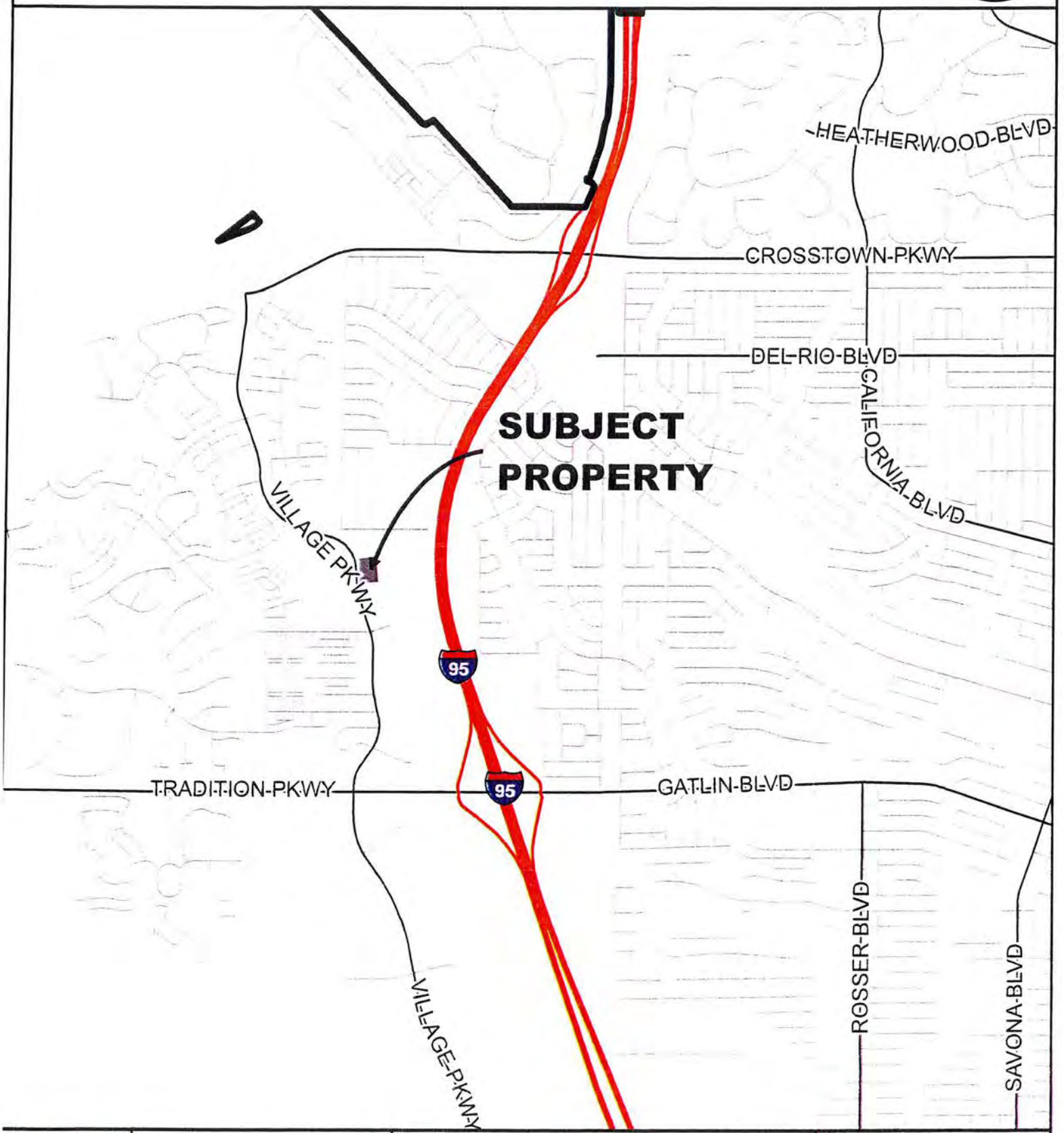
***Art in Public Places:*** The applicant has chosen to provide artwork on site in the way of an architectural feature on the building. The applicant has proposed two (2), forty-eight (48) square foot, mosaic wall tile graphics that are proposed upon the south side of the building.

---

***STAFF RECOMMENDATION:***

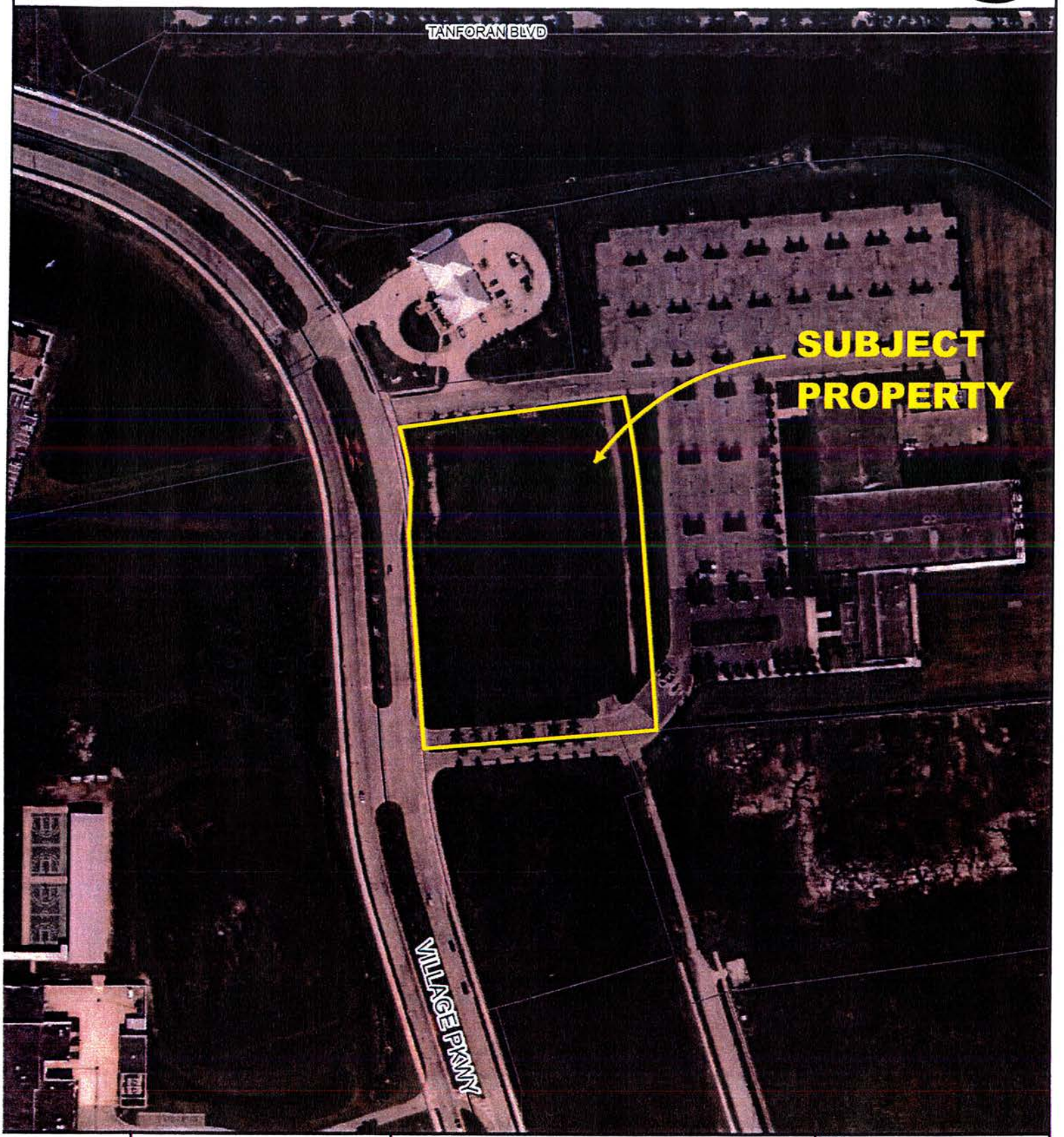
The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan. The Site Plan Review Committee reviewed the request at their meeting on July 27, 2016 and unanimously recommended approval.

# GENERAL LOCATION



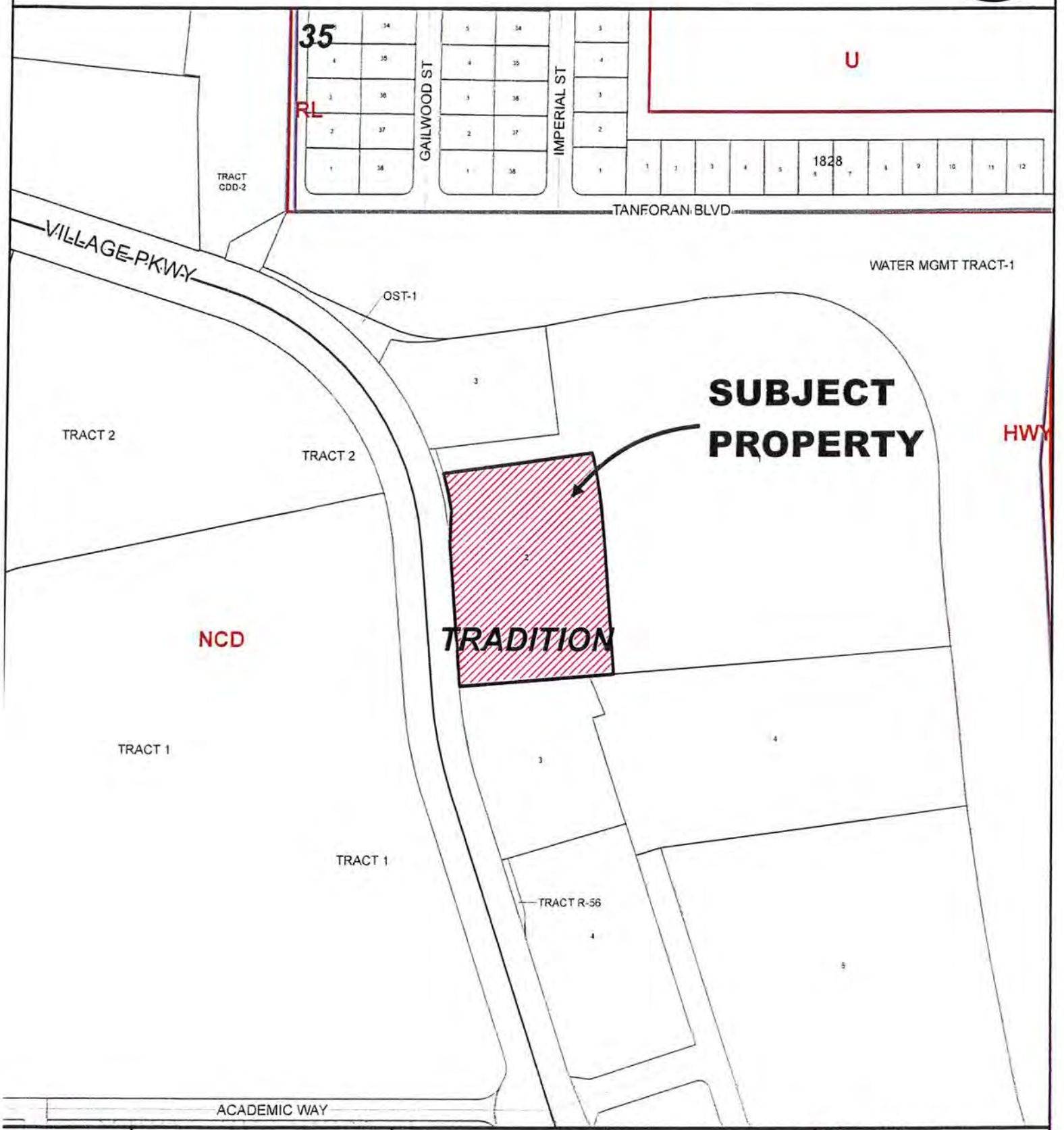

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SITE PLAN<br>ST. LUCIE COUNTY TAX COLLECTOR FACILITY<br>TRADITION PLAT NO. 66, LOT 2 | DATE: 7/19/2016<br>APPLICATION NUMBER: P16-114<br>USER: patricias<br>SCALE: 1 in = 0.5 miles |

# AERIAL




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SITE PLAN<br>ST. LUCIE COUNTY TAX COLLECTOR FACILITY<br>TRADITION PLAT NO. 66, LOT 2<br>AERIAL DATE 2014 | DATE: 7/19/2016<br>APPLICATION NUMBER: P16-114<br>USER: patricias<br>SCALE: 1 in = 200 ft | |

# FUTURE LAND USE

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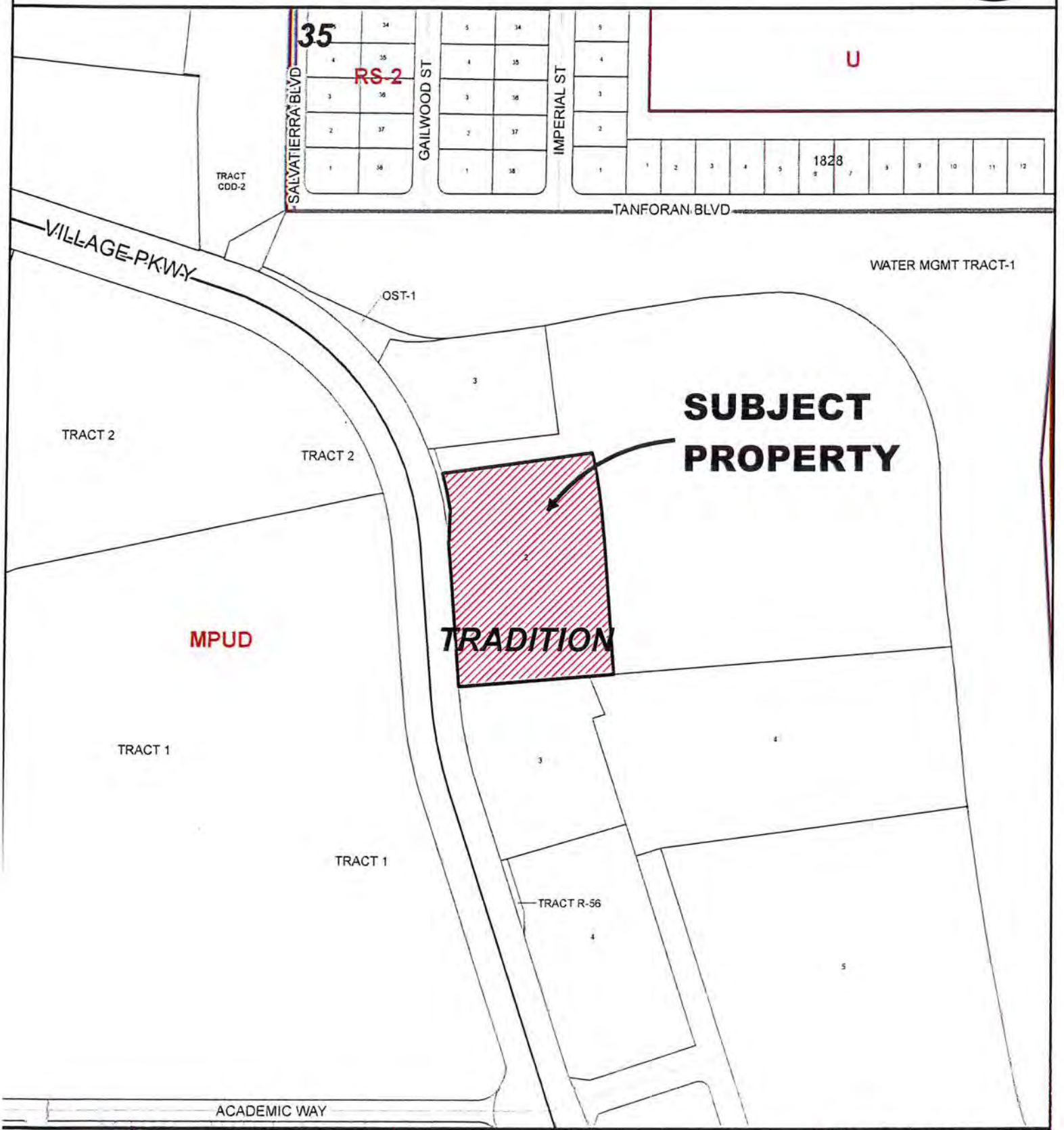
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SITE PLAN<br>ST. LUCIE COUNTY TAX COLLECTOR FACILITY<br>TRADITION PLAT NO. 66, LOT 2 | DATE: 7/19/2016<br>APPLICATION NUMBER: P16-114<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

# EXISTING ZONING

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|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SITE PLAN<br>ST. LUCIE COUNTY TAX COLLECTOR FACILITY<br>TRADITION PLAT NO. 66, LOT 2 | DATE: 7/19/2016<br>APPLICATION NUMBER: P16-114<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

# APPLICATION FOR SITE PLAN REVIEW

**ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED**

**CITY OF PORT ST. LUCIE**
PLANNING & ZONING DEPARTMENT
(772) 871-5212 FAX: (772) 871-5124

P&Z File No. P16-114
Fees (Nonrefundable) $ 3,755.00 Arch.: $ —
Receipt #'s: 102530

PRIMARY CONTACT EMAIL ADDRESS: pferland@ct-eng.com

PROJECT NAME: St. Lucie County Tax Collector Facility at South County/Tradition

LEGAL DESCRIPTION: Tradition Plat No. 66 Lot 2 Plat Book 64, Pages 1-2

LOCATION OF PROJECT SITE: East side of Village Parkway, Southerly Adjacent to Fire Station No. 17

PROPERTY TAX I.D. NUMBER: 4310-605-0002-000-5

STATEMENT DESCRIBING IN DETAIL: Municipal Office Building

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PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

THE CHARACTER AND INTENDED USE OF THE DEVELOPMENT: Civic - Municipal Office Building

GROSS SQ. FT. OF STRUCTURE (S): 15,948 SF Conditioned Space

NUMBER OF DWELLING UNITS & DENSITY FOR MULTI-FAMILY PROJECTS: NA

UTILITIES & SUPPLIER: PSLUSD, Florida City Gas, Tradition Irrigation Co., FPL, Hometown Cable

GROSS ACREAGE & SQ. FT. OF SITE: 4.10 acres 178,598 SF **ESTIMATED NO. EMPLOYEES: 41

FUTURE LAND USE DESIGNATION: NCD ZONING DISTRICT: MPUD

OWNER(S) OF PROPERTY:
Name, Address, Telephone & Fax No.:
St. Lucie County Tax Collector
2300 Virginia Avenue, Fort Pierce, FL 34982
772-462-1650 P

APPLICANT OR ~~XXXXX~~ OF OWNER:
Name, Address, Telephone & Fax No.:
Chris Craft, Tax Collector, St. Lucie County Tax Collector
2300 Virginia Avenue, Fort Pierce, FL 34982
772-462-1650 P

PROJECT ~~ARCHITECT~~/ENGINEER:
(Firm, Engineer Of Record, Florida Registration No., Contact Person, Address, Phone & Fax No.)
Patrick J. Ferland, PE #33125
Culpepper & Terpening, Inc.
2980 South 25th St., Fort Pierce, FL 34981
772-464-3537 P 772-464-9497 F

- I hereby authorize the above listed agent to represent me. I grant the planning department permission to access the property for inspection.
- I fully understand that prior to the issuance of a building permit and the commencement of any development, all plans and detail plans must be reviewed and approved by the City pursuant to Sections 158.237 through 158.245, inclusive, of the zoning ordinance.

***When a corporation submits an application, it must be signed by an officer of the corporation.** Corporation signatures must be accompanied with an approved resolution authorizing the individual to sign such applications.

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| OWNER'S SIGNATURE | HAND PRINT NAME | TITLE | DATE |
|---|---|---|---|
| | Chris Craft | Tax Collector | 7-6-16 |

# PUBLIC ART REQUIREMENT CHECKLIST
**January 8, 2012**

**Project Name:** ST LUCIE COUNTY TAX COLLECTOR BUILDING
**Project Number: P - New Submittal:** [X] **Re-submittal:** [ ] (check one)

Applicant is required to submit the public art requirement package to the Planning & Zoning Department with the site plan package. The package will be distributed to the Public Art Advisory Board (PAAB) and scheduled for their next meeting. PAAB meetings are the 2nd (second) Tuesday of every month and the applicant is strongly encouraged to attend. If any items are incomplete or missing, it may delay review of the application by the PAAB. Other drawings or information may be required, if deemed necessary, upon review by the PAAB. The Public Art Requirement approval must be obtained prior to the site plan being scheduled for City Council.

Description of Item to be provided: (Twelve copies of all items collated into sets)

| | |
|---|---|
| | **Completed Public Art Requirement Checklist:** One original, completed and signed by applicant. |
| | **Copy of Site Plan Application and Proposed Site Plan** |
| | **Cover Letter:** Describe to the PAAB your proposal to meet the Public Art Requirements. Please be as descriptive as possible. |
| | **Written Response to Comments:** For resubmittals only. |
| | **Calculation of Public Art Requirement Value:** Applicant must provide cost estimate for proposed improvements which include building, site improvements such as paving, drainage and parking (civil), landscape, and site lighting. Complete Public Art Requirement Value Calculation section of this application and attach supportive cost estimates from licensed professionals within each discipline. |
| | **Proposed Public Art Requirement Method:** Identify which method you are choosing to meet the requirement by placing the number in the box to the left.<br>1. Artwork On Site<br>2. Art Donated to the City of Port St. Lucie<br>3. Payment of Fee in Lieu of Artwork On Site |
| | **Public Art Requirement Proposal:** Submit the appropriate supportive information to clearly communicate the proposal and to assist the PAAB in evaluation of the proposed Public Art.<br>ART ON SITE: Complete "Artwork Proposal and Specifications" Section of Application.<br>ENHANCED ARCHITECTURE: Provide proposed elevations clearly showing enhanced elements above minimum architectural requirements.<br>ENHANCED LANDSCAPE: Provide proposed plan and elevation views clearly showing 'enhanced elements' above minimum landscape requirements. Applicant must clearly demonstrate a unique and identifiable element or space which is definable apart from the minimum landscape or site design requirements. |

Elevations required

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JUL - 6 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

## CALCULATION OF PUBLIC ART REQUIREMENT VALUE:

| | |
|---|---|
| Building Costs (Vertical construction estimate) | $ 4,223,245 |
| Civil Costs (Paving, Drainage, Parking) | $ 874,891 |
| Landscape Costs | $ 184,250 |
| Site Lighting Costs | $ 47,500 |
| TOTAL ESTIMATED COSTS: | $ 5,329,886 |
| **Public Art Requirement Value: (Total to be Calculated by the Planning & Zoning Department)** | $ 26,649.43 |

(Maximum Public Art Requirement Value is $50,000.00.)

## ARTWORK PROPOSAL AND SPECIFICATIONS:

1. Artwork & Artist Information:
   - Artwork Title: MOSAIC WALL TILE GRAPHIC
   - Artwork Site: 2 LOCATIONS SOUTH SIDE OF EXTERIOR
   - Artwork Material: MOSAIC TILE
   - Artwork Dimensions: 2 AREAS 8FT WIDE X 6FT HIGH EACH
   - Artist Name: CONRAD PICKEL STUDIOS
   - Address: 7777 20TH ST
   - City, State Zip: VERO BEACH FL 32966
   - Telephone: (772) 567-1710
   - Website: www.pickelstudio.com

2. Artwork Description: MOSAIC WALL TILE GRAPHICS

3. Siting: 2 LOCATIONS ON SOUTH SIDE OF ENTRANCE TOWERS

4. Materials with Specifications: MOSAIC TILE

5. Fabrication and Installation Procedures: HAND CUT HAND LAYED SET IN CONSTRUCTION ADHESIVE/GROUTED

6. Yearly Maintenance and Conservation Plan: PRESSURE WASH TWICE ANUALLY

7. Examples of artist's work or related pieces: ROYAL PALM PT VERO BEACH FL

I acknowledge (as applicant/owners representative) that The Public Art Requirement approval must be obtained prior to the site plan being scheduled for City Council. I have provided all required checklist items and the estimates used to calculate the Public Art Requirement Value are accurate to the best of my knowledge.

| Applicant's Signature | Printed Applicant Name: JOHN BINKLEY AIA EDB ARCHITECTS | Date: 30 JUNE 16 |
|---|---|---|

JOSEPH E. SMITH, CLER ' THE CIRCUIT COURT - SAINT LUCIE COUN
FILE # 3930518 OR BOO 3608 PAGE 2715, Recorded 03/04/2014 at 10:03 AM
Doc Tax: $4165.00

Prepared by and return to:
**Frank H Fee, III**
**Chief Executive Officer**
**Treasure Coast Abstract & Title Insurance Co.**
**426 Avenue A**
**Fort Pierce, FL 34950**
**772-461-7190**
File Number: 13-1158
Parcel Identification No. 4310-605-0002-000-5
Documentary Stamp Tax Affixed: $4,165.00

(Space Above This Line For Recording Data)

# Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 28th day of **February, 2014, between DDH Land Holdings, LLC, an administratively dissolved Florida limited liability company**, whose post office address is **2001 Ross Avenue, Suite 400, Dallas, TX 75201** of the County of **Dallas**, State of **Texas**, grantor*, and **St. Lucie County Tax Collector**, whose post office address is **2300 Virginia Ave, Fort Pierce, FL 34982** of the County of **Saint Lucie**, State of **Florida**, grantee*,

**Witnesseth** that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Saint Lucie County, Florida**, to-wit:

**Lot 2, TRADITION PLAT NO. 66, according to the map or plat thereof, as recorded in Plat Book 64, Page(s) 1-2, of the Public Records of St. Lucie County, Florida.**

**Grantor is a debtor in possession. This conveyance is made in accordance with, and authorized by, the Order (I) Approving Vacant Land Contract and Authorizing the Sale of Real Property to St. Lucie County Tax Collector (II) Authorizing the Sale of Property Free and Clear of All Liens, Claims, Encumbrances, and Interests; and (III) Granting Related Relief entered by The United States Bankruptcy Court for the District of Delaware on February 18, 2014 under Case No.: 12-12568 (BLS). Such Order is recorded immediately preceding this deed in the Public Records of St. Lucie County, Florida.**

**Additionally, this conveyance is made to wind up and liquidate grantor's business and affairs in accordance with Florida Statute 608.4431(1)(b).**

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**(Execution of grantor appears on following second page.)**

COPY

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

COPY

DDH Land Holdings, LLC,
an administratively dissolved Florida limited liability company

By: Digital Domain Media Group, Inc.,
an administratively dissolved Florida corporation,
its Managing Member

By: _____
**John Debus, Vice President**

Michael R. Cohen
First Witness Signature

Michael R. Cohen
First Witness Printed Name

Amey Stark-Foust
Second Witness Signature

Amey Stark-Foust
Second Witness Printed Name

COPY

State of Texas
County of Dallas

The foregoing instrument was acknowledged before me this 27th day of February, 2014, by **John Debus, in his capacity as Vice President of Digital Domain Media Group, Inc., an administratively dissolved Florida corporation, in its capacity as Managing Member of DDH Land Holdings, LLC, an administratively dissolved Florida limited liability company.** He [ ] is personally known to me or [ ] has produced a driver's license as identification.

[Notary Seal]

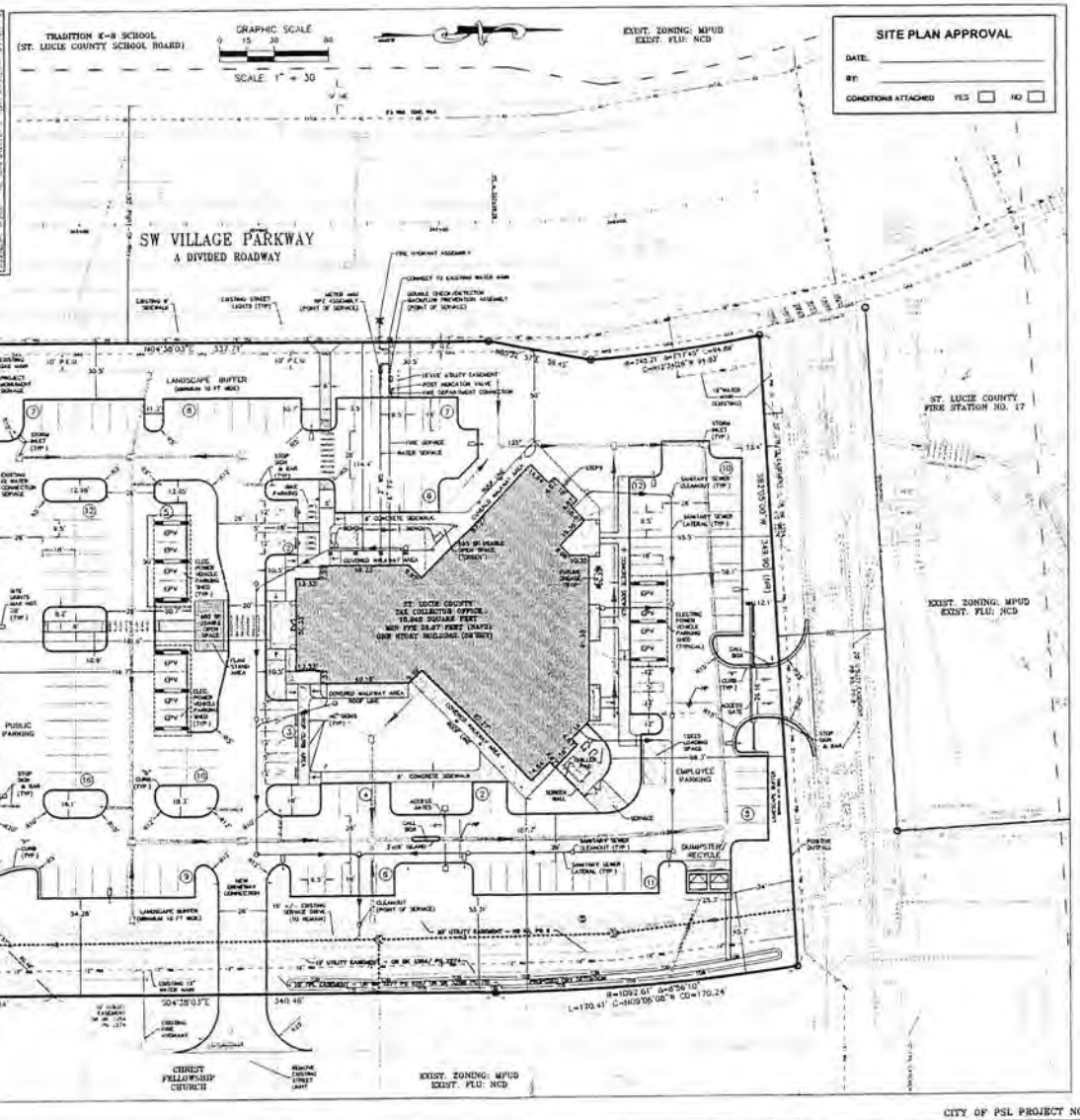
AMEY STARK-FOUST
MY COMMISSION EXPIRES
March 8, 2018

Amey Stark-Foust
Notary Public

Printed Name: Amey Stark-Foust

My Commission Expires: 3-8-18

COPY




**SITE PLAN APPROVAL**

DATE: _____

BY: _____

CONDITIONS ATTACHED YES ☐ NO ☐

## SITE DATA TABLE

**Owner/Developer:**
Indiantown Circle Corp.
dc Lucie County Tax Collector
2300 Virginia Avenue
Ft. Pierce, Florida 34982
Phone: (772) 462-4600
Fax: (772) 464-0497
www.stlucietax.com

**Owner's Representative:**
Culpepper & Terpening, Inc.
2980 South 25th Street
Fort Pierce, FL 34981
Phone: (772) 464-3337
Fax: (772) 464-0497
www.ctengineering.com

**Engineer:**
Culpepper & Terpening, Inc.
2980 South 25th Street
Fort Pierce, FL 34981
Phone: (772) 464-3337
Fax: (772) 464-0497
www.ctengineering.com

**Landscape Architect:**
Kimley-Horn & Associates
12740 Gateway Drive, Ste. 1000
Dallas, Texas
Phone: (972) 770-1300
Fax: (972) 239-3820

**Architect:**
Cleland Sizemore, Architects & Associates
36 Royal Palm Way, Ste C
Vero Beach, Florida 32960
Phone: (772) 388-4300
Fax: (772) 562-0807
sizemore@clelandsizemore

**Environmental:**
n/a

1) **Project Name:**
Tax Collector Office Building

2) **Location:**
East side of SW Village Parkway, south of The Commons PUD (Condition)

3) **Project Description:**
The St. Lucie County Tax Collector proposes to construct a new 10,848 square foot, full service facility in the Tradition area of the City of Port St. Lucie. The facility is intended to serve the growing immediate area the southwestern part of St. Lucie

4) **Section/Township/Range:**
Sec 30 / Twp 37S / Rng 39E

5) **Map ID:**
#3/#4

6) **Parcel ID Number:**
4310-605-3002-000-5

7) **Gross Site Area:**
4.162 acres
176,663 sq.feet

8) **Legal Description:**
Lot 2, Tradition Plat No. 46, according to the plat or map thereof, as recorded in Plat Book 64, Pages 01 and 02, of the public records of St. Lucie County (4.162 AC) (OR 3606-2715).

9) **Zoning:**
MPUD (Mixed Planned Unit Development)

10) **Land Use:**
NCD (New Community Development)

11) **Site Density:**
n/a

12) **Construction Schedule:**
Start Fall 2016 Complete Summer 2017

13) **Flood Zone:**
The project site is not sited in Flood Zone X.
According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 12111C0151J (Feb. 16, 2012)

14) **Site Calculations:**

| | acreage | sq feet | % of site |
|---|---|---|---|
| Gross Site Area | 4.10 | 178,663 | 100.0% |
| Impervious Area | 2.60 | 56,998 | 35.1% |
| Building Coverage (1,044) | 0.27 | 10,848 | 6.6% |
| Pavement & Sidewalk Combined | 1.89 | 73,550 | 41.2% |
| Pervious Area | 2.23 | 97,150 | 48.8% |

Note: 1. no areas are approximate and are subject to change as part of final construction margin.
2. The project site does not require any required upland preserve areas. All upland habitat Preserve area areas have been addressed as part of overall Tradition DRI.
3. 5% of the site (site area Required at Tradition Open Space = 178,663 x .05 = 8,933 SF Provided Tradition Open Space = 1,044 SF

15) **Floor Area Ratio:**

| Gross Floor Area | / Land Area | = | FAR |
|---|---|---|---|
| 10,848 | 178,663 | | 0.061 |

16) **Building Height:**
Maximum Building Height: 100 feet (maximum) 30 feet (minimum)

| Setbacks (feet) | required | provided |
|---|---|---|
| front (west) | 25 | 141.5 |
| side (south) | 15 | 58 |
| side (north) | 15 | 107.7 |
| rear (east) | 15 | 95.5 |

17) **Utility Services:**

| | | | |
|---|---|---|---|
| Water Service | Port St. Lucie | Electric Service | FPL |
| Sewage Service | Port St. Lucie | Cable Service | Hometown Cable |
| Reclaim Water | Tradition Irrig. Co. | Gas Service | n/a Gas |

18) **Refuse Collection:**
Solid Waste Pick-up will be from indicated waste collection/recycle area located on site plan.

19) **Parking:**

| | | |
|---|---|---|
| Building Area: | 10,848 | square feet |
| Assumed Parking Ratio: | Office @ 1/ 200 sq ft | |
| spaces required | 54 | spaces |
| spaces provided | 112 | spaces |
| Handicapped Parking Required | 6 | spaces |
| Handicapped Parking Provided | 7 | spaces |
| Loading Spaces required | 1 | @ 12' / 25' |
| Loading Spaces provided | 1 | @ 12' / 25' |

20) **Site Drainage Improvements:**
The stormwater management system is governed by SFWMD Permit No. 56-01383-P (applicable to the Tradition MPUD area). The permit requirements on-site dry detention system is provided where on-site water treatment is provided prior to discharge into the r.

21) **Traffic Generation:**
The proposed Tax Collector Office Building Traffic generation is based upon the Institute of Transportation Engineer's (ITE) "Trip Generation Manual", Ninth Edition. The ITE code most similar to the proposed site is "Government Office Building" (Code 730).
Trip Generation
ADT: 68.93 trips / 1,000 sf gross floor area
68.93 x 10.848 / 1,000 = 1,096 (PD)
PM Peak: 11.03 trips / 1,000 sf gross floor area
11.03 x 10.848 / 1,000 = 119 (PM)

22) **Flood Protection:**
The subject site is not located within any designated wind protection zone or flood zone.

23) **Public Art:**
Public Art will be provided as an architectural feature on the building. Please refer to the Public Art application

CITY OF PSL PROJECT NO. P16-114

PATRICK J. FORLANO, P.E. FL. REG. NO. 39123

| COMPUTER FILE NO. | FIELD BK./PG. |
|---|---|
| 14-175 Site-SPA dwg | NO2010 |

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
155 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE (772) 464-3337 • FAX (772) 464-0497 • www.ctengineering.com

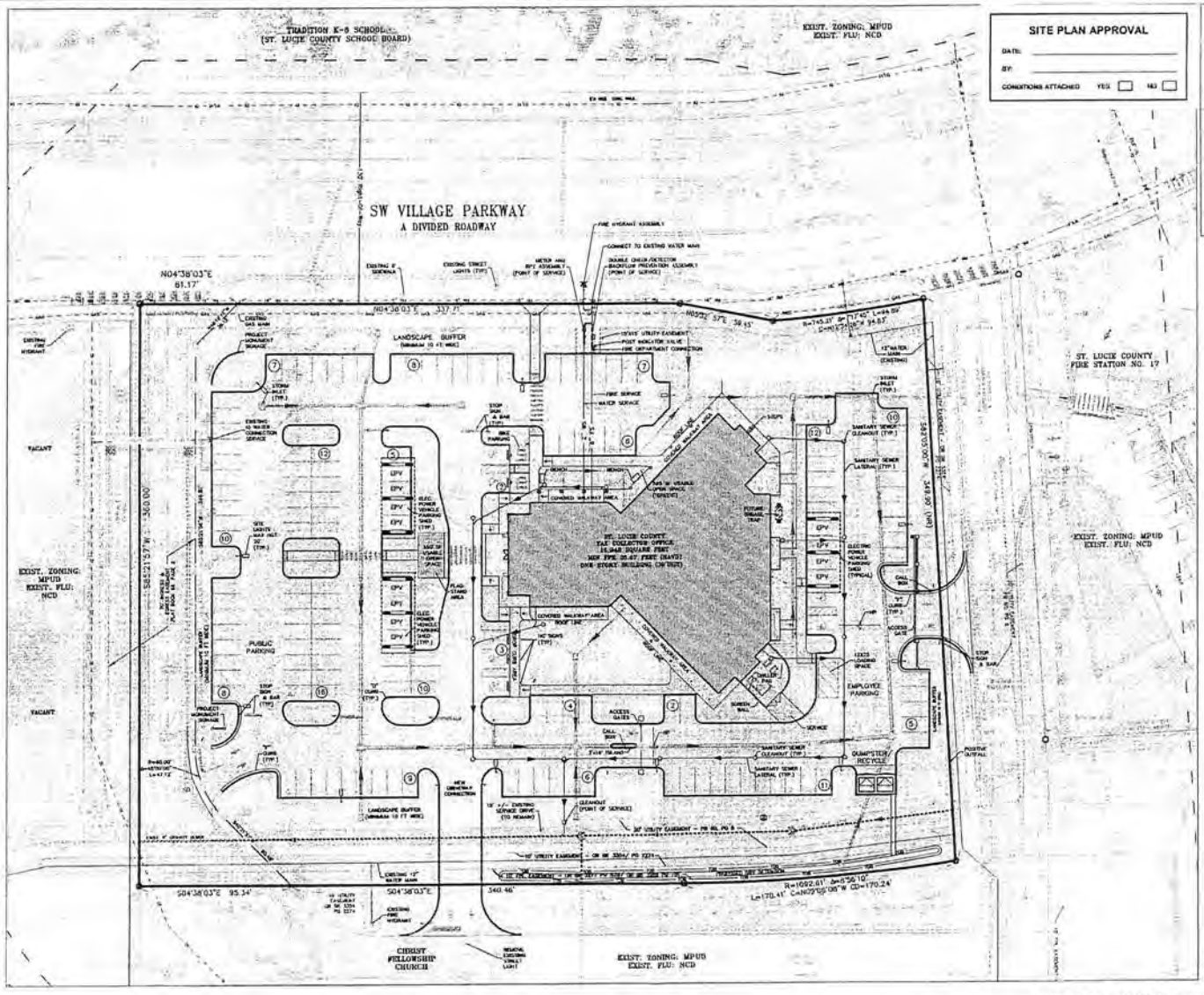
| - REVISIONS - | BY | DATE |
|---|---|---|
| REVISED PER CITY OF PSL COMMENTS 34/32) 7-27-2016 | RK | 8/17/16 |

| | BY | DATE |
|---|---|---|
| FIELD | | |
| CALCS | | |
| DRAWN | SJM | 06/28/16 |
| DETAILED | | |
| CHECKED | PF | 08/25/16 |
| APPROVED | | |

# TAX COLLECTOR OFFICE BUILDING

## SITE PLAN

| | |
|---|---|
| FIRST ISSUE | 06/24/2016 |
| HORIZ. SCALE | 1" = 30' |
| VERT. SCALE | N/A |
| JOB No. | 14-175 |
| SHEET | 1 OF 3 |




SITE PLAN APPROVAL

DATE: _____

BY: _____

CONDITIONS ATTACHED YES ☐ NO ☐

LOCATION MAP
(NOT TO SCALE)

GRAPHIC SCALE
0 15 30 60
SCALE: 1" = 30

CITY OF PSL PROJECT NO. P16-114

| | | | |
|---|---|---|---|
| COMPUTER FILE NO. 14-175 | FIELD BK./PG. | | |

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS

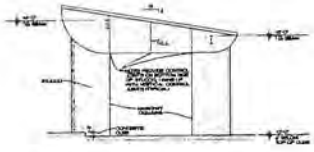
| -REVISIONS- | BY | DATE |
|---|---|---|
| | | |

| | BY | DATE |
|---|---|---|
| FIELD | | |
| CALCS. | | |
| DRAWN | JMM | 06/28/18 |
| DETAILED | | |
| CHECKED | PE | 06/17/18 |
| APPROVED | | |

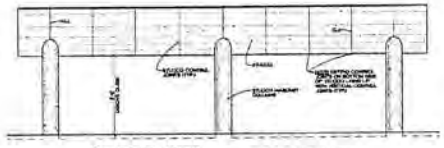
TAX COLLECTOR OFFICE BUILDING

SITE PLAN

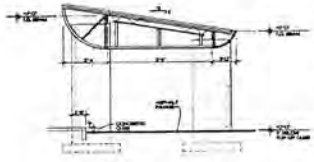
HORIZ. SCALE: 1" = 30'
VERT. SCALE: N/A
JOB No. 14-175
SHEET: 2 OF 3



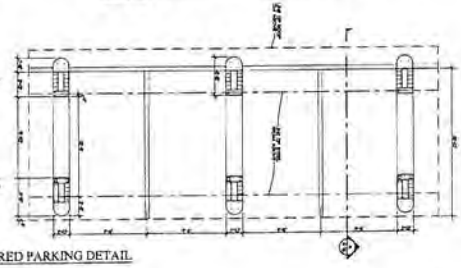
LEFT SIDE ELEVATION



REAR ELEVATION



SECTION

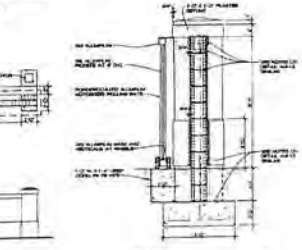


COVERED PARKING DETAIL

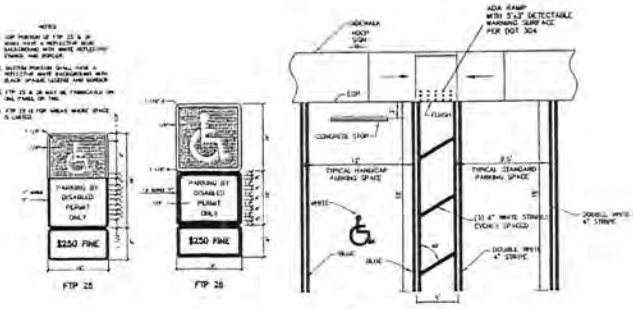
PLAN AT GATE WALL

GATE WALL ELEVATION

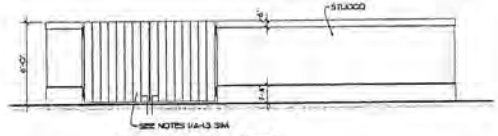
ACCESS GATE DETAIL



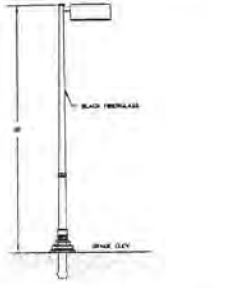
DETAIL



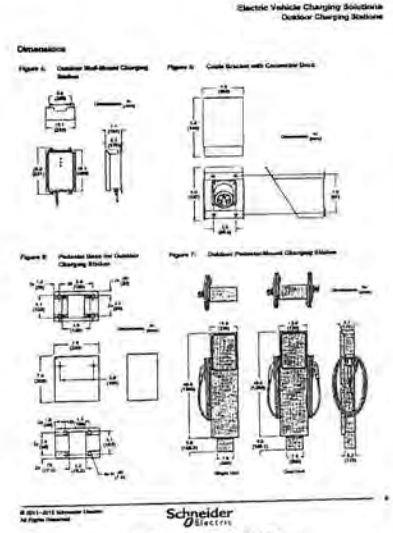

HANDICAP & STANDARD PARKING DETAIL



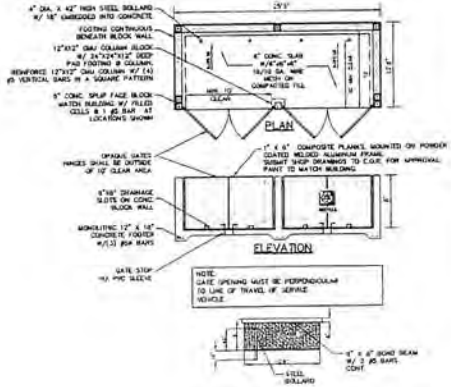

CHILLER PAD ENCLOSURE



20' STREET LIGHT DETAIL




VEHICLE CHARGING DETAIL




DUMPSTER AREA DETAIL

CITY OF PSL PROJECT NO. P16-114

| | | | |
|---|---|---|---|
| COMPLETION FILE SIZE | FIELD BK./PG. | | |
| CULPEPPER & TERPENING, INC. CONSULTING ENGINEERS \| LAND SURVEYORS | | | |
| - REVISIONS - | BY | DATE | |
| FIELD | | | |
| CALCS | | | |
| DRAWN | RM | 06/17/14 | |
| DETAILED | | | |
| CHECKED | JP | 06/17/14 | |
| APPROVED | | | |

# TAX COLLECTOR OFFICE BUILDING

## SITE PLAN

DATE 6-17-2014
HORIZ. SCALE 1" = 30'
VERT. SCALE N/A
JOB No. 14-175
SHEET 3 OF 3

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7E
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

FROM: John A. Bolduc, Chief of Police

Agenda Item: **Motion** for the Acceptance of FY 2016-17 Victim of Crime Act (VOCA) Grant award.

Submittal Date: 09/16/16

---

**STRATEGIC PLAN LINK:** This item relates to the strategic plan with the Port St Lucie Mission, principle A, exceptional municipal services.

**BACKGROUND:** The Port St Lucie Police Department is requesting permission from the City Council to accept the FY 2016-17 Victim of Crime Act (VOCA) Grant award of $122,678.94 under grant # VOCA-2016-City of Port St. Lucie-00822 covering the period of 10/1/16 to 9/30/17.

**ANALYSIS:** The purpose of this request is to use FY 2016 VOCA State funds to cover the salaries and benefits of the existing Police Victim Advocate Coordinator, as well as, that of one (1) additional full-time Victim Advocate to provide the needed services to victims of crime within the City of Port St. Lucie. The types of victims can include those resulting from domestic violence, child abuse, elder abuse, DUI crashes, robbery, assault, and homicide. The type of services provided can include crisis counseling, information & referrals, criminal justice support, and assistance with crime victims' compensation.

**FINANCIAL INFORMATION:** This FY 2016-17 VOCA grant is to receive State allocated funds in the amount of $122,678.94 which includes a 25% matching requirement ($30,669.73). Note this grant allows for existing supervisory personnel time to serve as cash match. Thus no additional general or forfeiture funds will be needed for the match.

**LEGAL INFORMATION:** Keri Norbraten, Assistant City Attorney reviewed and approved the VOCA contract to form and sufficiency.

**STAFF RECOMMENDATION**: Staff recommends approval.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/26/16

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** VOCA Award Letter, Budget Request, and formal Agreement

RECEIVED
SEP 19 2016
CITY MANAGER'S OFFICE

**OFFICE OF THE FLORIDA ATTORNEY GENERAL**
**VOCA 2016-2017**
**Organization: City of Port St. Lucie**
**Grant No.: VOCA-2016-City of Port St. Lucie-00822**
**Award Letter**

September 13, 2016 9:09AM

Mr. Jeffrey Bremer
City Manager
121 SW Port St Lucie Blvd
Bldg. "A"
Port St Lucie, Florida 34984-5042

Dear City of Port St Lucie:

The Office of the Attorney General, Bureau of Advocacy and Grants Management, is pleased to inform you that City of Port St Lucie will be awarded a Victims of Crime Act (VOCA) grant for the 2016-2017 funding cycle in the amount of $122,678.94.

Our staff has worked diligently to determine how best to distribute the available VOCA grant funding while maintaining mandatory federal grant distribution guidelines and mission critical services. These considerations and your agency's commitment to providing services to crime victims in your community were the key factors used in making our decision.
A member of the Bureau of Advocacy and Grants Management will contact your agency to provide information and instructions for this grant. Thank you for your continuing efforts in providing assistance to victims of crime.
Sincerely,
Emery A. Gainey,
Director

**OFFICE OF THE FLORIDA ATTORNEY GENERAL**
**VOCA 2016-2017**
**Organization: City of Port St. Lucie**
**Grant No.: VOCA-2016-City of Port St. Lucie-00822**
**VOCA Budget Request**

| **Budget Summary By Category** | **Total VOCA Budget Request** | **Total VOCA Approved Budget** |
|---|---|---|
| **Personnel (10A)** | $118,678.94 | $118,678.94 |
| **Contractual Services (10B)** | $0 | |
| **Equipment (10C)** | $0 | |
| **Operating Expenses (10D)** | $0 | |
| **Training Expenses (10E)** | $4,000.00 | $4,000.00 |
| **Total** | $122,678.94 | $122,678.94 |

| | |
|---|---|
| **Required Match Part 11** | $30,669.73 |
| **Total paid staff for agency's victim services program (total number of full-time equivalent staff (FTE) for the current fiscal year):** | 2 |
| Number of staff requested from VOCA, expressed in FTE's: | 2 |
| Number of staff requested as matching expenses, expressed in FTE's: | 1.15 |
| Total staff requested, expressed in FTE's: | 3.1505 |
| **Child Abuse** | $129.69 |
| (Include services for child physical abuse/neglect and child sexual assault/abuse) | |
| **Domestic and Family Violence** | $42,149.23 |
| **Adult Sexual Assault** | $0 |
| **Underserved** | $3,696.16 |
| (includes DUI/DWI crashes, survivors of homicide victims, assault, adults molested as children, elder abuse, victims with disabilities, robbery, other violent crimes) | |

**MATCH (financial support from other sources)**

| | |
|---|---|
| Value of in-kind match | $0 |
| Cash match | $30,669.73 |
| Total match | $30,669.73 |

Match waiver No

**FY 2016/2017**
**(GRANT PERIOD)**

**AGREEMENT BETWEEN THE STATE OF FLORIDA**
**DEPARTMENT OF LEGAL AFFAIRS**
**OFFICE OF THE ATTORNEY GENERAL**

**AND**

**City of Port St Lucie**

**GRANT NO. VOCA-2016-City of Port St. Lucie-00822**

THIS AGREEMENT is entered into in the City of Tallahassee, Leon County, Florida by and between the State of Florida, Department of Legal Affairs, Office of the Attorney General (OAG), the pass-through agency for the Victims of Crime Act (VOCA), Catalog of Federal Domestic Assistance (CFDA) Number - 16.575, hereafter referred to as the OAG, an agency of the State of Florida, with headquarters located at PL-01, The Capitol, Tallahassee, Florida 32399-1050, and City of Port St Lucie hereafter referred to as the Provider. The parties hereto mutually agree as follows:

ARTICLE 1. ENGAGEMENT OF THE PROVIDER

The OAG hereby agrees to engage the Provider and the Provider hereby agrees to perform services as set forth herein. The Provider understands and agrees all services are to be performed solely by the Provider and may not be subcontracted or assigned without prior written consent of the OAG. The consent of the OAG does not vest any rights in the subcontractor or create any obligation on behalf of the OAG to the subcontractor. All subcontract agreements will contain a disclosure to this effect.

The Provider agrees to provide the OAG with written notification of any change in its designated representative for this Agreement. This Agreement shall be performed in accordance with the Victims of Crime Act (VOCA), Victim Assistance Grant Final Program Guidelines, Federal Register, Vol. 62, No. 77, April 22, 1997, pp. 19607-19621 and the U.S. Department of Justice, (DOJ), Office of Justice Programs, DOJ Grants Financial Guide, (Financial Guide), incorporated herein by reference, and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws.

ARTICLE 2. SCOPE OF WORK

For the Grant Period, the Provider will maintain a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, as outlined in the approved Grant Application of the Provider for the Grant Period as approved by the OAG, incorporated herein by reference, unless otherwise approved by the OAG in writing.

ARTICLE 3. TIME OF PERFORMANCE

This Agreement shall become effective on October 1, 2016, or on the date when the Agreement has been signed by all parties, whichever is later, and shall continue through September 30, 2017. No costs incurred by the Provider prior to the effective date of said Agreement will be reimbursed and the Provider is solely responsible for any such expenses.

ARTICLE 4. GRANT FUNDS

The Provider agrees not to commingle grant funds with other personal or business accounts. The U.S. Department of Justice, DOJ Grants Financial Guide does not require physical segregation of cash deposits or the establishment of any eligibility requirements for funds which are provided to a Provider. However, the Provider's accounting systems must ensure OAG grant funds are not commingled with funds on either a program-by-program or a project-by-project basis. Grant funds specifically budgeted and/or received for one project may not be used to support another. Where the Provider's existing accounting system cannot comply with this requirement, the Provider shall establish an additional accounting system to provide adequate grant fund accountability for each project.

In accordance with the provisions of Section 287.0582, Florida Statutes (2015), if the terms of this Agreement and reimbursement contemplated by this Agreement extend beyond the current fiscal year, the OAG's performance and obligation to reimburse under this Agreement are contingent upon an annual appropriation and spending authority by the Florida Legislature. In addition, the OAG's performance and obligation to reimburse under this Agreement is contingent upon the OAG's Victims of Crime Act award, as funded through the U.S. Department of Justice, Office for Victims of Crime formula grant program.

ARTICLE 5. FINANCIAL CONSEQUENCES

In accordance with Section 215.971, Florida Statutes (2015), provisions specifying the financial consequences that apply if the Provider fails to perform the minimum level of service required by this Agreement are set forth in this paragraph. The Provider will be held responsible for maintaining a victim services program that will be available to provide direct services to victims of crime who are identified by the Provider and/or are presented to the Provider, and meeting the deliverables and the performance standards as outlined in the current year VOCA Grant Application and approved by the OAG, included within the OAG E-Grants Management System, and incorporated herein by reference in the approved application, unless otherwise modified as approved by the OAG in writing. If the Provider does not maintain a victim services program that will be available to provide direct services to victims of crime as outlined in the approved application without an approved justification, the OAG will impose a corrective action plan, reduction of the final payment for the grant period under this Agreement by 5% of the total award amount listed in Article 32, and/or terminate this Agreement.

ARTICLE 6. REGISTRATION REQUIREMENTS

Prior to execution of this Agreement, the Provider shall be registered electronically with the State of Florida at MyFloridaMarketPlace.com. If the parties agree that exigent circumstances exist that would prevent such registration from taking place prior to execution of this Agreement, then the Provider shall so register within twenty-one (21) days from execution. The online registration can be completed at:

http://dms.myflorida.com/dms/purchasing/myfloridamarketplace

The Provider agrees to comply with the applicable requirements regarding registration with the System for Award Management (SAM) (or with a successor government-wide system officially designated by the Federal Office of Management and Budget and the DOJ's Office of Justice Programs), and to acquire and provide a Data Universal Numbering System (DUNS) number. The Provider also agrees to applicable restrictions on subcontractors that do not acquire and provide a DUNS number. The details of Provider obligations are posted on the Office of Justice Programs' website at http://www.ojp.gov/funding/sam.htm (Award condition: Registration with the System for Award Management and Universal

Identifier Requirements), and are incorporated by reference. This special condition does not apply to the Provider who is an individual and received the grant award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

ARTICLE 7. W-9 REQUIREMENT

The State of Florida Department of Financial Services requires that vendors have a verified Substitute Form W-9 on file in order to avoid delays in payments. Information on how to register and complete your Substitute Form W-9 can be found at http://flvendor.myfloridacfo.com. The Vendor Management Section can also be reached at (850) 413-5519.

ARTICLE 8. AUTHORIZED EXPENDITURES

Only expenditures which are detailed in the approved budget of the grant application, a revised budget, or an amended budget approved by the OAG are eligible for reimbursement with grant funds. Any requested modification to the budget must be submitted by the Provider in writing to the OAG and will require prior approval by the OAG. Budget modification approval is at the sole discretion of the OAG. The Provider acknowledges and agrees any grant funds reimbursed under this Agreement must be used in accordance with the Victims of Crime Act, Victim Assistance Grant Final Program Guidelines, Federal Register, Vol. 62, No. 77, April 22, 1997, pp. 19607-19621, and the Financial Guide and any other regulations or guidelines currently or subsequently required by the U.S. Department of Justice and State or Federal laws. Expenditures for the acquisition and maintenance of telephones and equipment shall be proportional to the percentage of VOCA grant funded staff who utilize the telephones and equipment, as contemplated by this Agreement.

The Provider and the OAG agree grant funds cannot be used as a revenue generating source and crime victims cannot be charged either directly or indirectly for services reimbursed with grant funds. Third party payers such as insurance companies, Victim Compensation, Medicare or Medicaid may not be billed for services provided by grant funded personnel to clients. Grant funds must be used to provide services to all crime victims, regardless of their financial resources or availability of insurance or third party reimbursements. The OAG and the Provider further agree that travel expenses will be reimbursed with grant funds only in accordance with Section 112.061, Florida Statutes (2015).

Expenditures of state financial assistance must be in compliance with all laws, rules and regulations applicable to expenditures of State funds, including, but not limited to, the Florida Reference Guide for State Expenditures.

Only allowable costs resulting from obligations incurred during the term of the Agreement are eligible for reimbursement, and any balances of unobligated cash that have been advanced or paid that are not authorized to be retained for direct program costs in a subsequent period must be refunded to the OAG. Any funds paid in excess of the amount to which the Provider is entitled under the terms of this Agreement must be refunded to the OAG.

The Provider shall reimburse the OAG for all unauthorized expenditures and the Provider shall not use grant funds for any expenditures made by the Provider prior to the execution of this Agreement or after the termination date of the Agreement. If the Provider is a unit of local or state government, the Provider must follow the written purchasing procedures of that governmental agency or unit. If the Provider is a non-profit organization, the Provider agrees to obtain a minimum of three (3) written quotes for all single item grant-related purchases equal to or in excess of two thousand five hundred dollars ($2,500) unless it is documented that the vendor is a sole source supplier. The Provider will utilize the lowest quote for the purchase.

The Provider understands and agrees that it cannot use any federal funds (including grant funds), either directly or

indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of the U.S. Department of Justice, Office of Justice Programs.

The Provider must report suspected fraud, waste and abuse to the OAG's Office of the Inspector General at 850-414 -3300.

ARTICLE 9. PROGRAM INCOME

The Provider shall provide services to crime victims, at no charge, through the VOCA grant funded project. Upon request, the Provider agrees to provide the OAG with financial records and internal documentation regarding the collection and disposition of program income, including, but not limited to, Victim Compensation, insurance, Medicare, Medicaid, restitution and direct client fees.

ARTICLE 10. METHOD OF PAYMENT

Payment for services performed under the Agreement shall be issued in accordance with the provisions of Section 215.422, Florida Statutes (2015).

All required performance reports must be completed by the Provider and received by the OAG in order to document the provision of the project deliverables. Processing of reimbursement of a monthly invoice is contingent upon timely OAG receipt of performance reports, approval by the OAG of the level of service provided during the report period, and approval by the OAG of all performance reports due. The Provider shall provide all performance reports on a quarterly and annual basis unless otherwise requested by the OAG.

Each monthly invoice and all required supporting documentation must be submitted by the Provider to the OAG by the last day of the month immediately following the month for which reimbursement is requested. The Provider shall maintain appropriate documentation of all costs represented on the invoice. The OAG may require any and all appropriate documentation of expenditures prior to approval of the invoice, and may withhold reimbursement if services are not satisfactorily completed or if the documentation is not satisfactory. The final invoice is due to the OAG no later than 45 days after the expiration or termination of the Agreement. If complete and correct, documented invoices are not received within these time frames, all right to reimbursement may be forfeited, the OAG may not honor any subsequent requests for payment, and the OAG may terminate the Agreement.

Any reimbursement due or any approval necessary under the terms of the Agreement shall be withheld until all evaluation, financial and program reports due from the Provider, and necessary adjustments thereto, have been approved by the OAG. The Provider is required to inform the OAG if they are being investigated by any governmental agency for financial, programmatic, or other issues. If it comes to the attention of the OAG that the Provider is being investigated, all pending requests for reimbursement may not be processed until the matter is resolved to the satisfaction of the OAG.

The Provider agrees to maintain and timely submit such progress, fiscal, inventory, and other reports as the OAG may require pertaining to this grant.

The Provider is required to match the grant award as required in the VOCA Federal Guidelines. Match contributions equal to 20% (cash or in-kind) of the total cost of each VOCA project (VOCA grant funds plus match contributions) must be

reported monthly to the OAG. All funds designated as match contributions are restricted in the same manner and to be expended for the same uses as the VOCA victim assistance grant funds and must be expended within the grant period. Unless otherwise approved by the OAG, match contributions must be reported on a monthly basis in an amount consistent with the amount of funding requested for reimbursement.

ARTICLE 11. VENDOR OMBUDSMAN

Pursuant to Section 215.422(7), Florida Statutes (2015), the Florida Department of Financial Services has established a Vendor Ombudsman, whose duties and responsibilities are to act as an advocate for vendors who may have problems obtaining timely payments from state agencies. The Vendor Ombudsman may be reached at (850) 413-5516.

ARTICLE 12. LIABILITY AND ACCOUNTABILITY

The Provider, if a non-profit entity, agrees to provide continuous and adequate director, officer, and employee liability insurance coverage against any personal liability or accountability by reason of actions taken while acting within the scope of their authority during the existence of this Agreement and any renewal(s) and extension(s) thereof. Such coverage may be provided by a self-insurance program established and operating under the laws of the State of Florida.

ARTICLE 13. INDEPENDENT CONTRACTOR

The Provider agrees that it is an independent contractor and not an officer, employee, agent, servant, joint venture, or partner of the State of Florida, except where the Provider is a state Agency. Neither the Provider nor its agents, employees, subcontractors or assignees shall represent to others that the Provider has the authority to bind the OAG. This Agreement does not create any right to any state retirement, leave or other benefits applicable to State of Florida personnel as a result of the Provider performing its duties or obligations under this Agreement. The Provider agrees to take such actions as may be necessary to ensure that each subcontractor of the Provider will be deemed an independent contractor and will not be considered or permitted to be an officer, employee, agent, servant, joint venturer, or partner of the State of Florida. The OAG will not furnish support services (e.g., office space, office supplies, telephone service, and administrative support) to the Provider, or its subcontractor or assignee, unless specifically agreed to in writing by the OAG.

All deductions for social security, withholding taxes, income taxes, contributions to unemployment compensation funds and all necessary insurance for the Provider, the Provider's officers, employees, agents, subcontractors, or assignees shall be the sole responsibility of the Provider.

ARTICLE 14. DOCUMENTATION AND RECORD RETENTION

The Provider shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting procedures and practices which sufficiently and properly reflect all revenues and expenditures of grant funds.

The Provider shall maintain a file for inspection by the OAG or its designee, Chief Financial Officer, Auditor General, or U.S. Department of Justice that contains written invoices for all fees, or other compensation for services and expenses, in detail sufficient for a proper pre-audit and post-audit. This includes the nature of the services performed or expenses incurred, the identity of the person(s) who performed the services or incurred the expenses, the daily time and attendance records and

the amount of time expended in performing the services (including the day on which the services were performed), and if expenses were incurred, a detailed itemization of such expenses. All documentation, including audit working papers, shall be maintained at the office of the Provider for a period of five years from the termination date of the Agreement, or until any audit has been completed and any findings have been resolved, whichever is later.

The Provider shall give authorized representatives of the OAG the right to access, receive and examine all records, books, papers, case files, documents, goods and services related to the grant funds. If the Provider fails to provide access to such materials, the OAG may terminate this Agreement. Sections 119.071, and 960.15, Florida Statutes (2015), provide that certain records received by the OAG are exempt from public record requests, and any otherwise confidential record or report shall retain that status and will not be subject to public disclosure. The Provider, by signing this Agreement specifically authorizes the OAG to receive and review any record reasonably related to the purpose of the grant as authorized in the original approved grant application and or the amendments thereto. Failure to provide documentation as requested by the OAG under the provisions of this Agreement shall result in either the termination of the agreement or suspension of further reimbursements to the Provider until all requested documentation has been received, reviewed, and the costs are approved for reimbursement by the OAG.

The Provider shall allow public access to all documents, papers, letters, or other materials made or received in conjunction with this Agreement, except for those records exempt from disclosure under one of the statutory provisions mentioned in the paragraph above, or are otherwise exempt from disclosure by operation of Section 119.071, Florida Statutes (2015) or Chapter 119, Florida Statutes. Failure by the Provider to allow the aforementioned public access constitutes grounds for unilateral cancellation by the OAG at any time, with no recourse available to the Provider. The Provider shall also keep and maintain all public records consistent with the State of Florida's record retention schedule. The Provider shall provide the OAG with a copy of all requested public records or allow the records to be inspected and copied within a reasonable time or as otherwise provided by law. The provider will ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of this Agreement and following completion of the Agreement if the Provider does not transfer the records to the OAG at that time.

Upon completion of the Agreement, the Provider shall keep and maintain public records required by the OAG to perform the services to be provided in the scope of this Agreement or electronically transfer, at no cost, to the OAG all public records in possession of the Provider. If the Provider transfers all public records to the OAG upon completion of the Agreement, the Provider shall destroy all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Provider keeps and maintains public records upon completion of the Agreement, the Provider shall meet all applicable requirements for retaining public records. All public records stored electronically must be provided to the OAG, upon request of its Custodian of Public Records, in a format compatible with the information technology systems of the OAG.

**IF THE PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 850-414-3300, pam.bondi@myfloridalegal.com, OFFICE OF THE ATTORNEY GENERAL, PL-01, THE CAPITOL, TALLAHASSEE, FL 32399-1050.**

ARTICLE 15. VICTIM SERVICES PRACTITIONER DESIGNATION TRAINING

The Provider agrees to have all VOCA grant funded staff members complete training through the OAG's Victim

Services Practitioner Designation Training.

ARTICLE 16. PROPERTY

The Provider agrees to be responsible for the proper care and custody of all property purchased with grant funds and agrees not to sell, transfer, encumber, or otherwise dispose of property acquired with grant funds without the written permission of the OAG. If the Provider is no longer a grant funds recipient, all property acquired by grant funds shall be subject to the provisions of the U.S. Department of Justice, Office of Justice Programs, Office of the Comptroller Financial Guide.

ARTICLE 17. AUDITS

The Provider shall comply and cooperate immediately with any inspections, reviews, investigations, or audits deemed necessary by the Agency's Office of the Inspector General (Section 20.055, Florida Statutes (2015), or as authorized by law.

The administration of funds disbursed by the OAG to the Provider may be subject to audits and or monitoring by the OAG, as described in this section.

This part is applicable if the Provider is a Non-Federal Entity, meaning a State, local government, Indian tribe, institution of higher learning, or nonprofit organization that carries out a Federal award as a recipient or subrecipient, as defined in Title 2 C.F.R. Part 200, Subpart A.

1. In the event the Provider expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards, it must have a single or program-specific audit conducted for that year in accordance with the provisions of Title 2 C.F.R. Part 200, Subpart F. Article 32 to this Agreement indicates the amount of Federal funds disbursed through the OAG by this Agreement. In determining the Federal awards expended in its fiscal year, the Provider shall take into account all sources of Federal awards, including Federal resources received from the OAG. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by Title 2 C.F.R. Part 200. An audit of the Provider conducted by the Auditor General in accordance with Title 2 C.F.R. Part 200, Subpart F, will meet the requirements of this part.

2. In connection with the audit requirements addressed in this part, the Provider shall fulfill the requirements relative to auditee responsibilities as provided in Title 2 C.F.R. Part 200, Subpart F.

3. If the Provider expends less than $750,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of Title 2 C.F.R. Part 200, Subpart F is not required. In the event the Provider expends less than $750,000 in Federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of Title 2 C.F.R. Part 200, Subpart F, the cost of the audit must be reimbursed from non-Federal funds (i.e., the cost of such an audit must be reimbursed from Provider resources obtained from other than Federal entities), as mandated in Title 2 C.F.R Part 200, Subpart E.

ARTICLE 18. AUDIT REPORT SUBMISSION

Audits must be submitted no later than 150 days following termination or expiration of the Agreement.

1. Copies of audit reports for audits conducted in accordance with the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule, and required by this Agreement shall be submitted, when required by Section 200.512, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule, by or on behalf of the Provider directly to the following:

   A. Office of the Attorney General
   Bureau of Advocacy and Grants Management
   PL-01, The Capitol
   Tallahassee, Florida 32399-1050

2. Any reports, management letters, or other information required to be submitted to the OAG pursuant to this Agreement shall be submitted timely in accordance with Title 2 C.F.R. Part 200, Subpart F, as applicable.

3. Providers should indicate the date the financial reporting package was delivered in correspondence accompanying the financial reporting package.

ARTICLE 19. MONITORING

In addition to reviews of audits conducted in accordance with Title 2 C.F.R. Part 200, Subpart F, by entering into this Agreement, the Provider agrees to comply and cooperate with any monitoring procedures/processes and additional audits deemed appropriate by the OAG, including but not limited to on-site visits. The Provider further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the OAG, Chief Financial Officer, Auditor General or the U.S. Department of Justice.

The Provider may not accept duplicate funding for any cost, position, service or deliverable funded by the OAG. Duplicative funding is defined as more than 100% payment from all funding sources for any cost, position, service or deliverable. If there are multiple funding sources and a program is funded by the OAG, the OAG or its designee has the right to review all documents related to those funding sources to determine whether duplicative funding is an issue. If duplicate funding is found, the Agreement may be suspended, terminated or both while the extent of the overpayment is determined. Failure to comply with state law, or the Code of Federal Regulations, and the U.S. Department of Justice Programs, Financial Guide, may also result in the suspension, termination or both of the Agreement while the extent of the overpayment is determined. Absent fraud, in the event that there has been an overpayment to a Provider for any reason, if the amount of the overpayment cannot be determined to a reasonable degree of certainty, as determined in the sole discretion of the OAG, both parties agree that the Provider shall reimburse to the OAG one half of the monies previously paid to the Provider for that line item for the grant year in question.

ARTICLE 20. RETURN OF FUNDS

The Provider shall return to the OAG any overpayments made to the Provider for unearned income or disallowed items pursuant to the terms and conditions of this Agreement. In the event the Provider or any outside accountant or auditor determines that an overpayment has been made, the Provider shall immediately return to the OAG such overpayment without prior notification from the OAG. In the event the OAG discovers that an overpayment has been made, the contract manager, on behalf of the OAG, will notify the Provider and the Provider shall forthwith return the funds to the OAG. Should the Provider fail to immediately reimburse the OAG for any overpayment, the Provider will be charged interest at the rate in effect

on the date of the overpayment, as determined by the State of Florida, Chief Financial Officer, pursuant to Chapter 55, Florida Statutes, on the amount of the overpayment or outstanding balance thereof. Interest will accrue from the date of the Provider's initial receipt of funds up to the date of reimbursement of said overpayment funds to the OAG.

ARTICLE 21. PUBLIC ENTITY CRIME

Pursuant to Section 287.133, Florida Statutes (2015), the following restrictions are placed on persons convicted of public entity crimes to transact business with the OAG: When a person or affiliate has been placed on the convicted vendor list following a conviction for a public entity crime, he/she may not submit a bid, proposal or reply on a contract to provide any goods or services to a public entity, may not submit a bid, proposal or reply on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids, proposals or replies on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, Florida Statutes (2015), for CATEGORY TWO for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

ARTICLE 22. GRATUITIES

The Provider agrees that it will not offer or give any gift or any form of compensation to any OAG employee. As part of the consideration for this Agreement, the parties intend that this provision will survive the Agreement for a period of two years. In addition to any other remedies available to the OAG, any violation of this provision will result in referral of the Provider's name and description of the violation of this term to the Department of Management Services for the potential inclusion of the Provider's name on the suspended vendors list for an appropriate period. The Provider will ensure that its subcontractors, if any, comply with these provisions.

ARTICLE 23. PATENTS, COPYRIGHTS, AND ROYALTIES

The Provider agrees that if any discovery or invention arises or is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected herewith, the discovery or invention shall be deemed transferred to and owned by the State of Florida. Any and all patent rights accruing under or in connection with the performance of this Agreement are hereby reserved to the State of Florida.

In the event that any books, manuals, films, or other copyrightable materials are produced, the Provider shall identify all such materials to the Agency. The Provider does hereby assign to the OAG and its assigns or successors, all rights accruing under or in connection with performance under this Agreement, including the United States Copyright, all other literary rights, all rights to sell, transfer or assign the copyright, and all rights to secure copyrights anywhere in the world.

The Provider shall indemnify and hold the OAG and its employees harmless from any claim or liability whatsoever, including costs and expenses, arising out of any copyrighted, patented, or unpatented invention, process, or article manufactured or used by the Provider in the performance of this Agreement. The Provider shall indemnify and hold the OAG and its employees harmless from any claim against the OAG for infringement of patent, trademark, copyright or trade secrets. The OAG will provide prompt written notification of any such claim. During the pendency of any claim of infringement, the Provider may, at its option and expense, procure for the OAG, the right to continue use of, or to replace or modify the article to render it non-infringing. If the Provider uses any design, device, or materials covered by letters patent, or copyright, it is mutually agreed and understood without exception the compensation paid pursuant to this Agreement includes all royalties or costs arising from the use of such design, device, or materials in any way involved in the work contemplated by this

Agreement.

Subcontracts must specify that all patent rights and copyrights are reserved to the State of Florida.

ARTICLE 24. INDEMNIFICATION AND ASSUMPTION OF LIABLITY

To the extent permissible under Florida law, the Provider shall be liable for and indemnify, defend, and hold the OAG and all of its officers, agents, and employees harmless from all claims, suits, judgments, or damages, including attorney's fees and costs, arising out of any act or omission or neglect by the Provider and its agents, employees and subcontractors during the performance or operation of this Agreement or any subsequent modifications or extensions thereof.

The Provider's evaluation or inability to evaluate its liability shall not excuse the Provider's duty to defend and to indemnify the OAG within seven (7) days after notice by the OAG. After the highest appeal taken is exhausted, only an adjudication or judgment specifically finding the Provider not liable shall excuse performance of this provision. The Provider shall pay all costs and fees including attorney's fees related to these obligations and their enforcement by the OAG. The OAG's failure to notify the Provider of a claim shall not release the Provider from these duties. The Provider shall not be liable for any claims, suits, judgments, or damages arising solely from the negligent acts of the OAG.

This Agreement and the rights and obligations created by it are intended for the sole benefit of the OAG and the Provider. No third party to this Agreement, including the victims served by the Provider, have any rights under this Agreement, no third party may rely upon this Agreement or the rights and representations created by it for any purpose.

The Provider agrees to assume all liability associated with providing services under the terms and conditions of this Agreement. This includes, but is not limited to, premises liability and any travel taken by any employee of Provider or any recipient of Provider's services.

ARTICLE 25. TERMINATION OF AGREEMENT

This Agreement may be terminated by the OAG for any reason upon five (5) days written notice via certified U.S. mail, hand delivery, or email to the Provider to the physical or email address provided by the Provider in the application.

In the event this Agreement is terminated by the OAG, the Provider shall deliver documentation of ownership or title, if appropriate for all supplies, equipment and personal property purchased with grant funds to the OAG, within 30 days after termination of the Agreement. Any finished or unfinished documents, data, correspondence, reports and other products prepared by or for the Provider under this Agreement shall be made available to and for the exclusive use of the OAG.

Notwithstanding the above, the Provider shall not be relieved of liability to the OAG for damages sustained by the OAG by virtue of any termination by the OAG or breach of this Agreement by the Provider. In the event this Agreement is terminated by the OAG, the Provider shall be reimbursed for satisfactorily performed and documented services provided prior to the effective date of termination.

ARTICLE 26. AMENDMENTS

Modification of any provision of this Agreement must be mutually agreed upon by all parties, and requires a written and fully executed amendment to this Agreement, except as provided for budget modifications submitted by the Provider in writing which have been previously approved by the OAG pursuant to the terms of Article 7, Authorized Expenditures.

ARTICLE 27. NONDISCRIMINATION

Recipients of federal financial assistance must comply with applicable federal civil rights laws, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. §10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d); Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §7 94), Title II of the Americans with Disabilities Act of 1990 (42 U.S.C.§ 12131-34); Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); and Exec. Order 13279 (67 Fed. Reg. 241).

Pursuant to applicable federal laws and Chapter 760, Florida Statutes (2015), the Provider agrees not to discriminate against any client or employee in the performance of this Agreement or against any applicant for employment because of age, race, religion, color, disability, national origin, marital status or sex. The Provider further assures that all contractors, subcontractors, sub-grantees, or others with whom it arranges to provide services or benefits to clients or employees in connection with any of its programs and activities are not discriminating against those clients or employees because of age, race, religion, color, disability, national origin, marital status or sex.

The Provider must have policies and procedures in place for responding to complaints of discrimination that employees and beneficiaries file directly with the Provider. Information provided by the U.S. Department of Justice, Office of Justice Programs, to assist with policy and procedure development is available at http://ojp.gov/about/offices/ocr.htm.

In the event a Federal or State court, or a Federal or State administrative agency, makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, marital status or sex against the Provider, the Provider will forward a copy of the findings to the Office of Justice Programs, Office for Civil Rights (OCR), and the OAG.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with the Safe Streets Act and Title VI of the Civil Rights Act of 1964, the Provider must take reasonable steps to ensure that LEP persons have meaningful access to its programs and activities. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The Provider is encouraged to consider the need for language services for LEP persons served or encountered both in developing its budgets and in conducting its programs and activities. Additional assistance and information regarding your LEP obligations can be found at http://www.lep.gov.

In accordance with federal civil rights laws, the Provider shall not retaliate against individuals for taking action or participating in action to secure rights protected by these laws.

All Providers must complete a review of the Office of Justice Programs, Office for Civil Rights training modules and confirm compliance with this requirement to the OAG through self- reporting by December 31, 2016. The training modules are available at http://ojp.gov/about/ocr/assistance.htm.

Pursuant to Section 287.134, Florida Statutes (2015), an entity or affiliate who has been placed on the Florida Department of Management Services' discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide goods or services to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.

The OCR issued an advisory document for Federal grant recipients on the proper use of arrest and conviction records in making hiring decisions. See Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on the U.S. Equal Employment Opportunity Commission's Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 (June 2013), available at http://ojp.gov/about/ocr/pdfs/UseofConviction_Advisory.pdf. Recipients should be mindful that the misuse of arrest or conviction records to screen either applicants for employment or employees for retention or promotion may have a disparate impact based on race or national origin, resulting in unlawful employment discrimination. In light of the Advisory, recipients should consult local counsel in reviewing their employment practices. If warranted, recipients should also incorporate an analysis of the use of arrest and conviction records in their Equal Employment Opportunity Plans (EEOPs).

ARTICLE 28. NONDISCRIMINATION IN PROGRAMS INVOLVING STUDENTS

The Provider shall not use award funding to discriminate against students that are participating in (or benefiting from) programs that are funded by those same federal funds. As an example provided by the Office for Victims of Crime, Office of Justice Programs, the Provider cannot use VOCA funding to treat a Catholic student differently than a non-Catholic student when both are applying for, or receiving benefits from, the VOCA program. This same protection also applies to the students' parents or legal guardians.

ARTICLE 29. ACKNOWLEDGMENTS

All publications, advertising or written descriptions of the sponsorship of the program shall state: "This project was supported by VOCA-2016-City of Port St. Lucie-00822 awarded by the Office for Victims of Crime, Office of Justice Programs. Sponsored by City of Port St Lucie and the State of Florida."

The Provider is required to display a civil rights statement prominently on all publications, websites, posters and informational materials mentioning USDOJ programs in bold print and no smaller than the general text of the document. The full civil rights statement must be used whenever possible. Single page documents that do not have space for the full civil rights statement may contain a condensed version in a print size no smaller than the text used throughout the document. If the civil rights statement is missing on a publication, the statement must be included the next time the publication is revised or reprinted and printed copies of the statement must be attached to the current supply of the publication until the next revision is reprinted.

Full Civil Rights Statement: In accordance with federal law and U.S. Department of Justice policy, this organization is prohibited from discriminating on the basis of race, color, national origin, religion, sex, age, or disability. To file a complaint of discrimination, write the Florida Department of Legal Affairs, Federal Discrimination Complaint Coordinator, PL-01 The Capitol, Tallahassee, Florida, 32399-1050, or call 850-414-3300, or write Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW, Washington, DC 20531 or call 202-307-0690 (Voice) or 202-307-2027 (TDD/TYY). Individuals who are hearing impaired or have speech disabilities may also contact OCR through the Federal Relay Service at 800-877-8339 (TTY), 877-877-8982 (Speech), or 800-845-6136 (Spanish).

Condensed Civil Rights Statement: The City of Port St Lucie is an equal opportunity provider and employer.

The Provider is required to display the OAG's "Civil Rights Fact Sheet" at locations open to the public. The "Civil Rights Fact Sheet" will be made available to the Provider via the OAG E-Grants Management System.

ARTICLE 30. EMPLOYMENT

The employment of unauthorized aliens by the Provider is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If the Provider knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of this Agreement. Any services performed by any such unauthorized aliens shall not be paid.
The Provider shall utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of all persons hired during the Agreement term.

ARTICLE 31. ADMINISTRATION OF AGREEMENT

All approvals referenced in this Agreement must be obtained from the parties' contract administrators or their designees. The OAG's contract administrator is the Bureau Chief, Christina F. Harris. All notices must be given to the parties' contract administrator.

ARTICLE 32. CONTROLLING LAW AND VENUE

This Agreement shall be governed by the laws of the State of Florida. Any and all litigation arising under the Agreement shall be instituted in the appropriate court of general jurisdiction in Leon County, Florida.

ARTICLE 33. AMOUNT OF FUNDS

The OAG agrees to reimburse the Provider for contractual services and/or availability to provide services for the entire Time of Performance, as set forth in Article 3 of this Agreement, and completed in accordance with the terms and conditions of the Agreement. The total sum of monies available for reimbursement to the Provider for services provided shall not exceed $122678.94.

"Availability to Provide Services" is defined as maintaining sufficient capacity to assist victims during the Provider's core business hours throughout the Time of Performance, as set forth in Article 3 of this Agreement. Core business hours are assumed to be at least from 8:00 AM to 5:00 PM, Monday through Friday, unless otherwise approved as alternative core business hours by the OAG. Employee leave earned under this grant period is reimbursable; however, the Provider must continue to maintain sufficient capacity to assist victims.

"Contractual Services" are defined as those specified services established within the OAG approved budget for which the Provider is to be paid upon completion at the set rate also established within the OAG approved budget, as authorized expenditures eligible for payment, or reimbursement pursuant to Article 7 of this Agreement.

ARTICLE 34. AGREEMENT AS INCLUDING ENTIRE AGREEMENT

This instrument and the approved 2016-2017 grant application in the E-grants Management System, embody the entire Agreement of the parties. There are no provisions, terms, conditions, or obligations other than those contained herein.

This Agreement supersedes all previous communications, representations or Agreements on this same subject, verbal or written, between the parties.

There are no representations or statements that are relied upon by the Provider that are not expressly set forth herein.

The Provider's signature below specifically acknowledges understanding of the fact that the privilege of obtaining a VOCA grant is not something this or any Provider is entitled to receive. This Agreement is for one-time funding only, covering one fiscal year. There is absolutely no expectation or guarantee, implied or otherwise, the Provider will receive VOCA funding in the future. The OAG strongly encourages the Provider to secure funding from other sources if the Provider anticipates the program will continue beyond the current grant year.

Each of the parties executing this Agreement have full authority to do so and have received all lawfully necessary approvals to enter into this Agreement.

IN WITNESS WHEREOF, the OFFICE OF THE ATTORNEY GENERAL and City of Port St Lucie, have executed this agreement.

| | |
|---|---|
| Authorizing Official | OAG Authorizing Official |
| Print Name | Print Name |
| Date | Date |
| Authorizing Official | Authorizing Official |
| Print Name | Print Name |
| Date | Date |
| 596141662<br>FEID# of Provider | |
| SAMAS Code | |

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7F
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

FROM: Jasmin Padova, Executive Secretary

Agenda Item: Motion: Request by Bryan Yatkowitz with Temple Beth El Israel requesting City Sponsorship of the 2016 Community Health Fair.

Submittal Date: 9/13/2016

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**STRATEGIC PLAN LINK:** This item relates to our strategic plan with the goals for expanded leisure activities and our mission to be responsive to the community

**BACKGROUND:** Pursuant to Section 155.07 of the City's Code of Ordinances, only City-sponsored special events may locate such signs within the right-of-way. Given that "sponsorship" is a policy decision of the City Council, this memorandum serves to request that this item be placed on the next City Council agenda for consideration.

**ANALYSIS:** Code compliance has reviewed the required special event sign application.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: N/A

**STAFF RECOMMENDATION**: Approve the sponsorship request

**SPECIAL CONSIDERATION:** The signage for this event is scheduled to be placed October 1 thru October 21 2016

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Code compliance summary sheet
Letter from Bryan Yatkowitz

# *City of Port St Lucie*
# *Special Event Request for Signs in Right-of-Way*

Name of Organization: Temple Beth EL Israel

Location of Event: 551 SW Bethany Drive

Number of Signs: 100

Date range of sign placement: 10/01/2016 to 10/21/2016

Contact Person: Bryan Yatkowitz

Phone: (772) 236-4244

Email: Bryanytmg@gmail.com

Tax Exempt 501(c)(3) Received: Yes

Staff Recommendation: Approve for Signs

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*Code Compliance Division received all required information for the event.

# Temple Beth El Israel

**551 SW Bethany Drive**
**Port St. Lucie, FL 34986**
**Tel: 772-336-2424**
**www.templebethelisrael.org**


September 12, 2016

City of Port Saint Lucie
Mr. Jeff Brenner
City Manager

Mr. Brenner,

My name is Bryan j. Yatkowitz and I am hosting the 2016 Community Health Fair for Temple Beth El Israel on Thursday October 20, 2016 from 10 am until 2 pm. The event will be held on the property of the temple at 551 SW Bethany Dr
My contact information is :
Bryan j Yatkowitz
Cell: 772-236-4244
Home 772-777-2700
Email: bryanytmg@gmail.com
Address: 210 SE Walsh Terr.
Port Saint Lucie 34983

Attached is a copy of the temple's consumer certificate of Exemption as proof of the 501C3.
We are looking to post 100 right of way signs in Port Saint Lucie from October 1, 2016 and will be removed on Friday October 21, 22016.

Attached is the locations we would like to post at.
If you have any questions, please feel free to call, email or text me anytime.

Sincerely,

Bryan j. Yatkowitz
Temple Beth El Israel
FUNraiser

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7G
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

FROM: Jasmin Padova, Executive Secretary

Agenda Item: Motion: Request by Kendra Hunter with The Episcopal Church of the Nativity requesting City Sponsorship of the First Annual Pumpkin Patch.

Submittal Date: 9/13/2016

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**STRATEGIC PLAN LINK:** This item relates to our strategic plan with the goals for expanded leisure activities and our mission to be responsive to the community

**BACKGROUND:** Pursuant to Section 155.07 of the City's Code of Ordinances, only City-sponsored special events may locate such signs within the right-of-way. Given that "sponsorship" is a policy decision of the City Council, this memorandum serves to request that this item be placed on the next City Council agenda for consideration.

**ANALYSIS:** Code compliance has reviewed the required special event sign application.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: N/A

**STAFF RECOMMENDATION**: Approve the sponsorship request

**SPECIAL CONSIDERATION:** The signage for this event is scheduled to be placed October 7 thru October 31 2016

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Code compliance summary sheet
Letter from Kendra Hunter

# *City of Port St Lucie*
# *Special Event Request for Signs in Right-of-Way*

Name of Organization: The Episcopal Church of the Nativity Pumpkin Patch

Location of Event: 1151 SW Del Rio Blvd

Number of Signs: 20

Date range of sign placement: 10/07/2016 to 10/31/2016

Contact Person: Kendra Hunter

Phone: (615) 500- 4021

Email: Emyrald79@gmail.com

Tax Exempt 501(c)(3) Received: Yes

Staff Recommendation: Approve for Signs

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*Code Compliance Division received all required information for the event.

The Episcopal Church of the Nativity
1151 SW Del Rio Blvd.
Port St. Lucie, FL 34953

Mr. Jeffrey Bremer
City Manager
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Dear Mr. Bremer,

I am writing on behalf of The Episcopal Church of the Nativity to request Special Event approval for our first annual Pumpkin Patch to be held from October 15 to October 31, 2016. The event will be held on the church's property at 1151 SW Del Rio Blvd on the aforementioned dates at the following times: Sunday through Thursday from 12:00 p.m. to 8:00 p.m. and Friday and Saturday from 10:00 a.m. to 9:00 p.m.

In order to promote our event to the city, we hope to be approved for displaying special event signs in the surrounding neighborhoods. We plan to put up twenty 24"x18" yard signs with h-stakes at the locations listed in our application, two of which are to be located on the church's property. If any locations are not approved, we understand and will not utilize those signs. A copy of our 501(c)(3) letter is also enclosed with our application.

I can be contacted via mobile phone at (615) 500-4021 or email at emyrald79@gmail.com if there are any questions or further information is needed. We look forward to hearing the status of our application following the City Council meeting of September 26, 2016.

Thank you in advance for your consideration.

Sincerely,
Kendra Hunter
(615) 500-4021

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 7H
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

FROM: Jasmin Padova, Executive Secretary

Agenda Item: Motion: Request by Juan P. Sierra, Pastor with Sunlight Español requesting City Sponsorship of the Hispanic Heritage Celebration Night.

Submittal Date: 9/13/2016

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**STRATEGIC PLAN LINK:** This item relates to our strategic plan with the goals for expanded leisure activities and our mission to be responsive to the community

**BACKGROUND:** Pursuant to Section 155.07 of the City's Code of Ordinances, only City-sponsored special events may locate such signs within the right-of-way. Given that "sponsorship" is a policy decision of the City Council, this memorandum serves to request that this item be placed on the next City Council agenda for consideration.

**ANALYSIS:** Code compliance has reviewed the required special event sign application.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: N/A

**STAFF RECOMMENDATION**: Approve the sponsorship request

**SPECIAL CONSIDERATION:** The signage for this event is scheduled to be placed September 27 thru October 1 2016

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Code compliance summary sheet
Letter from Juan P. Sierra, Pastor

# *City of Port St Lucie*
# *Special Event Request for Signs in Right-of-Way*

Name of Organization: Sunlight Community Church

Location of Event: 477 SW Cashmere Blvd

Number of Signs: 28

Date range of sign placement: 09/27/2016 to 10/01/2016

Contact Person: Juan Sierra

Phone: (772) 807-2626

Email: Juan@sunlightcc.com

Tax Exempt 501(c)(3) Received: Yes

Staff Recommendation: Approve for Signs

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*Code Compliance Division received all required information for the event.

SUNLIGHT
UNA IGLESIA EN *español*

Dear Port St. Lucie City Council,

I am writing this letter to request approval for Special Event Signage. Our church, Sunlight Espanol, will be holding a Hispanic Heritage Celebration night on Saturday, October 1, 2016. The event will be at Sunlight Community Church on 477 SW Cashmere Blvd. The event will have different groups presenting folkloric dances from Latin America. The event is free to the public as a cultural presentation of the Hispanic Heritage. The event will be held inside our auditorium. We are also having food sold on site by the Moralito Colombian restaurant under a tent. We are seeking to place about 28 signs around the city to help promote the event. Since the church is Spanish speaking, the signs will also be in Spanish. We would like to have the signs placed from September 25 to October 1st. A copy of our church's tax exempt form has been submitted with our application. If you have any questions, please feel free to contact me.

Sincerely,

Juan P. Sierra

Pastor, Sunlight Español

Sunlight Espanol (772) 879-6326 477 SW Cashmere Blvd. Port St. Lucie, Fl 34986

ADDITIONAL INFORMATION

# CITY OF PORT ST LUCIE

**COUNCIL AGENDA MEMORANDUM**

Agenda Item #: 8A
Meeting Date: September 26, 2016
2nd Reading

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Ordinance: Public Hearing: Florida Recreation and Investments – Small Scale Comprehensive Plan Amendment (P14-037) |
| Submittal Date: | 9/12/2016 |

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is requesting to change the future land use of six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor could be considered. This public input was considered as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton on August 9, 2016.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**BACKGROUND**: City Council considered this comprehensive plan amendment at its first reading on August 22, 2016, and directed it be to be sent back to the Planning and Zoning Board for their review, recommendation and direction.

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, unanimously, recommended to recommend approval of this small scale comprehensive plan amendment on September 6, 2016.

**SPECIAL CONSIDERATION**: N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF

this at either the last meeting or the meeting prior to that. and it involved sober homes." The Planning and Zoning Director pointed out, "It was an appeal that you saw. Staff denied it and then there was the appeal. We are trying to clean it up. It is in your Code right now, and is 158.233. We will be amending that to streamline the process and provide what Mr. Mullin was mentioning as well." The Planning and Zoning Attorney advised, "It is a restriction on when they can reapply. I think the sober home was the example where they could just submit a new application the very next day. Unless there was a material change, then there would be a time period before which they could reapply." Secretary Martin asked, "Will it make it tougher or easier for an applicant to circumvent the system?" The Planning and Zoning Board Attorney replied, "To circumvent it, tougher, but I think it will make it easier in other regards for the applicant, so that they know more what their standards are and perimeters for an approval." Secretary Martin stated, "Although I've supported these types of facilities, and the Reasonable Accommodations is a critical part of the process, anytime somebody, and I don't care who they are, are putting people, and I would call these patients, in a pickup truck, in a landscape truck to bring them to and from an office environment where they conduct a different component of their business is unacceptable under all circumstances. As a citizen, I wanted to put that on the record, as opposed to going to lectern and making that statement."

The Planning and Zoning Board Attorney said, "I think there were some areas that were a little vague, as far as the standards. They are trying to clarify them, so there is a little more certainty. I'm not sure on the travel where that falls into it, but I think we had identified some issues, as far as some vague conditions. Greg, the gentleman that worked on it is not here, but he can certainly speak to it next time this comes before you." The Planning and Zoning Director commented, "He will be here." Secretary Martin said, "I appreciate it. I didn't want it to go unspoken before we all voted on it. Thank you." The Planning and Zoning Board Attorney remarked, "Of course." Vice Chair Ojito said, "To clarify for the record, P16-115 is being tabled."

**(Clerk's Note:** This item was tabled at the request of the Legal Department.)

**G. P14-037 FLORIDA RECREATION & INVESTMENTS – COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Mr. Finizio said, "Project P14-037 is a Small Scale Comprehensive Plan Amendment, and is being reviewed, concurrently, with the following rezoning application, P14-038." The Planning and Zoning Director stated, "I think we can look at these as one staff presentation, because there is a relationship between the two." Mr. Finizio said, "Correct. They are both the same property. One is a Comprehensive Plan that changed the land use and the other one is just to rezone it. The applicant is Rod Kennedy of Engineering Design & Construction. The owner is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road, and is approximately 1.57 acres in size. The existing zoning is Single-Family Residential, RS-2. The existing land use designation is Low Density Residential, RL. The requested land use designation is General Commercial, CG, and the property is currently vacant. This application is requesting to change the future land

use of 6 lots from RL, Low Density Residential, to CG, General Commercial. I would like to note that both the Comprehensive Plan Amendment and subsequent rezoning application were originally reviewed by the Planning and Zoning Board on May 6, 2014, where both applications were denied. These applications were then reviewed by the City Council on May 27, 2014, where they were tabled, so public input on the Becker Road Corridor can be considered. This public input was included as part of the Neighborhood Planning effort for Planning Area 4S. The applicant has indicated, in their attached justification statement, that the future of Becker Road is more commercial in character. After the approval of the Planning Area 4S Neighborhood Action Plan, it is clearly evident that the City is beginning to see the Becker Road Corridor as something other than a residential corridor, and as such, commercial development is the next logical step in the development of Becker Road. However, as outlined in the Neighborhood Plan, this commercial development should be limited to areas that are identified in the Becker Road Overlay District, Section 7 of the Planning Area 4S Neighborhood Action Plan. Those that are identified here are mostly only at the major nodes of Becker Road, which is Savona, Darwin, and Becker Road that is already zoned Commercial. The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016, meeting. After a short presentation from staff and some discussion from Council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously. The Planning and Zoning Staff did submit the updated staff report to City Council on August 22, 2016, at which time staff also recommended that the Comprehensive Plan and rezoning applications be sent back to the Planning and Zoning Board to allow the review of these applications with City Council's approval of the Planning Area 4S Neighborhood Action Plan, and staff's updated staff report. City Council agreed with this sentiment, and these applications were added to the September Planning and Zoning Board Agenda. The Planning and Zoning staff is preparing a corridor-wide Comprehensive Plan Amendment, which will help direct growth on Becker Road as it is identified in the neighborhood plan. However, since these applications were submitted, and subsequently tabled by the City Council, it was determined to bring these applications back to City Council prior to the corridor-wide Comprehensive Plan Amendment that staff will be submitting at a future date. Please note, staff is also recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road Corridor, as outlined in the approved Neighborhood Plan, be implemented. This Overlay District should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements, as outlined in the approved Neighborhood Plan. With the subsequent approval of the Planning Area 4S Neighborhood Action Plan by the City Council, the Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan, and recommends approval of the proposed amendment based on the analysis and findings, as noted in the staff report. I did receive an e-mail objecting to this request, which was placed on the dais. I also received a phone call from a Mr. and Mrs. Bristol, who live at 307 SW South Quick Circle, and have also objected to this request. Thank you."

Secretary Martin stated, "I was watching the City Council meeting, and I don't know why

I do, but they kicked this back to us." Mr. Finizio stated, "We recommended it. Yes, they did." Secretary Martin said, "When they kicked it back to us, we still don't have a resolution, a policy, or an ordinance that says this is exactly what you can do on Becker Road at these nodes or east and west areas." Mr. Finizio said, "Well, not directly, but indirectly you do, because the Neighborhood Plan for 4S did have the Becker Road Overlay District in it. It recommended commercial development be allowed at the nodes, and is part of the document on the screen, which shows where they would like to see, if any, commercial development." Secretary Martin said, "Okay, so there is a policy in place. It sounds to me like the Neighborhood Planning Policy is still incomplete." Mr. Finizio stated, "It is incomplete because there were six planning areas that are to be reviewed and only three have been done. 4S, which is where Becker Road is located, has been done and approved by the City Council. In theory, by approving the Planning Area 4S Neighborhood Plan, the City Council is saying they pretty much agree with what is in the plan, which is commercial at the nodes."

The Planning and Zoning Director said, "We will be coming back to you, hopefully, by the end of the year with a plan for all of Becker. What is really interesting about Becker, compared to a lot of the other major roads where we have Conversion Areas, is that Becker has a lot of public ownership. You will see a lot of City owned property at the Interstate 95 exit, and even around the Turnpike we have retention areas for Becker. We are going to try to incorporate those into some type of park system, and look at the nodes at these three roads to, hopefully, make some connection. These guys have been waiting over two years. They would have to meet any requirements that we would, eventually, include in our Comprehensive Plan and within our Zoning Code." Vice Chair Ojito said, "This is being rezoned." Mr. Finizio stated, "That is the intention, correct." Vice Chair Ojito clarified, "We are also including a conceptual overlay district." Mr. Finizio said, "No, the only thing in front of you today is the approval of the Comprehensive Plan Amendment to change the land use from RL to CG, General Commercial. That is what this application is and the next application is rezoning, which would change the zoning from Single-Family Residential, RS-2, to General Commercial." Vice Chair Ojito said, "I understand that, but when you do that, change it to Commercial, now you are in an overlay. Normally, an overlay has architectural guidelines and things like that. How are you going to force the applicant to comply with architectural guidelines after we have approved the zoning to current zoning requirements?" Mr. Finizio responded, "That is a complicated question, as most things are. The applicant has been informed that the City's intention is make an overlay district, and no Site Plan can be submitted until this Overlay District is complete and approved by the City Council. Even though it is getting rezoned today, assuming it is approved, nothing can be submitted, Site Plan-wise, until the Overlay District is approved by the City Council." Vice Chair Ojito said, "Personally, I wouldn't approve the rezoning without the condition that they comply with whatever the eventual Overlay District requirements are."

The Planning and Zoning Director said, "Technically, we can't condition rezoning's, legally. They would have to meet the design requirements the City has on the books right now. We might change some of those for this, but we already have design requirements that apply to Conversion Areas, and we would add this area to those

design requirements." Vice Chair Ojito stated, "My problem is that if you are creating an overlay, which creates a certain theme for the whole Becker Corridor, then this particular property would be exempt by doing this." The Planning and Zoning Director said, "I don't believe so." The Planning and Zoning Board Attorney asked, "Your concern is that it would be exempt from the Overlay District requirements?" Vice Chair Ojito replied, "Yeah, because you are approving them based on current zoning requirements, which then would change because the Overlay District would supersede the general zoning requirements, normally." The Planning and Zoning Board Attorney advised, "They wouldn't be exempt from it. They would still be subject to it. Just because you rezone a property, the Overlay District will still apply. The Overlay District just slaps down additional restrictions. They would have the right to object and potentially challenge that decision, if they felt it affected their property rights. They are not exempt, as the Overlay District applies, uniformly, no matter how recent or what zoning was recently approved. It is going to apply." Mr. Finizio pointed out, "Which is why we went ahead with this, because we thought if anything else, we wouldn't have to put it back."

Brad Currie, Engineering, Design & Construction, said, "I represent the applicant. I think we have been in the system, as we originally submitted the application on February 28, 2014. When we were back before you in 2014, I think I said something along the lines that there has been three studies on this corridor. All three studies said that this intersection, where my client's property is, deserved some commercial. At that time, it was determined that we would do another study on Becker Road to see what the uses are that could be along that corridor. Again, for the fourth time, it was identified that commercial is deemed an appropriate use at this intersection. I come before you again, two years later, stating that there have been numerous studies done. All of the studies have said that this corner deserves commercial, and that is what we are asking for."

Mr. Currie continued, "As far as the overlay goes, I think your attorney explained it correctly. My client is aware that there is an overlay coming and understands that there may be some design criteria that they would have to follow as part of the overlay. Having the Commercial land use and zoning is one step closer to allowing development on this property. We are in agreement and understand that we will be subject to the overlay, once it is approved."

Secretary Martin said, "I've been up here for a long time and you have been here longer than me. You are right, we have beat this thing to death. I remember this Board, at the time, had a Special meeting with the City Council and this came up, which was probably the third or fourth time that this Board had a chance to discuss this in the sunlight. There was a reference, and I don't remember who engaged with then City Attorney Booker, but in essence, if we don't do something for these people, we have created a moratorium on development. This particular corner that is in reference to this application, I don't think too many reasonable people would object to. It is on a lighted intersection, at a corner. If it was an interior lot between two primary intersections, maybe more of us on the Board would object to it. Without a perception that we've created a moratorium, I think it is about time we made a decision for some of these people."

Ms. Skurka **moved** to approve P14-037, Florida Recreation & Investments, Comprehensive Plan Amendment, Small Scale. Ms. Beutel **seconded** the motion, which **passed** by roll call vote with Vice Chair Ojito, Ms. Skurka, Ms. Breakenridge, Ms. Beutel, and Secretary Martin voting in favor, and Mr. Harrison abstaining. (**Clerk's Note:** The Voting Conflict form is attached.) The Planning and Zoning Director asked, "Did we open the Public Hearing on this one?" Vice Chair Ojito replied, "We opened it in one part." The Planning and Zoning Director said, "Okay, we need to do the other Public Hearing."

### H. P14-038 FLORIDA RECREATION & INVESTMENTS – REZONING

Vice Chair Ojito opened the Public Hearing. There being no comments, Vice Chair Ojito closed the Public Hearing. Secretary Martin said, "I would like my previous comments to be included in the record," and **moved** to approve P14-038, Florida Recreation & Investments, Rezoning. Ms. Beutel **seconded** the motion, which **passed** by roll call vote with Vice Chair Ojito, Ms. Skurka, Ms. Breakenridge, Ms. Beutel, and Secretary Martin voting in favor, and Mr. Harrison abstaining. (**Clerk's Note:** The Voting Conflict form is attached.)

## 8. NEW BUSINESS

### A. QUASI-JUDICIAL PROCEDURES

The Planning and Zoning Board Attorney said, "Legal is recommending that the Board consider, comment, and ultimately the Council approve, a set of formal quasi-judicial procedures. It is an area identified as lacking a little bit. The purpose of quasi-judicial procedures is to ensure a clear record of the decision that is made, both at the Planning and Zoning Board level and the Council level, to ensure due process is afforded to the applicant and to any third party or public commenters, as well as to comply with the case law and the Florida Statute. When you look at these procedures, you are going to think it is going to be run like a court case. I assure you that the vast majority of matters that come before you will not. It actually allows for staff and the applicants to agree to waive certain procedures, if there hasn't been any public interest. By allowing a process of swearing in potential people that are going to be making comments; I don't know if you witnessed the last Council meeting, but it becomes an issue. Not that we can't take as evidence comments from the general public, but the recommendation is that there should be a swearing in of people that intend to speak on any item. You can do it at the beginning of the meeting before you enter that portion of the agenda, which contains the public hearings that the quasi-judicial procedures will apply to. You can indicate anyone wishing to speak on an item before a public hearing is to stand up to be sworn in and there will be a brief swearing in process. You will also announce ex parte communications. To the extent an applicant, a third party, or a resident has spoken to you about an item, you should announce, for the record, that you had those ex parte communications. The law says that an applicant or third party should be able to ask you about those third party communications. How often will that happen? It may never happen, but by making those announcements, it is being consistent with the case law."

**CITY OF PORT ST. LUCIE**
Planning and Zoning Department
121 S.W. Port St. Lucie Blvd., Building B
Port St. Lucie, FL 34984-5099
www.cityofpsl.com

# MEMORANDUM

**TO:** Patricia Roebling, Interim City Manager

**FROM:** Patricia A. Tobin, AICP, Planning & Zoning Director

**DATE:** September 22, 2016

**RE:** Draft Becker Road Overlay – Proposed Future Land Use
Related to Items 8A and 8B on the September 26, 2016 City Council Agenda

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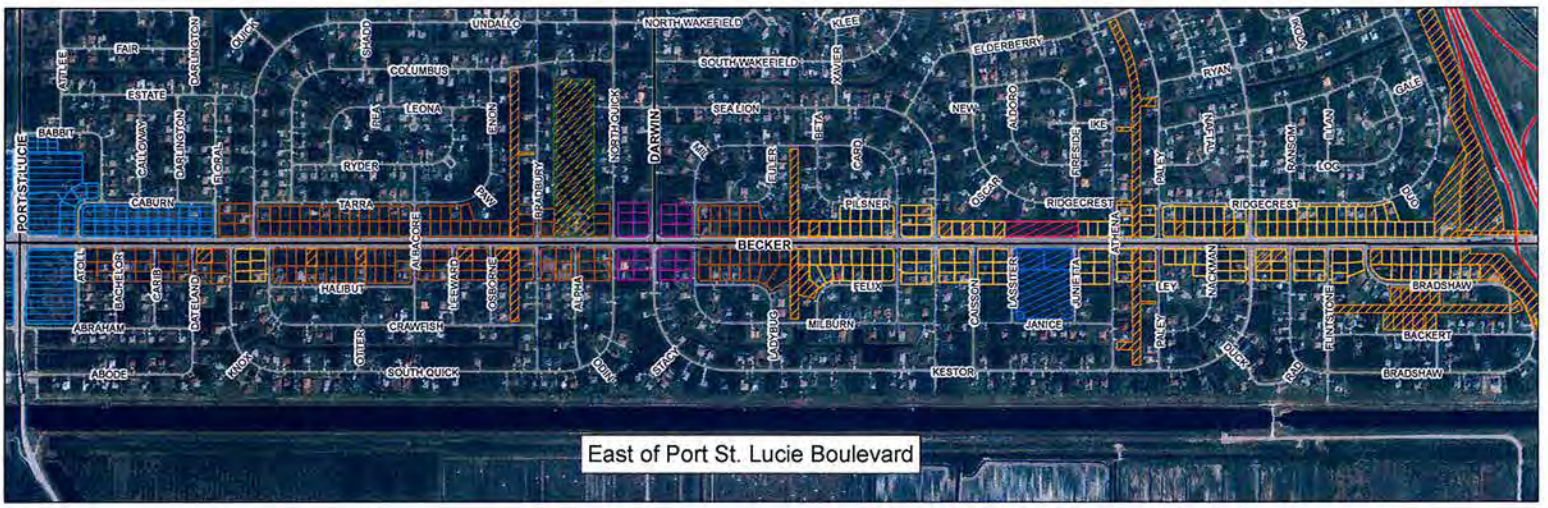
At the City Council meeting on August 22, 2016, the Mayor requested that staff present a preview of the Becker Road Overlay that staff is working on. As you know the Becker Road Overlay was a recommendation of the Neighborhood Plan for Planning Area 4S.

I have attached 4 maps illustrating our first draft at the overlay district. Two maps show the corridor between Port St. Lucie Boulevard and the Turnpike and one of those maps is over an aerial. The other two maps are for the segment between Port St. Lucie Boulevard and I-95 with one map over an aerial.

Any input, recommendations and/or suggestions from the City Council would be appreciated as we move this overlay district forward.

# Proposed Becker Road Overlay of Future Land Use




East of Port St. Lucie Boulevard

0.095 0.0475 0 0.095 0.19 0.285 0.38 Miles

N

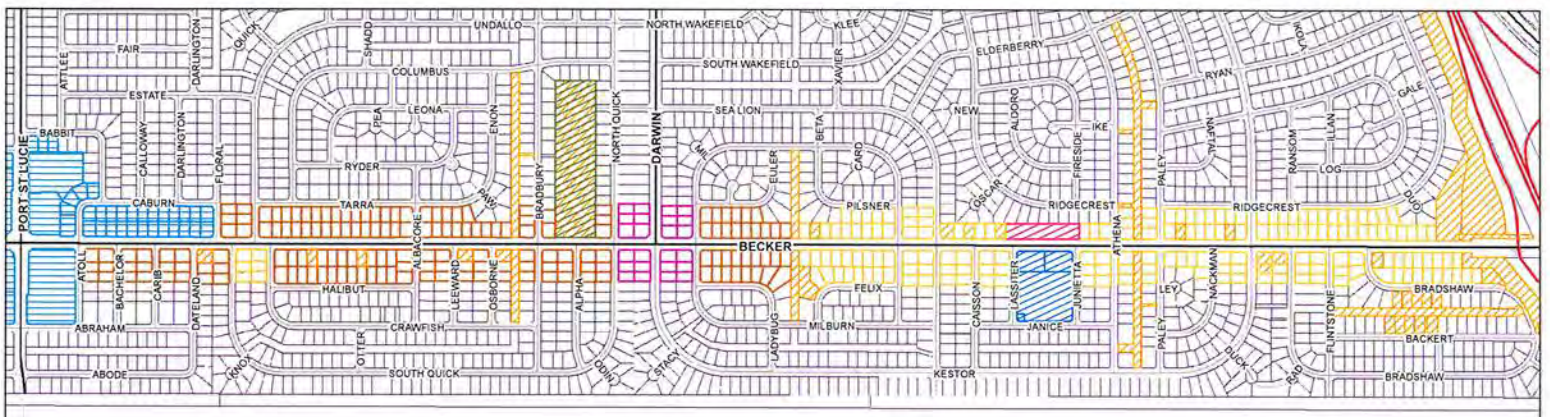
S

Port St. Lucie and Becker Road Intersection

**Legend**

- Existing OSR Land Use
- Existing ROI Land Use
- Existing CL Land Use
- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use




East of Port St. Lucie Boulevard

0.095 0.0475 0 0.095 0.19 0.285 0.38 Miles

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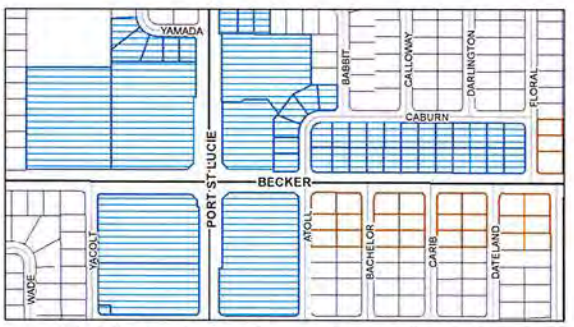
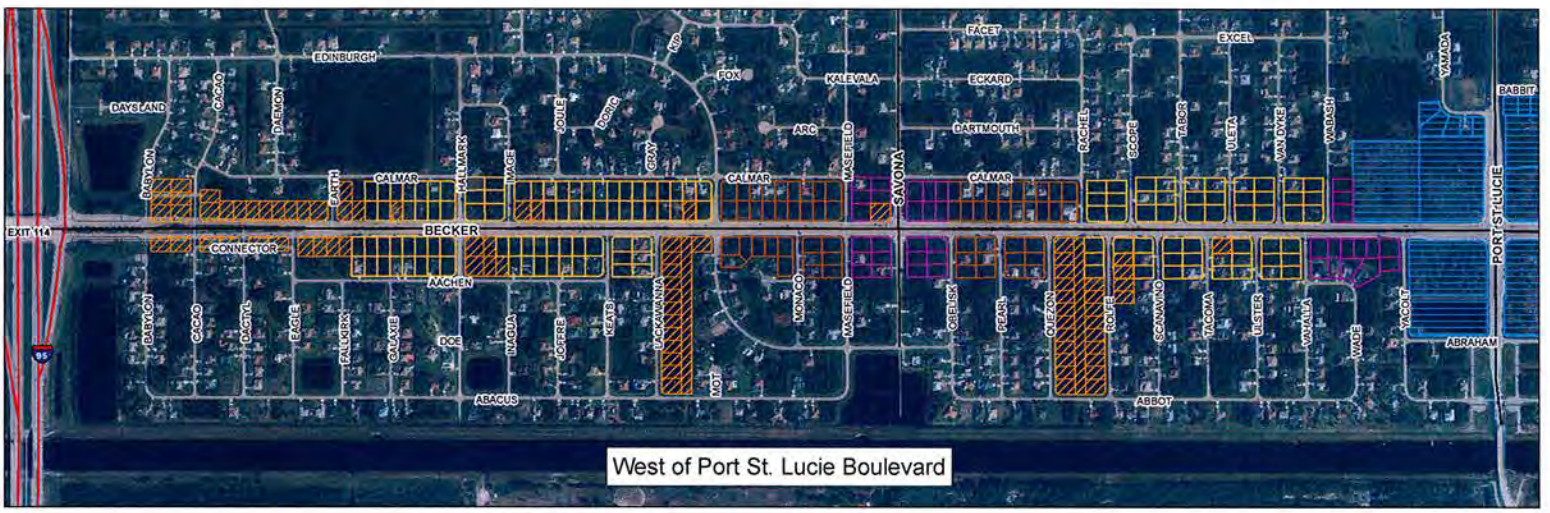



Port St. Lucie and Becker Road Intersection

**Legend**

- Existing OSR Land Use
- Existing ROI Land Use
- Existing CL Land Use
- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use




0.1 0.05 0 0.1 0.2 0.3 0.4 Miles

N

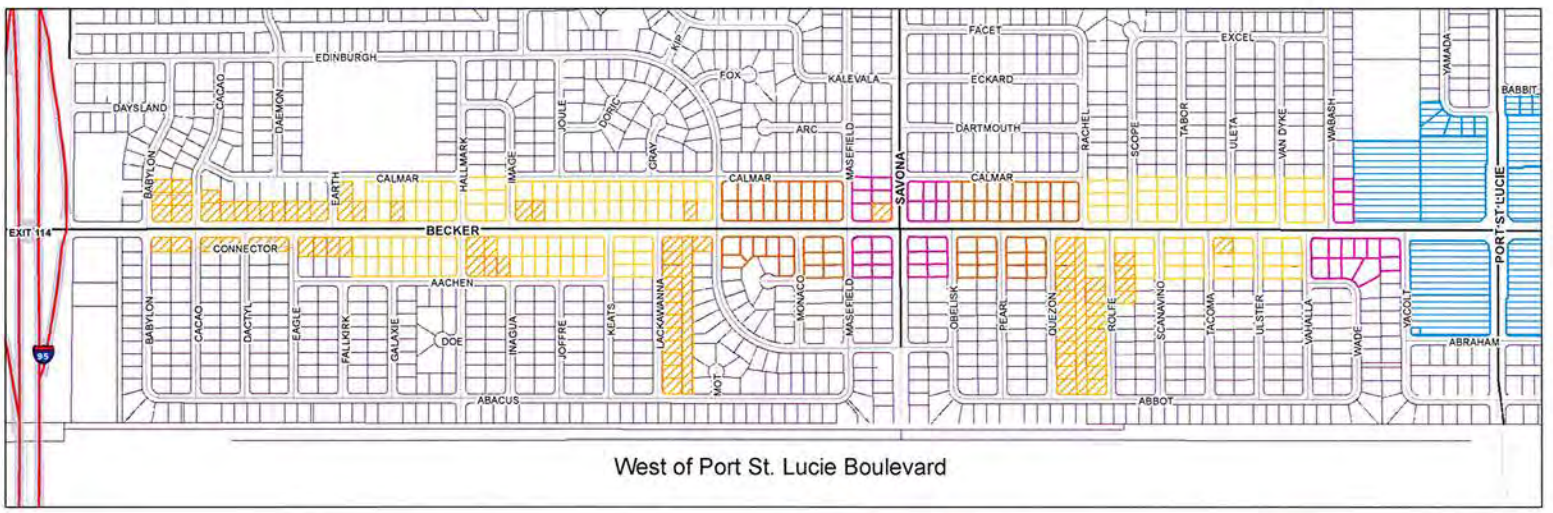
S

Port St. Lucie Boulevard and Becker Road Intersection

**Legend**

- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use




West of Port St. Lucie Boulevard

0.1 0.05 0 0.1 0.2 0.3 0.4 Miles

N

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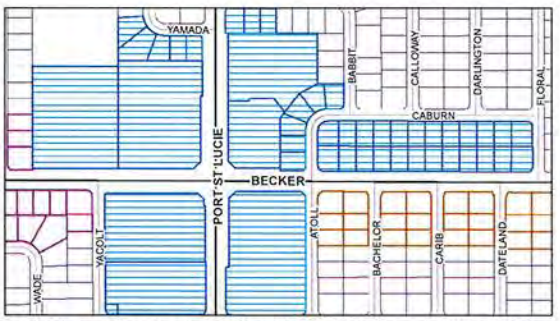


Port St. Lucie Boulevard and Becker Road Intersection

**Legend**

- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

COUNCIL ITEM 10A
DATE 8/22/16

COUNCIL ITEM 8B
DATE 9-12-16

COUNCIL ITEM 8A
DATE 9-26-16

ORDINANCE 16 -56

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS,** the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, as subsequently amended; and

**WHEREAS**, pursuant to Subsection 163.3187(1), Florida Statutes, the proposed amendment constitutes a City of Port St. Lucie permitted small scale amendment to the City of Port St. Lucie Comprehensive Plan; and

**WHEREAS,** the City of Port St. Lucie has received an application from Florida Recreation and Investments, Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24, located on the northwest corner of Darwin Boulevard and Becker Road, for a small scale amendment to change the Future Land Use Map of the City of Port St. Lucie Comprehensive Plan, in accordance with Section 163.3187 (1) (c), Florida Statutes, to change approximately 1.57 acres from the future land use designation of RL (Low Density Residential) to the future land use designation of CG (General Commercial); and

**WHEREAS,** the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174 et. seq., Florida

Statutes, and having held a public hearing thereon, has considered this proposed amendment (P14-037) to the Comprehensive Plan and submitted its recommendations thereon to the City Council; and

**WHEREAS**, the City Council held a public hearing on September 12, 2016 to consider the proposed small scale amendment, advertising of the public hearing having been made; and;

**WHEREAS,** having considered the recommendations of the Planning and Zoning Board, The Port St. Lucie City Council desires to hereby formally adopt this amendment (P14-037) to the City's Comprehensive Plan as a Small Scale Amendment in accordance with Section 163.3187, Florida Statutes.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

(a) The Future Land Use Map is hereby amended to designate approximately 1.57 acres of land in Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24 by changing the future land use designation from RL (Low Density Residential) to the future land use designation of CG (General Commercial).

Section 2. The provisions of the Ordinance are severable and, if any section, sentence, clause or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or

portions.

Section 3. The effective date of this plan amendment shall be thirty-one (31) days after the adoption, pursuant to Section 163.3187(3) (c), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this_____ day of _____, 2016.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10A
Meeting Date: August 22, 2016
September 12, 2016

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

THRU: Daniel Holbrook, Assistant City Manager – Community Development Director

FROM: Patricia A. Tobin, AICP, Director of Planning and Zoning

Agenda Item: Ordinance: Florida Recreation and Investments – Small Scale Comprehensive Plan Amendment (P14-037)

16-56

Submittal Date: 8/9/2016

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is requesting to change the future land use of six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor could be considered. This public input was considered as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for Interim City Attorney Azlina Goldstein on August 9, 2016.

**CITY COUNCIL:** City Council unanimously recommended to table this small scale comprehensive plan amendment on May 27, 2014 (minutes of this meeting are attached).

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, with a vote of 6-1, recommended to deny this small scale comprehensive plan amendment on May 6, 2014 (minutes of this meeting are attached).

Staff would like to recommend that this comprehensive plan amendment be sent back to the Planning and Zoning Board to allow them to review the application with City Council's approval of the Planning Area 4 South Neighborhood Action Plan, and staff's updated staff report.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 8/22/2016

**LOCATION OF PROJECT:** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF

RECEIVED
AUG 1 1 2016
CITY MANAGER'S OFFICE

65.02, COUNCIL FINDINGS; SECTION 65.03, DEFINITIONS; AMENDING SECTION 65.04, APPLICABILITY OF CHAPTER; AMENDING SECTION 65.05, AUTHORIZATION OF CITY MANAGER; AMENDING SECTION 65.06, WATER USE RESTRICTIONS; AMENDING SECTION 65.07, PENALTIES; ENFORCEMENT; AMENDING SECTION 65.08, GENERAL PROVISIONS; AMENDING SECTION 65.09, CONTROL OF BACKFLOW AND CROSS CONNECTIONS; AMENDING SECTION 65.10, INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-30 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 14-30. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-30. The **motion passed unanimously** by roll call vote.

**f) ORDINANCE 14-31**, AMENDING CHAPTER 53, WELLFIELD PROTECTION; CREATING CHAPTER 67, WELLFIELD PROTECTION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-31 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Bowen **moved** to approve Ordinance 14-31. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-31. The **motion passed unanimously** by roll call vote.

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled under this item.

10. **FIRST READING OF ORDINANCES**

**a) ORDINANCE 14-32**, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND PORT ST. LUCIE LITTLE LEAGUE, INC.

The City Clerk read Ordinance 14-32 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 14-32. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-32. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 14-33**, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD 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 14-33 aloud by title only. Councilwoman Martin said, "I would like to ask the Council to table this item. We have been having this discussion about Becker Road and where we are going to go with it. I noticed that staff has recommended denial based on the fact that it is inconsistent with our Comprehensive Plan. On both sides of this issue, we have requests for development for rezoning and requests to leave certain areas alone. I have had feedback on possibly doing something along the lines of pocket parks. If we go forward with this tonight, we will be piece-mealing Becker Road. I have spoke to the City Manager and the Assistant City Manager, Daniel Holbrook, who oversees the Planning and Zoning Department, to come back to us at the June Workshop and look at a corridor approach, and possibly fit it in with our future Neighborhood Planning to see what it will look like. There have been charrettes that occurred in 2008, and here we are six years later and nothing was done with the corridor because of the economy, because Becker Road was being widened. I'm not saying that I'm not for development, as I am in certain areas. I just want to make sure that when we have an opportunity to deal with Becker Road, we can look at the whole four miles together in one plan, as opposed to piece-mealing it and putting the City in a situation where we are making it a corridor that we don't want. I would like to table it, but I don't want to put it off indefinitely. I realize people have property rights and want to be able to make changes, and everyone should be afforded the opportunity to come forward with those applications. I want to do it as a whole plan and look at it together, as opposed to piecing it together." Mayor Faiella clarified, "So you want to table it to the next Workshop." Councilwoman Martin stated, "I would like to table the item for now, and discuss it in further depth at the Workshop. That area needs to be looked at, as far as being a gateway to the City. There will be more information at the Workshop, and we can see how we want to go from there."

Councilwoman Berger said, "I support that. With this project, there are some consistencies with what we wanted back then. It was the right types of developments in the right areas, and

specific corners make sense. The large Port St. Lucie Boulevard and Becker, and Darwin and Becker areas; those corners are ripe for commercial development, if it is done the right way. Part of what the conversation was back then was if they are going to develop it, we want them to come forward with a package of land. We didn't want them to bring one or two lots forward to develop into commercial property, because it is not consistent with the plan. Options like this one where they have taken six lots and created something that would work for the large amount of people that live there that don't have a lot of options without driving too far. I support tabling it, so we can get some consistency. I hope we don't have to get into another year to two years worth of discussion and charrettees, because it costs money as well. We can take what we have learned and what we like, and leave what we don't." Councilwoman Martin commented, "I agree." Mayor Faiella suggested, "I would like some community input also." Councilwoman Martin remarked, "It will come forward at that time."

The City Clerk read Ordinance 14-33 aloud by title only. Councilman Bowen **moved** to table Ordinance 14-33. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for table of Ordinance 14-33. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 14-34**, AMENDING THE 2013-14 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2013-14 BUDGET AMENDMENT NO. 2. 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 14-34 aloud by title only. Councilman Bowen **moved** to approve Ordinance 14-34. Councilwoman Martin **seconded** the motion.

Councilwoman Berger said, "I'm not going to be supporting this because of one particular part. I have questions on other portions of it. If I could have the City Manager get back to me regarding the portion on the FTE count for the City Council Office being increased to 1.63. It is one of the programs that I don't agree with. Many things that are happening out of the City Manager's Office are amazing, but this is one that we just don't agree on. I think that there is an opportunity to solve a problem perhaps, and I appreciate the City Manager's Office looking into to trying to solve that problem. My personal feeling is that it is a problem that could be solved amongst the

Development Director, "Can you give us some direction? We have an issue with the 42 foot lots. How do we approach this?" The Assistant City Manager/Community Development Director stated, "This is one of those interesting cases where you have a PUD Amendment and it is not a black and white issue. Staff shared our concerns and the applicant has stated that they believe those concerns are mitigated by the design they've provided. Your recommendation needs to include any conditions that you believe would be appropriate. If you believe that what they've shared is sufficient, you can recommend approval. If you feel that conditions need be attached to guarantee a certain level of architecture, you can include that. If you're completely opposed to the concept, you have the right to recommend denial. It's an interesting situation. As far as the public's concerns go, the Board will make a recommendation. This will then go on to the City Council as an Ordinance. Ordinances require two readings before the City Council. The first reading is a standard one, and the second one is the Public Hearing. Mr. Finizio noted that there were other issues that needed to be addressed before this goes to the City Council." Vice Chair Ojito stated, "I think that Verano is a commercial venture and the developer is going to create something that is cohesive to the area he is developing in. My opinion is to approve with no conditions." Vice Chair Ojito **moved** to approve P14-032, Verano PUD 1 - PUD Amendment No. 8 & Concept Plan, with no conditions. Chair Kurek stated, "The only condition that was offered by staff was Ambros Way, which is already under construction, so it is not relevant whether we have it in there or not. If we approve it with no conditions, it means we're approving it as presented. It would include the 42 foot lots, which would be reviewed again by the Board and the Site Plan Review Committee." The Assistant City Manager/Community Development Director stated, "All plats that create more than two lots are required to be reviewed by the Site Plan Review Committee, then this Board will make a recommendation and ultimately the City Council has the right to approve." Chair Kurek stated, "So that issue could come up at a later date anyway." The Assistant City Manager/Community Development Director responded in the affirmative. Mr. Martin **seconded** the motion, which **passed unanimously** by roll call vote.

**E. P14-037 FLORIDA RECREATION & INVESTMENTS - COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Chair Kurek stated, "We have two Items that are concerning Becker Road and Darwin Boulevard. I would ask Mr. Holbrook to explain the status of this area of land." The Assistant City Manager/Community Development Director replied, "The topic of Becker Road has been before this Board and before the City

Council. It's been a topic at a number of Workshops and public charrettes over the past several decades. We're still having this discussion with City Council. They had a Workshop in April, and there were some concerns with this subject that were raised. A petition had been submitted to the City Council, so they recommended that we take up this topic, and try to get more public feedback before we make any additional proposals to the Council. Council discussed a four-mile stretch of undeveloped land between I-95 and the Turnpike. It's undeveloped on the north side and the south side, so the question is whether the land use and zoning be changed, because right now, it would essentially only accommodate single-family residential. It's very obvious that there is no market for it at this time. The current policy is low-density residential and single-family residential zoning on that entire corridor, except for a few intersections, which are primarily on Port St. Lucie Boulevard. We're in the midst of that conversation, and I'm sharing that with the Board to let you know that a policy has been established through the City's Comprehensive Plan, Land Development Regulations, and the Zoning Code. The next two applications are a request to change that policy. Council has had numerous discussions, and has yet to provide direct policy change, but they have asked for additional information. City staff is preparing an RFP, and we'll take this back to a future Council Workshop, hopefully, the one in June. We will confer with Council at that time to see if they wish to hire a consultant to assist us with this matter. Last month, the applicant for these two items requested that these applications be postponed, due to the conversations the City Council was going to have at the Workshop. We'll need to have Public Hearings on these applications, and I'd be happy to answer any questions."

Mr. Finizio stated, "P14-037 is a small scale Comprehensive Plan Amendment application. The owner of the property is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road. The approximate size of these lots are 1.57 acres, or 68,285 square feet. The existing zoning is RS-2 (Single-Family Residential), and the existing Land Use is RL (Low Density Residential). The requested land use designation is CG (General Commercial). The applicant is requesting to change the future land use of these six lots from RL (Low Density Residential) to CG (General Commercial), in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor. The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4

of the Future Land Use Element of the City's Comprehensive Plan states, 'Future growth, development, and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with sound planning principles including: the prevention of sprawl; energy efficiency; natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.' Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting this residential land use would not be consistent with sound planning principles, and could possibly adversely impact the character of the adjacent residential neighborhood."

Mr. Finizio continued, "Over the years, there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential, and incorporating more non-residential and multi-family uses, because the City was beginning to notice that Becker Road may be well suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted, or implemented. Except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on Becker Road, where everyone looked at the entire Becker Road corridor. Therefore, any changes made to the Becker Road land use and zoning designation should not be looked at by piecemeal, but as a collective whole. On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from the City Council, the Planning and Zoning staff made a brief presentation that discussed the current status of Becker Road and the major studies that were completed on Becker Road. It was agreed that the topic of Becker Road would be discussed further at a future City Council Workshop. This City Council Workshop took place on April 11, 2014. After a brief introduction, this presentation was pulled because it was felt that meeting with the stakeholders was appropriate prior to making any land use changes on Becker Road. Therefore, until there is a land use policy change for Becker Road, any Comprehensive Plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a Comprehensive Plan has been approved for the entire Becker Road area. The Future Land Use Map identifies this area as low density residential (RL), and converting these six lots to General Commercial could have a negative impact on the Darwin Boulevard and Becker Road intersection, not to mention the surrounding residential

neighborhoods. The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from the Planning and Zoning Board and the City Council on the future character of the Becker Road corridor. Additionally, with the existing 99,000 square-foot Veranda Falls Shopping Center, approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor, not just lot by lot, or site by site. Until the City Council makes a determination on how they would like the Becker Road corridor to grow, staff believes that any Comprehensive Plan approval for this area is premature. That being said, the Planning and Zoning Department staff finds the petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report. Also, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual Comprehensive Plan amendment approvals." Chair Kurek asked if there were any questions.

Ms. White asked, "Mr. Finizio, has there been an interest in commercial ventures along the Becker Road corridor?" Mr. Finizio responded, "There have been four commercial plans submitted in the past, but all of them have expired. There was a proposed CVS on the corner of Port St. Lucie Boulevard and Becker Road. There was a Commercial PUD on the northwest corner of Port St. Lucie Boulevard and Becker Road. There were also two minor Site Plans further to the east, but nothing has ever materialized." Ms. White asked the Assistant City Manager/Community Development Director, "Have the Planning and Zoning Board and the City Council ever come together for a Workshop?" The Assistant City Manager/Community Development Director responded in the affirmative and added, "This is a very appropriate topic for a Workshop. We know that there is interest in this topic, but we don't have a policy change. It is very beneficial for the City Council to hear the Board's opinions on Becker Road. We know what there could be under the current policy. There are approximately four houses in a four mile stretch, and everything else is vacant. I think many people love the green area, but there are property owners who could build houses up and down the entire length, if they chose to. I ask people if they'd want to live there, because a lot of times those properties become rental properties. There are a lot of things that should be considered when we look at changing a policy. At this point,

staff believes this to be premature. If the Board requests a meeting with the City Council, we can put that request forward." Vice Chair Ojito asked the Assistant City Manager/Community Development Director, "Does Planning and Zoning have an up to date vision of how Becker Road should look, based on the research over the years?" The Assistant City Manager/Community Development Director replied, "Planning and Zoning has a variety of studies and visions that have been processed, reviewed, and prepared by City staff or consultants. None of those have received a recommendation of approval. There are a variety of concepts, and they've been presented to the City Council, but none of them have had traction." Vice Chair Ojito stated, "You've submitted a document, which lists homeowners that approve rezoning Becker Road. Does this represent a consensus? How many homeowners are in agreement?" The Assistant City Manager/Community Development Director stated, "I can't give you numbers and statistics, but I'd say that the property owners up and down Becker Road favor change."

Mr. Martin stated, "I'm more familiar with the conversion areas in the City. Can you draw a correlation between what we hope to do with Becker Road versus what we have done with Bayshore Boulevard or Port St. Lucie Boulevard? I would suggest that the latter two are dysfunctional, from a planning perspective." The Assistant City Manager/Community Development Director responded, "City staff, the public, and the elected officials have seen the effects of conversion areas. There is concern that we don't want to duplicate that on Becker Road, or anywhere else in the City. A lot of the sites are too small, and there are conflicting uses when the sites abut residential areas. The question is, do we want change on Becker Road, and if so, what does it look like? There are repercussions sometimes either way, so we need to explore it further. We know what the conversion areas look like, and can learn lessons from them. We can change land uses among certain parcels, while leaving the ones next to them unchanged." Mr. Martin said, "Right now, in our conversion areas, you can build a commercial building on a minimum 20,000 square-foot lot. If we looked at that kind of policy, going forward, we could have many two to three lot conversion packages, which I feel is not in the best interest of the City." The Assistant City Manager/Community Development Director stated, "In the past, we've have presentations regarding lessons we've learned from conversion areas. We've learned that you need more land to adequately accommodate commercial development. Some people choose to build houses, as you can see, on Port St. Lucie Boulevard. There has been new construction in the past decade, even though they are in a conversion area. There are a lot of things that need to be discussed, and the public has a lot of

input on what they'd like to see." Mr. Martin asked, "If we're to help establish a policy, could that policy include minimum lot requirements and buffering? Some of these people who bought property on Becker Road did not expect to be living next to commercial developments. If we make recommendations to the City Council, can we address those types of things?" The Assistant City Manager/Community Development Director replied, "It could definitely be considered." Ms. White stated, "I think Mr. Martin is addressing the bigger issues. This Board should sit down with all the stakeholders and the City Council to develop a grand vision for Becker Road. I'd like to hear from the applicant." Mr. Finizio added, "Brad Currie is acting as the agent for this Item."

**BRAD CURRIE**, Red Tail Design Group stated, "I'm representing the EDC and Rod Kennedy for the two applications. There is a Comprehensive Plan Amendment to change the land use of the property, and a rezone application as well. We are asking for a Comprehensive Plan Amendment to change the land use from Residential Low to General Commercial, and a Rezoning application to go from RS-2 to CG. Rod Kennedy, and I, and the two property owners that are here today believe that the Becker Road corridor should begin to take on a more commercial character. It is a major roadway in the overall scheme of the City. I will present a few aerial pictures of the property in question." (**Clerk's Note:** Mr. Currie presented aerial views of the property.) Mr. Currie continued, "While there is residential land use and zoning surrounding the property, there are no actual structures abutting the subject property. Darwin Boulevard is a lit intersection. There are two lanes in either direction, and turning lanes at the major intersections. The reason we are here today is because of the past studies. The Assistant City Manager/Community Development Director mentioned that none of the studies were ever adopted by the Board. There are a total of five different studies, and it was discussed in February and April of this year. There has been a lot of discussion about Becker Road, but unfortunately, there hasn't been a lot of action as far as setting a policy. No direction has been given as to what the future will be for that area. The Assistant City Manager/Community Development Director mentioned an RFP to do another study, and I think it's interesting that we would spend time and money on a study when we've done five in the past, and haven't adopted anything. What we're proposing is six lots at a lit intersection. Six lots of land at a major lit intersection is a good commercial corner. Whatever happens in the future, I think this corner will be commercial in the future. I do not believe that moving forward with an application today is premature, because I believe this corner will be a

commercial corner in the future. I believe this is the only section along Becker Road where six lots are under one ownership, except for the intersection of Port St. Lucie Boulevard and Becker Road. There are five major lit intersections along Becker Road. I think that's important, because they are major intersections. Even though the land uses and zonings are residential, it is not a residential roadway. I think the roadway is the most significant change, which has changed the character of the area. Addressing the Southwest Annexation area, Becker Road is proposed to go from I-95 to Range Line Road, which is an existing road. There are supposed to be a total of four roadways that run north and south. One roadway is built now, Village Drive, and the remaining three will go to Gatlin. That will be the only other interchange that all of these residents will use. This area has been annexed into the City, and has received a Comprehensive Plan approval. We are only waiting for the zoning. Becker Road is the only roadway in the entire City that has interchanges on I-95 and the Florida Turnpike. If the future residents want to get to the Turnpike, they're going to take Becker Road. Becker Road from the Turnpike to the Southwest Annexation area will be seeing an increase of trips over time, and is not a street where you would want to build a house."

Mr. Currie continued, "There was a recent article in the paper that stated that Divosta was going to build 358 new homes east of Becker Road. These residents would have to take Becker Road to get to I-95. Becker Road was increased because the City saw that there would be a need to move people from the east part of the City to the west part, and vice versa. The proposed development would have an impact on the future of Becker Road. There was some previous discussion about Becker Road, Port St. Lucie Boulevard, and Bayshore Boulevard. Those are different, in the sense that there were a lot of residential homes before they began to transition. Becker Road is different because there aren't any residential homes; the Assistant City Manager/Community Development Director stated that there were only four homes. As far as General Commercial not being compatible with Residential Low Density, there are many times in the City where these two land uses abut each other. From my experience, it happens a lot. What we're requesting on this property is no different from what happens throughout the City. Mr. Finizio mentioned sprawl in his presentation. I'm a planner, and it is my opinion that having additional commercial along some of the stretch of Becker Road would reduce sprawl. I was speaking to someone who lives on Becker Road, and they mentioned that it would be nice if they didn't have to drive so far to go to a Dunkin Donuts, or a convenience store. Those local uses

close to their home would shorten drive times and reduce the amount of trips on the roadway. Again, Becker Road is the only road that has both and I-95 and a Turnpike interchange. It's a four-lane divided highway, and is not a residential-friendly road. The property we are proposing today has six lots. Regardless of the future, I believe this piece will be commercial. Why hold my client up because of another study? If you were telling me I could move forward after one study, that would be okay, but history says five studies have been done, and no action has been taken. My clients are seeing people come to them asking about commercial development on this property. They've lost several potential tenants because of the lack of not being able to use it for commercial. My client sent out 500 notices to people within a quarter of a mile. She got a 10% return back, which is about 50 people. The majority of those people were in support of the change to commercial. What are we telling the property owners on Becker Road? Are we telling them to develop it as residential? I hope not, because that's not the right move. Are we telling them to develop it as commercial? No, we've said we won't allow commercial. I'd like for you to put yourself in the position of a property owner on Becker Road. Let's say you want to do something with your property, and you're not getting any direction from the City. One such person will speak now."

**SHIRLEY CHEVIGNY** stated, "I'm one of the property owners. I've been here since 1978, so I've seen a lot of change. There were 11,000 people here when I moved here; there are 170,000 people here now. I was the first person to build an office building west of the Turnpike. I was the first person to build a gas station on Gatlin Boulevard. I'm now looking to do something with this property. This is very unique, in that it is an isolated piece of property. It is bordered on three sides with streets, and has a traffic light. No one is going to build a house on this property. We've waited since 2008 to have the City do something, and they've chosen to do nothing. I'm here asking you for General Commercial so that we can develop it." Chair Kurek opened the Public Hearing.

**LARRY BANNISTER** stated, "I live at 215 Liseron Way in St. Lucie West, but I also jointly own a piece of property at 211 Quick Street, which is adjacent to the area being discussed today. When they showed these properties, they numbered them one through six. I'm adjacent to number four. I have two grandchildren that live there, and they walk down Darwin Boulevard to get to the bus. There are no sidewalks. There have been a series of children walking to their bus stop and getting struck. Children who live less than two miles from a school are not eligible to ride on a bus. Other than the obvious problems, there is a bigger danger. The small area of

Becker Road, when you get off of I-95, is pretty, so leave it that way. There are plenty of commercial areas to be developed. Why would you take a residential neighborhood and start turning it into another commercial road for the benefit of a few investors? Previous Boards have voted down commercialization. I'd like to see this Board do the same, and keep this as a residential neighborhood."

**MICHAEL CONCHLIN** stated, "I live at 4671 S.W. Alpha Street, about five houses south of Becker Road. I moved here in 1977. I've also seen a lot of the construction that is going on, and one of the people who used to work for the City a long time ago said, 'If you do what you did, you get what you got.' That was something that stuck in the back of my mind ever since then. I learned a lot from listening and getting involved with the charrette that was held by the Treasure Coast Regional Council about five or six years ago. At that time, they had several hundred people who assisted in developing what could have been called a Master Plan for Becker Road. It was adopted, although Mayor Minsky didn't like the idea. To see this opened up again makes me wonder why the people voiced their opinion in the first place. There were supposed to be traffic circles, specifically at the intersection we're discussing, and one further to the east. None of that came to fruition, but we had hoped that at least it wouldn't become commercialized. We were prepared for it to become Light Commercial. The expectation was that it would be multiple floor units, with office buildings on the bottom and apartments on top. We were willing to have that, because people would be in a neighborhood with Light Commercial. To see someone trying to profit by changing this property into Heavy Commercial is exactly what we don't want."

**DIANE STROUD** stated, "I live at 332 S.W. South Quick Circle, which intersects with Becker Road, and is about a block from Darwin Boulevard. I just moved here from Illinois in November of 2012. I picked the area because of the serenity in the neighborhood, and because it wasn't surrounded by commercial property. The first Planning and Zoning meeting I ever attended was when this item came up on the agenda, and it was tabled at that time. I then went to the Workshop, and City Council tabled it, because Councilwoman Martin said she wanted to talk to the homeowners. When the study was done in 2008, there were a lot of people who didn't live there yet. I would hate to see it turn into Bayshore Boulevard. It would break up the serenity, which is the reason we like it there."

**OLIVER BROWN** stated, "I reside at 473 S.W. Kestor Drive. I'm in the proverbial eye of the storm. I'm directly across the street from the subject site. I relocated here six years ago from New York City, and I had a certain view of how I wanted to raise my young children. The environment of the community in which I made

a long term investment to buy a home is subject to change, and I am very concerned. I love the environment in the community. The first couple of years after I moved here, I spent some time in Ft. Lauderdale. A lot of the things I saw in Brooklyn is what I saw in south Florida, and I see it transitioning north to Port St. Lucie and the neighboring counties. I'm all for change and development, but the essence of family and community needs to hold true within our society, it is being breached here. Many of the concerns I have with this particular rezoning classification and possible commercial development would include lighting, rodent infestation, the increase in traffic, the quality of life, safety for our children and families, increased water usage, and property value ramifications. I'm not sure what kind of business they wish to put in place, but the hours of operation could influence the type of people who would be in the area at any given time of the night. Being a father, I wish to preserve a certain lifestyle for my children, and I don't want to see that taken away. You mentioned all the corridors in Port St. Lucie where this transition has taken place, specifically, Bayshore Boulevard and Port St. Lucie Boulevard. I do not want to see Becker Road turn into that, and I vehemently oppose this rezoning."

There being no further comments, Chair Kurek closed the Public Hearing. Mr. Currie said, "I don't have any direct response to the comments. They were fairly general comments about not wanting commercial development. As I was sitting here, I was thinking about how I own an office building on Port St. Lucie Boulevard. Port St. Lucie Boulevard is getting a lot of negative comments, but I love my office building. I back right up to neighbors, and I leave at 5 p.m. or 6 p.m. I also think of Prima Vista Boulevard from Airoso Boulevard to U.S. 1. It's a four-lane roadway, which is similar, with the exception of the divided median. I sit on the St. Lucie Code Enforcement Board, and that's the heaviest area of Code Enforcement for all of St. Lucie County, because they are winter-occupied houses. They can't sell them, because no one wants to live there, so they are typically rented out. When thinking about planning, I would consider Prima Vista Boulevard to follow the Do Nothing Plan. There are derelict houses there. I'd rather have my office building on Port St. Lucie Boulevard than one of the derelict houses on Prima Vista Boulevard. I don't know why the roundabouts weren't built. If we are approved, we will build sidewalks along our frontage, and there are existing sidewalks along Becker Road. Safety is very important to us."
Ms. White asked, "How many applications have come to the City from this owner?" Mr. Currie responded, "The applicant has submitted two applications, which are the ones before you today.

This is the only time they've ever submitted applications." Ms. White stated, "They've owned the property since 2008, but this is the first time they've come forward." Mr. Currie responded in the affirmative. Mr. Sanders asked, "Mr. Currie, have you considered submitting a PUD in lieu of General Commercial?" Mr. Currie replied, "I'm not as familiar with the Code as I should be. The majority of the more intensive uses, for example, gas stations or convenience stores, are Special Exception Uses. We won't be able to put a gas station up overnight, we'd have to come back before this Board and ask for a Special Exception. To be honest, I don't think it's a good spot for a gas station. I actually like neighborhood convenience stores. I like being able to go for a short drive to get my goods. Any of the aforementioned uses would have to come back before this Board." Chair Kurek stated, "We can approve this, deny it, or table it again. I truly sympathize with Mr. Currie and his client. The Council can't seem to figure out what they want to do with this. The last study was in 2008." The Assistant City Manager/Community Development Director stated, "That was a unique study that was used and funded by the FDOT to show a typical conversion in a pre-platted corridor." Chair Kurek stated, "The other studies were in 2006, and the economy has changed a lot since then, so we have to rethink what we're doing. This is a situation where we need to rethink what we want to do. I'm not sure that this Board is in a position to push it forward. I will not be voting in favor of this." Mr. Martin stated, "I've been on this Board for five years, and I try to be logical and ask a lot of questions. I would like to know what came first, was it a commercial zone next to residential, or was it residential that was converted? In this case, we have a 4.5 mile stretch that's going to be a key corridor. The applicant stressed how integral that four mile stretch will be going forward. I think we need to get this right. I don't want to see this conversion area turned into another Port St. Lucie Boulevard, Bayshore Boulevard, or Prima Vista Boulevard. I agree with Mr. Currie, I'm sure he likes his converted house, and that's appropriate. We're the ninth largest city in Florida. My vision for this is Heavy Commercial. You're going to see national brands on that road. I can imagine lifting the height standard to allow buildings taller than 35 feet. With that said, I think it needs to be handled delicately. These people bought property adjacent to a road that was strictly residential ten years ago. The public input is going to be contrary to what I believe, and my vision for that four mile stretch. In most cases, if you bought property next to a commercial zoned property, you should've done more due diligence. In this case, the people that bought adjacent to Becker Road bought what they thought was residential. In most cases, I have very little

sympathy for people who buy next to commercial, then say they don't want commercial use. In this case, it's going to be tough. I think we need to go back to the Land Development Regulations. We need to have minimum sizes, minimum depths, and change buffering. I think this is going to be a very significant General Commercial corridor throughout the City. We can't allow this one to take place, because it'll set a precedent, and then we'll have the same situation we have on Bayshore Boulevard, Port St. Lucie Boulevard, and Prima Vista Boulevard. I can't support making any changes to this corridor at this time."
Vice Chair Ojito stated, "I'd like to give the opposite opinion. This corridor can also be like the Crosstown Parkway, where there is no commercial. I wouldn't recommend approving this Item either, because it can be the opposite. I think that we should have a joint meeting with City Council to move this subject along and get more public input." Ms. White stated, "It's unfortunate that the property owner has owned the property since 2008, and has watched the property just sit there. The traffic light was put in, and I'm not sure why. It may have been because of the school. They have an opportunity to sell that property, and make it commercial, but I'm not sure if that's their intent. I said before that I would hold my personal comments, because I live in Southbend, which abuts to Becker Road. My neighborhood would also be affected by any commercial industry along Becker Road, because people may want to venture through Southbend to get to Becker Road. When they opened the Becker Road corridor to Southbend, I knew we were going to have additional traffic. The commercial aspects on Becker Road are not doing well. At this time, I can't see how any commercial can be successful. I will not be recommending approval. We need to look at the broader picture, and have a meeting with all of the stakeholders."
Secretary Martin stated, "The application itself is reasonable. I share the thought that there will be commercial on this corridor in the future. I think it's important to take a comprehensive look at it overall, but I'm frustrated, because we tabled this Item to today's meeting in order to have dialogue with the City Council. I don't know if my one lone vote in favor of this will convey the importance of this topic to the City Council. I don't think it's fair to kick the can down the road to the applicant, nor the residents, who are in a state of flux. I'd like to see something definitive done, and if that's a vote in favor of this, that's what I'll do."

Chair Kurek stated, "I think I see a consensus here. Do we want to deny this Item or table it again?" Mr. Martin **moved** to deny P14-037. Vice Chair Ojito **seconded** the motion. The motion to deny passed by roll call vote, with Chair Kurek, Mr. Martin, Ms.

Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

Ms. White **moved** to request City staff organize a Workshop between the Planning and Zoning Board and the City Council to discuss the Becker Road corridor. Vice Chair Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

**F. P14-038 FLORIDA RECREATION & INVESTMENTS - REZONING**

Mr. Finizio stated, "This is a rezoning application, and is concurrent with the Comprehensive Plan Amendment. The existing zoning is Single Family residential, or RS-2, and the requested zoning is General Commercial. As noted in the Comprehensive Plan Application, staff believes the proposed zoning request is not compatible with the surrounding residential neighborhoods located immediately north, south, and west of the site. Having something as intense as general commercial abutting residential zoning would not be consistent with sound planning principles, and has the potential to adversely impact the character of the adjacent residential neighborhood. That being said, the Planning and Zoning Department staff finds the current petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report."

Chair Kurek opened the Public Hearing. There being no comments, Chair Kurek closed the Public Hearing. Ms. White **moved** to deny P14-038, Florida Recreation & Investments - Rezoning. Ms. Skurka **seconded** the motion. The motion to deny P14-038 passed by roll call vote, with Chair Kurek, Mr. Martin, Ms. Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

**G. P14-042 VINCENZO MARZELLA/ST. LUCIE CRICKET CLUB - SPECIAL EXCEPTION USE**

Ms. Kuruvilla stated, "This is a Special Exception Use application for the St. Lucie County Cricket Club. The applicant is Brad Currie, with Redtail Design Group. The owner is Vicenzo Marecella. The property is located on the east side of SW South Macedo Boulevard, between SW Lakehurst Drive and SW Swan Avenue. The legal description is Lots 16, 17, and 18, Block 74, Port St. Lucie Section 28. The approximate size is 0.69 acres. The existing zoning is WI, Warehouse Industrial, and the applicant is requesting a zoning to CS, Service Commercial. The Second Reading is at next week's Council Meeting on May 12th. The

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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*TO:* **CITY COUNCIL - MEETING OF AUGUST 22, 2016**

*FROM:* **JOHN FINIZIO, PLANNER** jf

*RE:* **FLORIDA RECREATION & INVESTMENTS**
**SMALL SCALE – COMPREHENSIVE PLAN AMENDMENT**
**PROJECT NO. P14-037**

*DATE:* **AUGUST 9, 2016**

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***PROPOSED PROJECT:*** The applicant is requesting to change the future land use of six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

This comprehensive plan amendment application was reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the Becker Road corridor can be considered. This public input was included as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***EXISTING LAND USE DESIGNATION:*** RL (Low Density Residential).

***REQUESTED LAND USE DESIGNATION:*** CG (General Commercial).

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## *IMPACTS AND FINDINGS:*

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development.

| Existing Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **RL (Low Density Residential** | 1.57 | 5 du/ac | 1,963 | 1,668 |

The total water demand for the existing land use is estimated at 1,963 gpd, with an estimated wastewater generation of 1,668 gpd.

| Proposed Future Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **CG (General Commercial)** | 1.57 | 20,517 sq ft | 2,565 | 2,180 |

| **Land Use** | **Water (gpd)** | **Wastewater (gpd)** |
|---|---|---|
| Existing: RL | 1,963 | 1,668 |
| Proposed: CG | 2,565 | 2,180 |
| Difference between land uses | 602 | 512 |

With the proposed land use change, there is an overall increase in water demand for this property; the proposed land use will have a water demand of 2,565 gpd, with a total wastewater generation of 2,180 gpd. Both potable water distribution and sanitary sewer collection systems are available for this property.

***Transportation:*** The number of vehicle trip ends projected to be generated from the existing land use is 100 (ITE, Land Use Code 210). The number of vehicle trip ends projected to be generated from the proposed future land use change is approximately 915. (ITE, Land Use Code 814 (Specialty Retail Center)). Trip projections are calculated by using the Institute of Transportation Engineers (ITE) "Trip Generation Manual, 8th Edition". This represents a net increase of 815 vehicle trip ends.

| **Existing Use Traffic Analysis** | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use - Residential** | **Coverage** | **Weekday Avg. Trip Ends** |
| **210** | Single Family Residence | 5 du/ac | 100 |
| **Total** | | | 100 |

| **Proposed Use Traffic Analysis – High Turnover Restaurant** | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use – General Commercial** | **Coverage** | **Weekday Avg. Trip Ends** |
| **814** | Specialty Retail Center | 20,517 | 915 |
| **Total** | | | 915 |

This project is located on the northwest corner of Darwin Boulevard and Becker Road and the additional vehicle trips could have an impact on traffic on this corner. Becker Road is currently operating at a Level of Service of C. There is a traffic light at this intersection.

***Parks/Open Space:*** Not applicable as this is a commercial project.

***Schools:*** Not applicable as this is a commercial project.

***Storm Water:*** The project will be required to provide paving and drainage plans that are in compliance with adopted level of service standards (document other drainage issues if needed).

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available to accommodate this project.

***Environmental:*** As identified in the Environmental Assessment for this property, the site "shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits." The report also indicates that the entire site is

devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirements as outlined in the City's Landscape Code (Chapter 154), and the applicant will be required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identity each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Flood Zone:*** The following site is found in Panel Number 12111C0405J, zone X and is considered to be outside the 500 year flood plain.

***Police:*** The department's response time is approximately 6-10 minutes for emergency calls. This proposed comprehensive plan is not expected to adversely impact that response time.

***Fire/EMS:*** The nearest fire station is No. 13 which is located at 201 SE Becker Road. The St. Lucie County Fire District does not list response times for each individual station because of the necessity of responding with another station. This project will not impact adequate service delivery.

***Compatibility Analysis:*** Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporating more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that focused on the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council on how to proceed with development on the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, the presentation was pulled by Councilwoman

Martin due to the lack of input from local stakeholders. Shortly after this workshop a solicitation request for a neighborhood planning RFP was approved for the Planning and Zoning Department. This RFP was for the creation of a neighborhood plan that would cover six (6) planning areas in the City.

At the conclusion of the RFP process, Tindale Oliver, a planning, design, and engineering organization, was contracted to complete the neighborhood plans for six planning areas, which included planning areas 1, 3, 4N, 4S, 6, and 7. In addition to these basic neighborhood plans, the RFP also required Tindale Oliver to focus on the Becker Road corridor, which was being rolled up into the neighborhood planning project and required to be completed with the neighborhood plan for Planning Area 4S.

There was quite a bit of public outreach involved in the overall planning process. This included citywide focus groups, public workshops, as well as a focus group specifically for the Becker Road property owners. Even though the subject of Becker Road was discussed at all the workshops for Planning Area 4S, the Becker Road Focus Group provided us with the clearest picture of what the shareholders want to see developed along the Becker Road corridor, and this information was included in the neighborhood plan for Planning area 4S.

The main topics that were discussed during the Becker Road Focus Group included:

1. Discussing lot requirements, such as sizes, depth and other setbacks,
2. Identifying potential commercial and mixed use areas along the corridor,
3. Discussing the appropriate building scale and orientation,
4. Possible neighborhood services for the area,
5. Importance of public parks and recreation centers,
6. Location and importance of gateway and entry signage.

All this information was assimilated and included in the Planning Area 4S Neighborhood Action Plan in Becker Road Overlay District.

After meeting with the local stakeholders, it was quickly evident that most wanted to see more commercial opportunities along the Becker Road corridor. With the lack of commercial space within Planning Area 4S, this sentiment was easy to understand. Therefore, as it relates to this comprehensive plan amendment, the information included in the Becker Road Overlay District is simple: "develop commercial and mixed-use nodes at primary intersections along Becker Road to anchor the corridor and create local destinations and create transitional areas between the three nodes and the single-family homes."

The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016 City Council meeting. After a short presentation from staff, and some discussion from council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously.

Planning and Zoning Staff will be preparing a corridor wide comprehensive plan amendment, which will help direct growth on Becker Road as it is identified in the neighborhood plan. However, since this application was submitted, and subsequently tabled by City Council on May 27, 2014, it was determined to bring this comprehensive plan amendment back to City Council prior to the corridor wide comprehensive plan amendment staff will be submitting.

***Justification/Mitigation*:** The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. After the approval of the Planning Area 4 South Neighborhood Action Plan, it is clearly evident that the City is beginning to see the Becker Road corridor as something other than a residential corridor, and as such commercial development is the next logical step in the development of the Becker Road corridor. However, as outlined in the neighborhood plan, this commercial development should be limited to areas that identified the Becker Road Overlay District, Section Seven (7) of the Planning Area 4 South Neighborhood Action Plan.

Section 7 limits commercial development to the major transportation nodes on Becker Road. These nodes include: Port St. Lucie Boulevard and Becker, Savona Boulevard and Becker, and Darwin Boulevard and Becker. Since the property in question is located on the northwest corner of Darwin Boulevard and Becker Road, which is identified as a major transportation node, commercial development at this location is justified by the approval of the Planning Area 4 South Neighborhood Action Plan.

Please note: Staff is also recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented. This overlay district should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements as outlined in the approved neighborhood plan.

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## ***STAFF RECOMMENDATION:***

With the subsequent approval of the Planning Area 4 South Neighborhood Action Plan by City Council, The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval of the proposed amendment based on the analysis and findings as noted in the staff report.

Additionally, staff recommends that an overlay district for the Becker Road corridor between I-95 and Florida's Turnpike be created as noted in the neighborhood plan prior to any individual site plan application approvals.

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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*TO:* PLANNING & ZONING BOARD - MEETING OF MAY 6, 2014

*FROM:* JOHN FINIZIO, PLANNER

*RE:* COMPREHENSIVE PLAN AMENDMENT APPLICATION – SMALL SCALE
PROJECT NO. P14-037
FLORIDA RECREATION & INVESTMENTS

*DATE:* APRIL 21, 2014

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***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Boulevard. and Becker Road.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***EXISTING LAND USE DESIGNATION:*** RL (Low Density Residential).

***REQUESTED LAND USE DESIGNATION:*** CG (General Commercial).

***PROPOSED PROJECT:*** The applicant is requesting this comprehensive plan amendment to change the future land use of these six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

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***IMPACTS AND FINDINGS:***

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development.

| Existing Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| Land Use | Acreage | Coverage | Projected Water (gpd) | Projected Wastewater (gpd) |
| RL (Low Density Residential | 1.57 | 5 du/ac | 1,963 | 1,668 |

The total water demand for the existing land use is estimated at 1,963 gpd, with an estimated wastewater generation of 1,668 gpd.

| Proposed Future Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| Land Use | Acreage | Coverage | Projected Water (gpd) | Projected Wastewater (gpd) |
| CG (General Commercial) | 1.57 | 20,517 sq ft | 2,565 | 2,180 |

| Land Use | Water (gpd) | Wastewater (gpd) |
|---|---|---|
| Existing: RL | 1,963 | 1,668 |
| Proposed: CG | 2,565 | 2,180 |
| Difference between land uses | 602 | 512 |

With the proposed land use change, there is an overall increase in water demand for this property; the proposed land use will have a water demand of 2,565 gpd, with a total wastewater generation of 2,180 gpd. Both potable water distribution and sanitary sewer collection systems are available for this property.

***Transportation:*** The number of vehicle trip ends projected to be generated from the existing land use is 100 (ITE, Land Use Code 210). The number of vehicle trip ends projected to be generated from the proposed future land use change is approximately 915. (ITE, Land Use Code 814 (Specialty Retail Center)). Trip projections are

calculated by using the Institute of Transportation Engineers (ITE) "Trip Generation Manual, 8th Edition". This represents a net increase of 815 vehicle trip ends.

| Existing Use Traffic Analysis | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use - Residential** | **Coverage** | **Weekday Avg. Trip Ends** |
| **210** | Single Family Residence | 5 du/ac | 100 |
| **Total** | | | 100 |

| Proposed Use Traffic Analysis – High Turnover Restaurant | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use – General Commercial** | **Coverage** | **Weekday Avg. Trip Ends** |
| **814** | Specialty Retail Center | 20,517 | 915 |
| **Total** | | | 915 |

This project is located on the northwest corner of Darwin Boulevard and Becker Road and the additional vehicle trips could have an impact on traffic on this corner. Becker Road is currently operating at a Level of Service of C. There is a traffic light at this intersection.

***Parks/Open Space:*** Not applicable as this is for a commercial project.

***Schools:*** Not applicable as this is for a commercial project.

***Storm Water:*** The project will be required to provide paving and drainage plans that are in compliance with adopted level of service standards (document other drainage issues if needed).

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available to accommodate this project.

***Environmental:*** As identified in the Environmental Assessment for this property, the site "shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits." The report also indicates that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's

Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identity each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Flood Zone:*** The following site is found in Panel Number 12111C0405J, zone X and is considered to be outside the 500 year flood plain.

***Police:*** The department's response time is approximately 6-10 minutes for emergency calls. This proposed comprehensive plan is not expected to adversely impact that response time.

***Fire/EMS:*** The nearest fire station is No. 13 which is located at 201 SE Becker Road. The St. Lucie County Fire District does not list response times for each individual station because of the necessity of responding with another station. This project will not impact adequate service delivery.

***Compatibility Analysis:*** The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4 of the Future Land Use Element of the City's Comprehensive Plan states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities." Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting residential land use would not be consistent with sound planning principles and could possibly adversely impact the character of the adjacent residential neighborhood.

Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporate more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on the Becker Road corridor, and every one looked at the entire Becker Road corridor. Therefore any changes made to the Becker Road land use and zoning designation should not be looked at being done piecemeal, but as a collective whole.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council where to proceed with the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin because she felt that meeting with the stakeholders is appropriate prior to making any land use changes along the Becker Road corridor. Therefore, until there is a land use policy change for Becker Road, any comprehensive plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a comprehensive plan has been approved for the Becker Road area.

The future land use map identifies this area as low density residential (RL), in fact most of the Becker Road Corridor has this future land use designation, and converting these six (6) lots to General Commercial could have a negative impact on the Darwin Blvd., Becker Road. intersection and the surrounding residential neighborhoods.

***Justification/Mitigation***: The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from The Planning and Zoning Board and City Council on the future character of the Becker Road corridor. With the existing 99,000 square foot Veranda Falls shopping center approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor not just go lot by lot, or site by site. Until City Council makes a determination on how they would like the Becker Road corridor to mature, staff believes that any comprehensive plan approvals for this area are premature.

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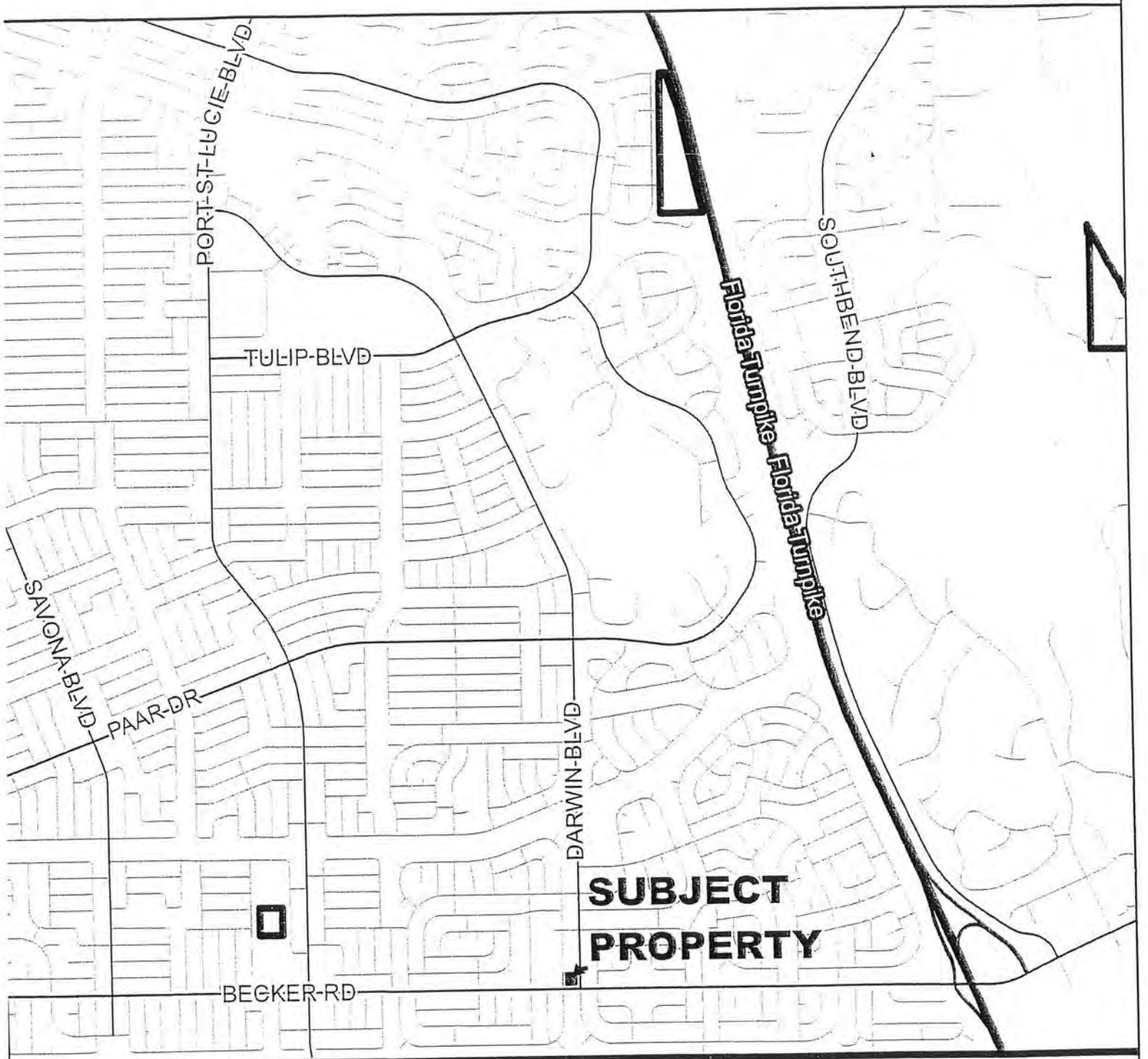
# SITE LOCATION




| | | | |
|---|---|---|---|
| CITY of PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 0.5 miles |

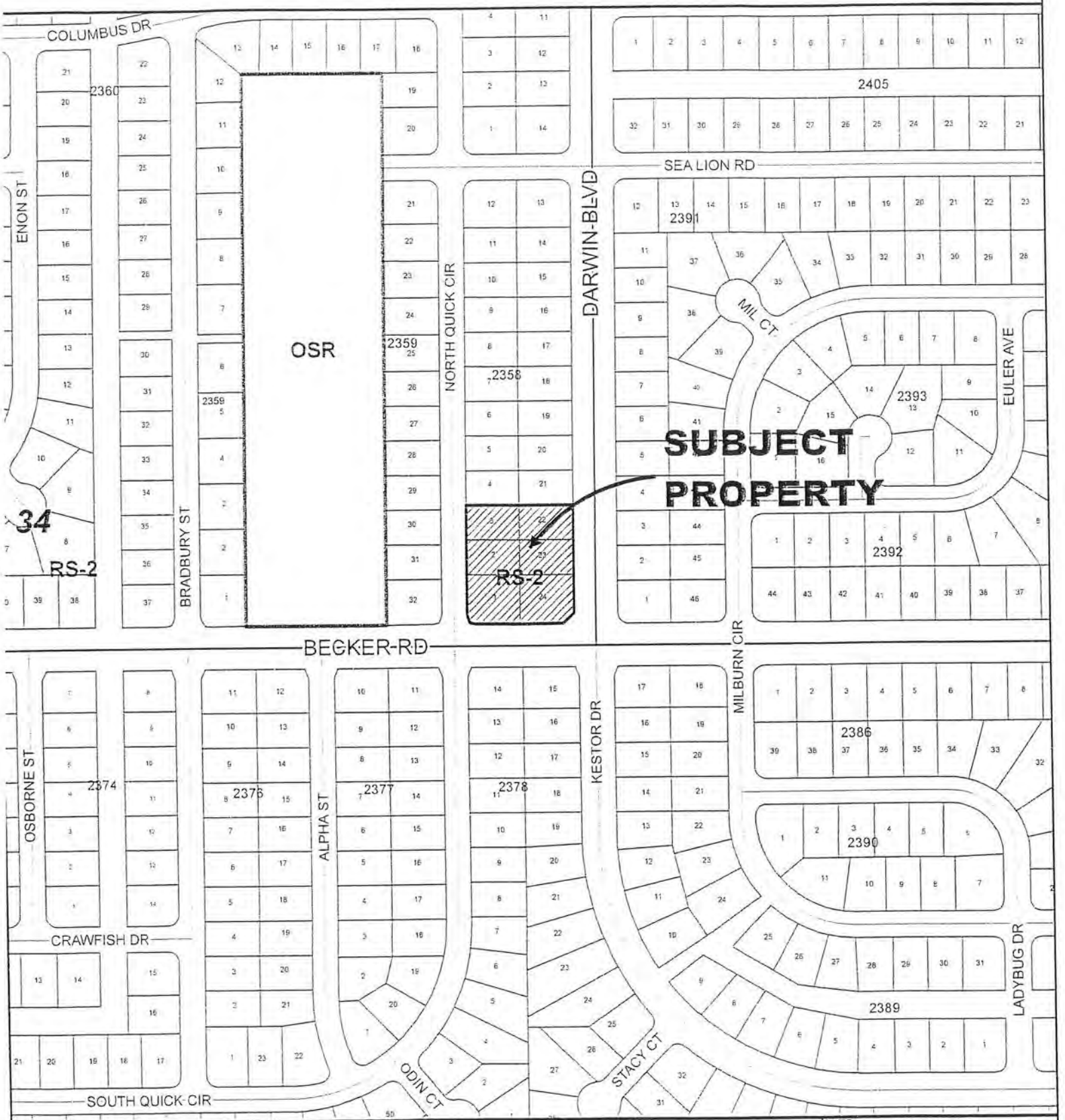
# SITE LOCATION

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 400 ft | |

# SITE LOCATION

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24<br>AERIAL DATE 4/2012 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft | |

# EXISTING ZONING




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

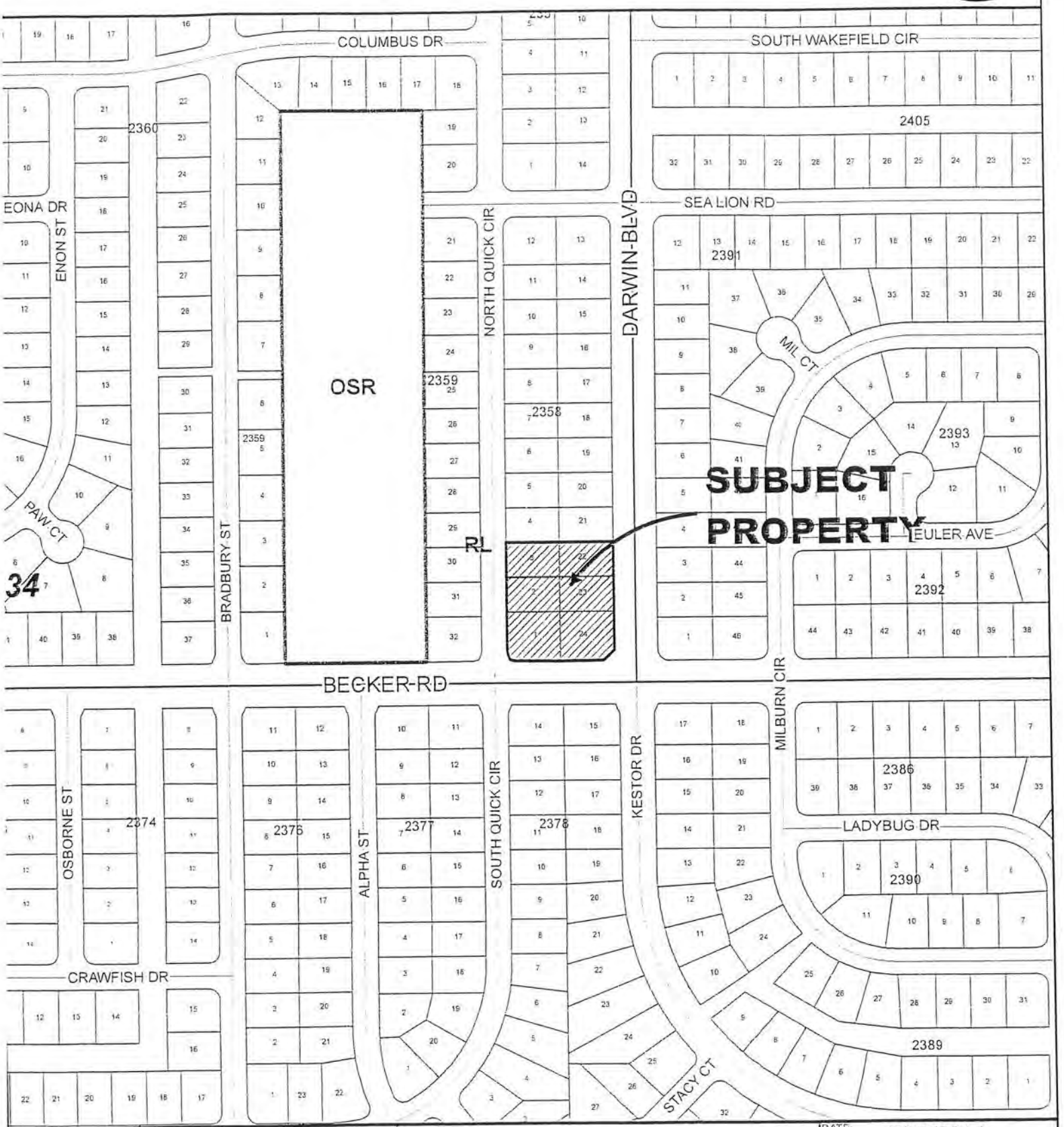
COMPREHENSIVE PLAN AMENDMENT

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/10/2014 |
| APPLICATION NUMBER: | P14-037 |
| USER: | PatriciaS |
| SCALE: | 1 in = 300 ft |

# EXISTING LAND USE




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

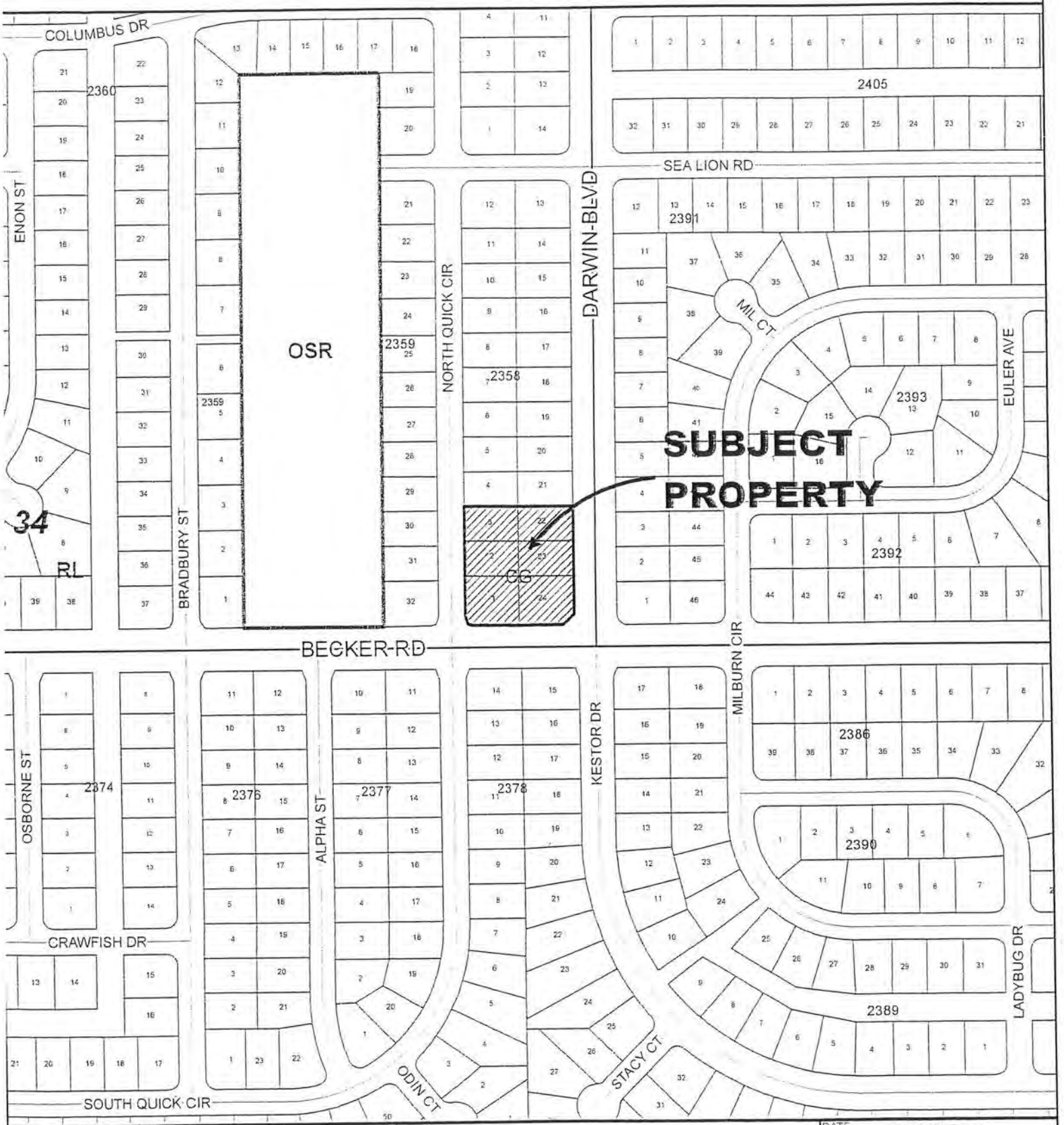
COMPREHENSIVE PLAN AMENDMENT

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/20/2014 |
| APPLICATION NUMBER: | P14-037 |
| USER: | PatriciaS |
| SCALE: | 1 in = 300 ft |

# PROPOSED LAND USE




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

COMPREHENSIVE PLAN AMENDMENT

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/20/2014 |
| APPLICATION NUMBER: | P14-037 |
| USER: | PatriciaS |
| SCALE: | 1 in = 300 ft |

# APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

**CITY OF PORT ST. LUCIE**
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX (772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept P14-037
Fee (Nonrefundable)$ 4,022.80
Receipt # 1020

Refer to "Fee Schedule" for application fee. Make checks payable to the 'City of Port St. Lucie.' Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **All** items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership; two copies of deed. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** rodkennedy@edc-inc.com

## PROPERTY OWNER

Name: Florida Recreation and Investments
Address: 2278 Olympic Club Ter
Palm City, Florida 34990
Telephone No.: 772-873-3232 Fax No.: 772-871-9095

**IF PROPERTY IS IN MULTIPLE OR CORPORATE OWNERSHIP, PLEASE PROVIDE ONE CONTACT PERSON.**

Name:
Address:
Telephone No.: Fax No.:

## AGENT OF OWNER (if any)

Name: Rod Kennedy, Engineering Design & Construction
Address: 1934 Tucker Court
Fort Pierce, Florida 34950
Telephone No.: 772-462-2455 Fax No.: 772-462-2454

RECEIVED
FEB 28 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

## PROPERTY INFORMATION

Boundary Description (attach map) Port St. Lucie, Section 34, Blk 2358 Lots 1 -3 and 22-24.
Property Tax I.D. Number 3420-665-0808-000-6
Current Land Use RL (Residential Low) Proposed Land Use Commercial General (CG)
Current Zoning RS-2 (Residential Single Family) Acreage of Property 1.57 Acres

Reason for Comprehensive Plan Amendment:
The Becker Road area is expected to transition from a residential corridor to a more commercial corridor. Please see the attached Justification Statement for additional reasons.

*Signature of Owner

FLORIDA RECREATION & INV. PROP. LLC
by ALFRED WETZEL MANAGING MEMBER
Hand Print Name

2-27-2014
Date

*If signature is not that of owner, a letter of authorization from the owner is needed.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3197670 OR BOOK ' '4 PAGE 2744, Recorded 04/23/20 at 11:51 AM
Doc Tax: $1400.00

Courthouse Box SLW #09

**Prepared By and Return To:**
Diane Ally
Fast Title Inc.
698 SW Port St. Lucie Blvd., #104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0786-000/5
3420-665-0787-000/2
3420-665-0788-000/9
3420-665-0808-000/6
3420-665-0809-000/3

**File No.** FT20081998

# WARRANTY DEED

THIS WARRANTY DEED dated this 10th day of April, 2008, by SHIRLEY CHERVENY, CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, DANA BROWN, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, ED SEIDNER, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY AND MICHAEL O'JEA, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY hereinafter called the grantors, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A LIMITED LIABILITY COMPANY, whose post office address is 2278 OLYMPIC CLUB TERRACE, PALM CITY, FLORIDA 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in ST. LUCIE County, Florida, viz:

**LOTS 1, 2, 3, 23, AND 24, BLOCK 2358, OF PORT ST. LUCIE, SECTION 34, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.**

**The above described property is not nor has it ever been the homestead of the Grantors. Subject property is vacant land.**

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

DIANE L. ALLY
Witness Print Name

Witness Signature

Michelle S. Dias
Witness Print Name

SHIRLEY CHERVENY

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared SHIRLEY CHERVENY, who is personally known to me or who produced a duly issued license as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 15th day of April, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
DD 638169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature

DIANE L. ALLY
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 04/30/11

COPY

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

David Passaty
Witness Signature

David Passaty
Witness Print Name

Delfin Payret
Witness Signature

Delfin - Payret
Witness Print Name

Michael O'Jea
MICHAEL O'JEA-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

Michael O'Jea
MICHAEL O'JEA-MANAGING MEMBER

State of Texas
County of Walker

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared MICHAEL O'JEA both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced Florida Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 14 day of April, 2008.

MARY DUNSEITH
MY COMMISSION EXPIRES
November 8, 2011

Notary Signature

Mary Dunseith
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 11-8-11

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Print Name

Witness Signature

REGINE GAY

Witness Print Name

ED SEIDNER-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

ED SEIDNER-MANAGING MEMBER

State of FLORIDA

County of BROWARD

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared ED SEIDNER both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced DRIVER LICENSE as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 11 day of April, 2008.

JYOTI V. PATEL
Notary Public - State of Florida
My Commission Expires Jun 16, 2010
Commission # DD 559479
Bonded By National Notary Assn.

Notary Signature

JYOTI V. PATEL

Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6/16/2010

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Danielle Farmer
Witness Signature

Danielle Farmer
Witness Print Name

Burim
Witness Signature

BURIM GURKA
Witness Print Name

DANA BROWN-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

DANA BROWN-MANAGING MEMBER

State of Florida

County of Indian River

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared DANA BROWN both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced Fl Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 16 day of April, 2008.

NOTARY PUBLIC STATE OF FLORIDA
JOYCE FIGAROLA
NOTARY PUBLIC, STATE OF FLORIDA
MY COMM. EXP. AUGUST 14, 2011
COMMISSION NO. 701059

Joyce Figarola
Notary Signature

Joyce Figarola
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 8-14-11

COPY

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Annette Mallin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

R & L FLANZBAUM,
A/K/A RICHARD FLANZBAUM AND
LOUISE FLANZBAUM

RICHARD FLANZBAUM

LOUISE FLANZBAUM

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, who is personally known to me or who produced Florida Dr. Lic. as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires:

WARRANTY DEED
*(Continued)*

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

CREATIVE REALTY MANAGEMENT, INC.
A FLORIDA CORPORATION

Witness Signature

LOUISE PINE, PRESIDENT

Annette Mullin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared LOUISE PINE, THE PRESIDENT OF CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, who is personally known to me or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires: 6-15-08

COPY

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3223739 OR BOOK ' '7 PAGE 2247, Recorded 06/23/20 at 04:34 PM
Doc Tax: $206.50

**Courthouse Box SLW #39**

**Prepared By and Return To:**

Diane L. Ally
Fast Title, Inc.
698 S.W. Port St. Lucie Boulevard, Ste. 104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (follo) Number(s)**

3420-665-0807-000/9

**File No.** 20082025

COPY

# SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED dated this 10th day of June, 2008, by RYAN ANDREW, A SINGLE MAN INDIVIDUALLY AND AS TRUSTEE whose post office address is 4521 PGA Boulevard #201, Palm Beach Gardens, Fl 33418 hereinafter called the grantor, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY whose post office address is: 2278 Olympic Club Terrace, Palm City, Florida 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged and conveyed to the said grantee, and grantee's heirs, executors, administrators and assigns forever, the following described land, situate, lying and being in ST. LUCIE County Florida, to-wit:

LOT 22, BLOCK 2358, OF PORT ST. LUCIE SECTION THIRTY-FOUR, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AN FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.

And Grantor covenants with Grantee that except as noted, at time of the delivery of this deed:

1. The premises is free from all encumbrances made by Grantor, except as follows: (NONE)
2. Grantor will warrant and defend against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

COPY

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

RYAN ANDREW- INDIVIDUALLY

Diane L. Ally

Witness Print Name

Witness Signature

RYAN ANDREW-TRUSTEE

J. Upham

Witness Print Name

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared RYAN ANDREW who is/are personally known to me or ___who produced his/her/their Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10th day of June, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
#DD 638169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Notary Signature

Notary Print Name Diane L. Ally

My Commission Expires: 4/30/11

**Florida Recreation & Investment Properties, LLC**
**2278 Olympic Club Terrace**
**Palm City, Florida 349990**

## AGENT CONSENT FORM

---

Project Name: Becker & Darwin CPA & Rezone

BEFORE ME THIS DAY PERSONALLY APPEARED ALFRED WETZEL, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

> I hereby give CONSENT to Engineering Design & Construction, Inc./Roderick J. Kennedy, P.E. to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to, Northwest Corner of Becker and Darwin Comprehensive Plan Amendment (CPA) and Rezone Applicaiton, for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 26th day of February, 2014, by Alfred Wetzel (Name of Person Acknowledging) who is personally known to me or who has produced FDL W324016404030 (Type of identification) as identification and who did (did not) take an oath.

Jaana D. Jennings
(Signature of Person Taking Acknowledgement)

JAANA D. Jennings
(Name of Acknowledger Typed, Printed or Stamped)

Notary Public
(Title or Rank)

County: St. Lucie
(Serial Number, if any)

(Notary's Seal)
Notary Public State of Florida
Jaana D Jennings
My Commission EE 857042
Expires 12/09/2016

Owner's Signature

ALFRED WETZEL
Owner's Name (Print)

2600 S. KANNER HWY Y-1
Street Address

STUART FL 34994
City, State, Zip Code

(772) 240 4669
Telephone

# Detail by Entity Name

## Florida Limited Liability Company

FLORIDA RECREATION & INVESTMENT PROPERITIES, LLC

## Filing Information

| | |
|---|---|
| **Document Number** | L04000049924 |
| **FEI/EIN Number** | 861112163 |
| **Date Filed** | 07/06/2004 |
| **State** | FL |
| **Status** | ACTIVE |

## Principal Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Mailing Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Registered Agent Name & Address

ALFRED, WETZEL R
2600 S. KANNER HIGHWAY
APT. Y-1
STUART, FL 34994

Address Changed: 01/07/2006

## Authorized Person(s) Detail

**Name & Address**

Title MGR

WETZEL, ALFRED R
2600 KANNER HIGHWAY APT Y-1
STUART, FL 34994

Title MGR

CHERVENY, SHIRLEY
2278 OLYMPIC CLUB TERRACE

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## Annual Reports

| Report Year | Filed Date |
|---|---|
| 2012 | 01/16/2012 |
| 2013 | 01/08/2013 |
| 2014 | 01/08/2014 |

## Document Images

| | |
|---|---|
| 01/08/2014 -- ANNUAL REPORT | View image in PDF format |
| 01/08/2013 -- ANNUAL REPORT | View image in PDF format |
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| 01/07/2006 -- ANNUAL REPORT | View image in PDF format |
| 01/18/2005 -- ANNUAL REPORT | View image in PDF format |
| 07/06/2004 -- Florida Limited Liability | View image in PDF format |

## Justification for Land Use Amendment

**Request**

***The purpose of this application is to request a Future Land Use change. The subject property is located on the northwest corner of Becker Road and Darwin Boulevard. The applicant is proposing to amend the Future Land Use designations of the +/- 1.57 acre property from Residential Low (RL) to Commercial General (CG). This amendment will contribute to an orderly development pattern along Becker Road.***

**Property History and Site Characteristics**

Along with this Comprehensive Plan Amendment Application, the applicant is submitting a concurrent rezoning application to rezone the subject property to General Commercial (CG). The subject property is located within the Urban Service Area of the City of Port St. Lucie. The City will provide water and sewer services to the future development occurring on the property.

The subject property currently has a Future Land Use designation of Residential Low (RL). The property is identified by the following parcel control numbers.

| Parcel ID | Acreage |
|---|---|
| 3420-665-0809-000-3 | .32 Acres |
| 3420-665-0807-000-9 | .23 Acres |
| 3420-665-0786-000-5 | .33 Acres |
| 3420-665-0787-000-2 | .23 Acres |
| 3420-665-0808-000-6 | .23 Acres |
| 3420-665-0788-000-9 | .23 Acres |
| **Total** | **1.57 Acres** |

This request is one of the first to change the Future Land Use designation of a parcel along Becker Road. The existing commercial land uses along the corridor occur at the intersection of Port St. Lucie Boulevard a small property located on the south side of Becker Road at Lassiter Terrace. Over the last several years there have been significant improvements to Becker Road. The roadway is now constructed to a four lane roadway.

In addition to the roadway widening, two new interchanges were also constructed. One was constructed at the Florida Turnpike and more recently the second one was constructed at I-95. Becker Road is the only roadway in the City of Port St. Lucie that has an interchange on both the Florida Turnpike and I-95.

The applicant believes the future of Becker Road in more commercial in character. Especially at the intersections that have traffic signals. There are five traffic signals along Becker. It would appear that commercial development at these intersections would allow residents to obtain goods and services within a short drive of their homes. Today, many residents must drive several miles to obtain goods and services.

There are no wetlands on the subject property. Due to the size, the applicant did not provide a market study.

The applicant understands that the historical policy of the City is keep Becker Road a residential road. The applicant believes that keeping Becker Road residential, would be a lost opportunity for providing a mixture of uses along one of the Cities major roadways.

RECEIVED

APR 24 2014

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

**From:** Edward Bowers <bromley01@aol.com>
**To:** beckerroad.rezoene <beckerroad.rezoene@gmail.com>
**Subject:** the tax poor city of PSL
**Date:** Mon, Apr 21, 2014 12:01 pm

---

Dear who ever you are,

I find it strange that a concerned citizen would not sign his name nor give a return address.

BUT as a home owner living near Becker Rd. I do NOT want Becker Rd to become either Port St Lucie Blvd nor
Prima Vista Blvd. Neither add to the value of surrounding properties and the traffic is terrible on both roads. I presume
that Becker was widened because of existing traffic at that time not to turn my neighborhood into a sad definition of "progress".

I also am aware of the empty store fronts in Veranda Falls shopping center and on Port St Lucie Blvd, Prima Vista where they have
erected buildings without businesses. I would propose these vacancies be filled before any more building.

I find Cross Town Parkway a lovely road to represent a "Green City" Perhaps we should have more roads like that.

I will send this letter and a copy of your letter to both the city council and the zoning board of Port St Lucie. With some
planning for the future, Port St Lucie could be a nice town to live in.

Thank you but I do not, repeat not, want Becker Rd. rezoned.

Suzanne Bowers

Suzanne Bowers

Dear Fellow Port St Lucie Property Owners

The Port St Lucie City Council is in the process of planning for the future development of the Becker Road corridor from the TURNPIKE TO I-95.

The City has four laned Becker Road and added all the Utilities necessary for development.

Currently Becker Road is being taxed as Residential property with the city losing thousands of dollars in tax revenue, after spending millions of tax payers' money for all the improvements that have been completed

The City has approved and has issued permits for 360 homes as part of a 2000 acre sub division on Becker Road. The logical development for Becker Road is to provide the conveniences our neighborhood needs.

The only logical development for Becker Road is commercial. We need your help to achieve this.

**We are asking for your help. Please E mail us your support and we will present the E mails to the City Council. If you have any questions on this E mail us and we will get back to you.**

beckerroad.rezone@gmail.com

**ADDITIONAL INFORMATION**

# CITY OF PORT ST LUCIE

**COUNCIL AGENDA MEMORANDUM**

Agenda Item #: 8P3
Meeting Date: September 26, 2016
2nd Reading

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Ordinance: Public Hearing: Florida Recreation and Investments – Rezoning Application (P14-038) |
| Submittal Date: | 9/12/2016 |

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application (P14-037). The rezoning is being submitted so the property is compatible with the proposed General Commercial (CG) future land use.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor can be considered. This public input was calculated as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4 South on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**BACKGROUND**: City Council considered this comprehensive plan amendment at its first reading on August 22, 2016, and directed it be to be sent back to the Planning and Zoning Board for their review, recommendation and direction.

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, unanimously recommended to approve this rezoning application on September 6, 2016.

**SPECIAL CONSIDERATION**: N/A

**PRESENTATION INFORMATION**: Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF

this at either the last meeting or the meeting prior to that. and it involved sober homes." The Planning and Zoning Director pointed out, "It was an appeal that you saw. Staff denied it and then there was the appeal. We are trying to clean it up. It is in your Code right now, and is 158.233. We will be amending that to streamline the process and provide what Mr. Mullin was mentioning as well." The Planning and Zoning Attorney advised, "It is a restriction on when they can reapply. I think the sober home was the example where they could just submit a new application the very next day. Unless there was a material change, then there would be a time period before which they could reapply." Secretary Martin asked, "Will it make it tougher or easier for an applicant to circumvent the system?" The Planning and Zoning Board Attorney replied, "To circumvent it, tougher, but I think it will make it easier in other regards for the applicant, so that they know more what their standards are and perimeters for an approval." Secretary Martin stated, "Although I've supported these types of facilities, and the Reasonable Accommodations is a critical part of the process, anytime somebody, and I don't care who they are, are putting people, and I would call these patients, in a pickup truck, in a landscape truck to bring them to and from an office environment where they conduct a different component of their business is unacceptable under all circumstances. As a citizen, I wanted to put that on the record, as opposed to going to lectern and making that statement."

The Planning and Zoning Board Attorney said, "I think there were some areas that were a little vague, as far as the standards. They are trying to clarify them, so there is a little more certainty. I'm not sure on the travel where that falls into it, but I think we had identified some issues, as far as some vague conditions. Greg, the gentleman that worked on it is not here, but he can certainly speak to it next time this comes before you." The Planning and Zoning Director commented, "He will be here." Secretary Martin said, "I appreciate it. I didn't want it to go unspoken before we all voted on it. Thank you." The Planning and Zoning Board Attorney remarked, "Of course." Vice Chair Ojito said, "To clarify for the record, P16-115 is being tabled."

**(Clerk's Note:** This item was tabled at the request of the Legal Department.)

**G. P14-037 FLORIDA RECREATION & INVESTMENTS – COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Mr. Finizio said, "Project P14-037 is a Small Scale Comprehensive Plan Amendment, and is being reviewed, concurrently, with the following rezoning application, P14-038." The Planning and Zoning Director stated, "I think we can look at these as one staff presentation, because there is a relationship between the two." Mr. Finizio said, "Correct. They are both the same property. One is a Comprehensive Plan that changed the land use and the other one is just to rezone it. The applicant is Rod Kennedy of Engineering Design & Construction. The owner is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road, and is approximately 1.57 acres in size. The existing zoning is Single-Family Residential, RS-2. The existing land use designation is Low Density Residential, RL. The requested land use designation is General Commercial, CG, and the property is currently vacant. This application is requesting to change the future land

use of 6 lots from RL, Low Density Residential, to CG, General Commercial. I would like to note that both the Comprehensive Plan Amendment and subsequent rezoning application were originally reviewed by the Planning and Zoning Board on May 6, 2014, where both applications were denied. These applications were then reviewed by the City Council on May 27, 2014, where they were tabled, so public input on the Becker Road Corridor can be considered. This public input was included as part of the Neighborhood Planning effort for Planning Area 4S. The applicant has indicated, in their attached justification statement, that the future of Becker Road is more commercial in character. After the approval of the Planning Area 4S Neighborhood Action Plan, it is clearly evident that the City is beginning to see the Becker Road Corridor as something other than a residential corridor, and as such, commercial development is the next logical step in the development of Becker Road. However, as outlined in the Neighborhood Plan, this commercial development should be limited to areas that are identified in the Becker Road Overlay District, Section 7 of the Planning Area 4S Neighborhood Action Plan. Those that are identified here are mostly only at the major nodes of Becker Road, which is Savona, Darwin, and Becker Road that is already zoned Commercial. The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016, meeting. After a short presentation from staff and some discussion from Council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously. The Planning and Zoning Staff did submit the updated staff report to City Council on August 22, 2016, at which time staff also recommended that the Comprehensive Plan and rezoning applications be sent back to the Planning and Zoning Board to allow the review of these applications with City Council's approval of the Planning Area 4S Neighborhood Action Plan, and staff's updated staff report. City Council agreed with this sentiment, and these applications were added to the September Planning and Zoning Board Agenda. The Planning and Zoning staff is preparing a corridor-wide Comprehensive Plan Amendment, which will help direct growth on Becker Road as it is identified in the neighborhood plan. However, since these applications were submitted, and subsequently tabled by the City Council, it was determined to bring these applications back to City Council prior to the corridor-wide Comprehensive Plan Amendment that staff will be submitting at a future date. Please note, staff is also recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road Corridor, as outlined in the approved Neighborhood Plan, be implemented. This Overlay District should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements, as outlined in the approved Neighborhood Plan. With the subsequent approval of the Planning Area 4S Neighborhood Action Plan by the City Council, the Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan, and recommends approval of the proposed amendment based on the analysis and findings, as noted in the staff report. I did receive an e-mail objecting to this request, which was placed on the dais. I also received a phone call from a Mr. and Mrs. Bristol, who live at 307 SW South Quick Circle, and have also objected to this request. Thank you."

Secretary Martin stated, "I was watching the City Council meeting, and I don't know why

I do, but they kicked this back to us." Mr. Finizio stated, "We recommended it. Yes, they did." Secretary Martin said, "When they kicked it back to us, we still don't have a resolution, a policy, or an ordinance that says this is exactly what you can do on Becker Road at these nodes or east and west areas." Mr. Finizio said, "Well, not directly, but indirectly you do, because the Neighborhood Plan for 4S did have the Becker Road Overlay District in it. It recommended commercial development be allowed at the nodes, and is part of the document on the screen, which shows where they would like to see, if any, commercial development." Secretary Martin said, "Okay, so there is a policy in place. It sounds to me like the Neighborhood Planning Policy is still incomplete." Mr. Finizio stated, "It is incomplete because there were six planning areas that are to be reviewed and only three have been done. 4S, which is where Becker Road is located, has been done and approved by the City Council. In theory, by approving the Planning Area 4S Neighborhood Plan, the City Council is saying they pretty much agree with what is in the plan, which is commercial at the nodes."

The Planning and Zoning Director said, "We will be coming back to you, hopefully, by the end of the year with a plan for all of Becker. What is really interesting about Becker, compared to a lot of the other major roads where we have Conversion Areas, is that Becker has a lot of public ownership. You will see a lot of City owned property at the Interstate 95 exit, and even around the Turnpike we have retention areas for Becker. We are going to try to incorporate those into some type of park system, and look at the nodes at these three roads to, hopefully, make some connection. These guys have been waiting over two years. They would have to meet any requirements that we would, eventually, include in our Comprehensive Plan and within our Zoning Code." Vice Chair Ojito said, "This is being rezoned." Mr. Finizio stated, "That is the intention, correct." Vice Chair Ojito clarified, "We are also including a conceptual overlay district." Mr. Finizio said, "No, the only thing in front of you today is the approval of the Comprehensive Plan Amendment to change the land use from RL to CG, General Commercial. That is what this application is and the next application is rezoning, which would change the zoning from Single-Family Residential, RS-2, to General Commercial." Vice Chair Ojito said, "I understand that, but when you do that, change it to Commercial, now you are in an overlay. Normally, an overlay has architectural guidelines and things like that. How are you going to force the applicant to comply with architectural guidelines after we have approved the zoning to current zoning requirements?" Mr. Finizio responded, "That is a complicated question, as most things are. The applicant has been informed that the City's intention is make an overlay district, and no Site Plan can be submitted until this Overlay District is complete and approved by the City Council. Even though it is getting rezoned today, assuming it is approved, nothing can be submitted, Site Plan-wise, until the Overlay District is approved by the City Council." Vice Chair Ojito said, "Personally, I wouldn't approve the rezoning without the condition that they comply with whatever the eventual Overlay District requirements are."

The Planning and Zoning Director said, "Technically, we can't condition rezoning's, legally. They would have to meet the design requirements the City has on the books right now. We might change some of those for this, but we already have design requirements that apply to Conversion Areas, and we would add this area to those

design requirements." Vice Chair Ojito stated, "My problem is that if you are creating an overlay, which creates a certain theme for the whole Becker Corridor, then this particular property would be exempt by doing this." The Planning and Zoning Director said, "I don't believe so." The Planning and Zoning Board Attorney asked, "Your concern is that it would be exempt from the Overlay District requirements?" Vice Chair Ojito replied, "Yeah, because you are approving them based on current zoning requirements, which then would change because the Overlay District would supersede the general zoning requirements, normally." The Planning and Zoning Board Attorney advised, "They wouldn't be exempt from it. They would still be subject to it. Just because you rezone a property, the Overlay District will still apply. The Overlay District just slaps down additional restrictions. They would have the right to object and potentially challenge that decision, if they felt it affected their property rights. They are not exempt, as the Overlay District applies, uniformly, no matter how recent or what zoning was recently approved. It is going to apply." Mr. Finizio pointed out, "Which is why we went ahead with this, because we thought if anything else, we wouldn't have to put it back."

Brad Currie, Engineering, Design & Construction, said, "I represent the applicant. I think we have been in the system, as we originally submitted the application on February 28, 2014. When we were back before you in 2014, I think I said something along the lines that there has been three studies on this corridor. All three studies said that this intersection, where my client's property is, deserved some commercial. At that time, it was determined that we would do another study on Becker Road to see what the uses are that could be along that corridor. Again, for the fourth time, it was identified that commercial is deemed an appropriate use at this intersection. I come before you again, two years later, stating that there have been numerous studies done. All of the studies have said that this corner deserves commercial, and that is what we are asking for."

Mr. Currie continued, "As far as the overlay goes, I think your attorney explained it correctly. My client is aware that there is an overlay coming and understands that there may be some design criteria that they would have to follow as part of the overlay. Having the Commercial land use and zoning is one step closer to allowing development on this property. We are in agreement and understand that we will be subject to the overlay, once it is approved."

Secretary Martin said, "I've been up here for a long time and you have been here longer than me. You are right, we have beat this thing to death. I remember this Board, at the time, had a Special meeting with the City Council and this came up, which was probably the third or fourth time that this Board had a chance to discuss this in the sunlight. There was a reference, and I don't remember who engaged with then City Attorney Booker, but in essence, if we don't do something for these people, we have created a moratorium on development. This particular corner that is in reference to this application, I don't think too many reasonable people would object to. It is on a lighted intersection, at a corner. If it was an interior lot between two primary intersections, maybe more of us on the Board would object to it. Without a perception that we've created a moratorium, I think it is about time we made a decision for some of these people."

Ms. Skurka **moved** to approve P14-037, Florida Recreation & Investments, Comprehensive Plan Amendment, Small Scale. Ms. Beutel **seconded** the motion, which **passed** by roll call vote with Vice Chair Ojito, Ms. Skurka, Ms. Breakenridge, Ms. Beutel, and Secretary Martin voting in favor, and Mr. Harrison abstaining. (**Clerk's Note:** The Voting Conflict form is attached.) The Planning and Zoning Director asked, "Did we open the Public Hearing on this one?" Vice Chair Ojito replied, "We opened it in one part." The Planning and Zoning Director said, "Okay, we need to do the other Public Hearing."

### H. P14-038 FLORIDA RECREATION & INVESTMENTS – REZONING

Vice Chair Ojito opened the Public Hearing. There being no comments, Vice Chair Ojito closed the Public Hearing. Secretary Martin said, "I would like my previous comments to be included in the record," and **moved** to approve P14-038, Florida Recreation & Investments, Rezoning. Ms. Beutel **seconded** the motion, which **passed** by roll call vote with Vice Chair Ojito, Ms. Skurka, Ms. Breakenridge, Ms. Beutel, and Secretary Martin voting in favor, and Mr. Harrison abstaining. (**Clerk's Note:** The Voting Conflict form is attached.)

## 8. NEW BUSINESS

### A. QUASI-JUDICIAL PROCEDURES

The Planning and Zoning Board Attorney said, "Legal is recommending that the Board consider, comment, and ultimately the Council approve, a set of formal quasi-judicial procedures. It is an area identified as lacking a little bit. The purpose of quasi-judicial procedures is to ensure a clear record of the decision that is made, both at the Planning and Zoning Board level and the Council level, to ensure due process is afforded to the applicant and to any third party or public commenters, as well as to comply with the case law and the Florida Statute. When you look at these procedures, you are going to think it is going to be run like a court case. I assure you that the vast majority of matters that come before you will not. It actually allows for staff and the applicants to agree to waive certain procedures, if there hasn't been any public interest. By allowing a process of swearing in potential people that are going to be making comments; I don't know if you witnessed the last Council meeting, but it becomes an issue. Not that we can't take as evidence comments from the general public, but the recommendation is that there should be a swearing in of people that intend to speak on any item. You can do it at the beginning of the meeting before you enter that portion of the agenda, which contains the public hearings that the quasi-judicial procedures will apply to. You can indicate anyone wishing to speak on an item before a public hearing is to stand up to be sworn in and there will be a brief swearing in process. You will also announce ex parte communications. To the extent an applicant, a third party, or a resident has spoken to you about an item, you should announce, for the record, that you had those ex parte communications. The law says that an applicant or third party should be able to ask you about those third party communications. How often will that happen? It may never happen, but by making those announcements, it is being consistent with the case law."

**CITY OF PORT ST. LUCIE**
Planning and Zoning Department
121 S.W. Port St. Lucie Blvd., Building B
Port St. Lucie, FL 34984-5099
www.cityofpsl.com

# MEMORANDUM

**TO:** Patricia Roebling, Interim City Manager

**FROM:** Patricia A. Tobin, AICP, Planning & Zoning Director

**DATE:** September 22, 2016

**RE:** Draft Becker Road Overlay – Proposed Future Land Use
Related to Items 8A and 8B on the September 26, 2016 City Council Agenda

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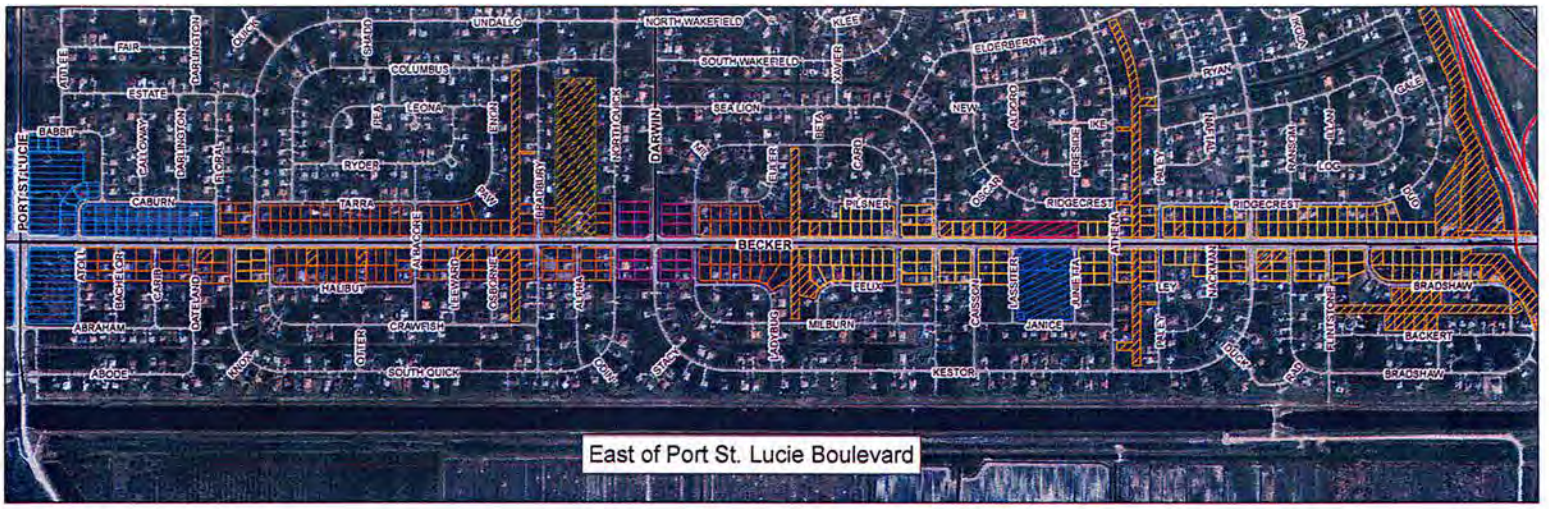
At the City Council meeting on August 22, 2016, the Mayor requested that staff present a preview of the Becker Road Overlay that staff is working on. As you know the Becker Road Overlay was a recommendation of the Neighborhood Plan for Planning Area 4S.

I have attached 4 maps illustrating our first draft at the overlay district. Two maps show the corridor between Port St. Lucie Boulevard and the Turnpike and one of those maps is over an aerial. The other two maps are for the segment between Port St. Lucie Boulevard and I-95 with one map over an aerial.

Any input, recommendations and/or suggestions from the City Council would be appreciated as we move this overlay district forward.

# Proposed Becker Road Overlay of Future Land Use




0.095 0.0475 0 0.095 0.19 0.285 0.38 Miles

N

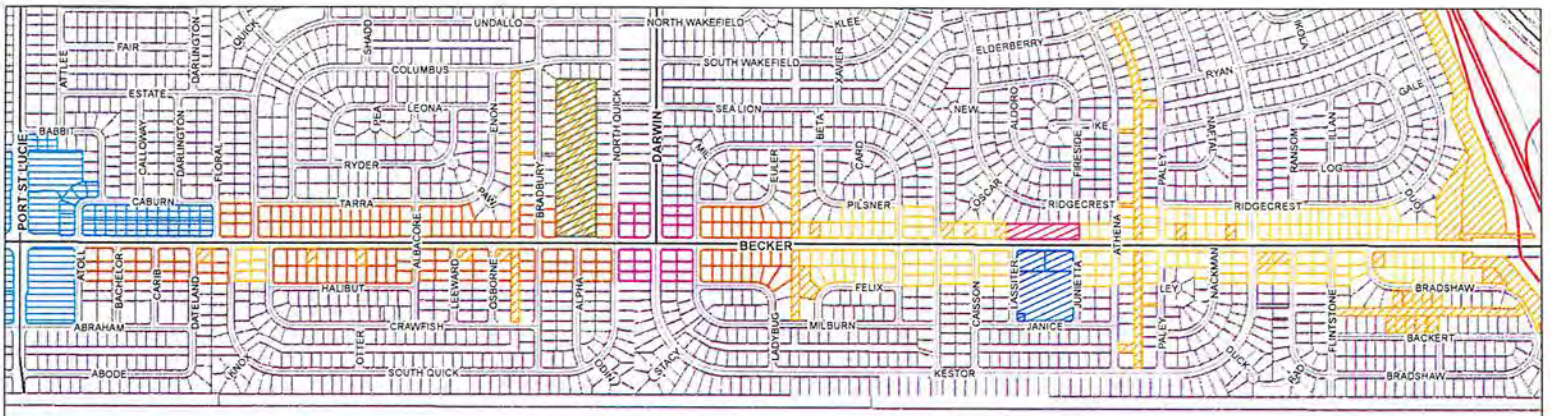
S

Port St. Lucie and Becker Road Intersection

**Legend**

- Existing OSR Land Use
- Existing ROI Land Use
- Existing CL Land Use
- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use




East of Port St. Lucie Boulevard

0.095 0.0475 0 0.095 0.19 0.285 0.38 Miles

N

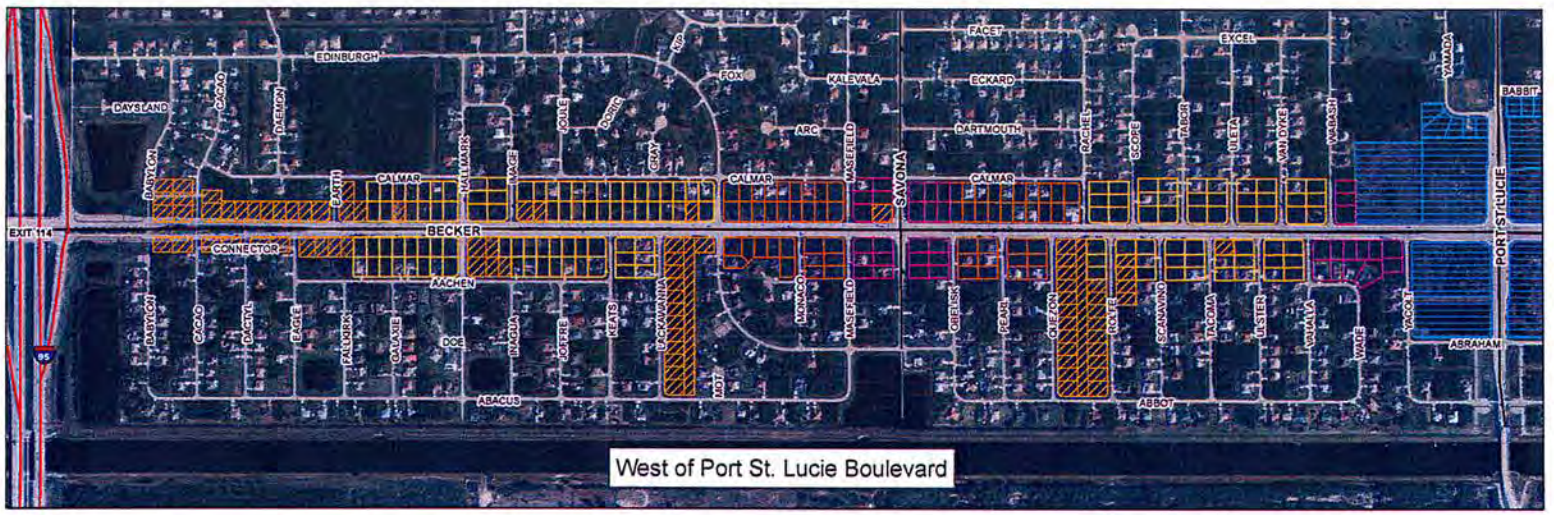
S

Port St. Lucie and Becker Road Intersection

**Legend**

- Existing OSR Land Use
- Existing ROI Land Use
- Existing CL Land Use
- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use




West of Port St. Lucie Boulevard

0.1 0.05 0 0.1 0.2 0.3 0.4 Miles

N

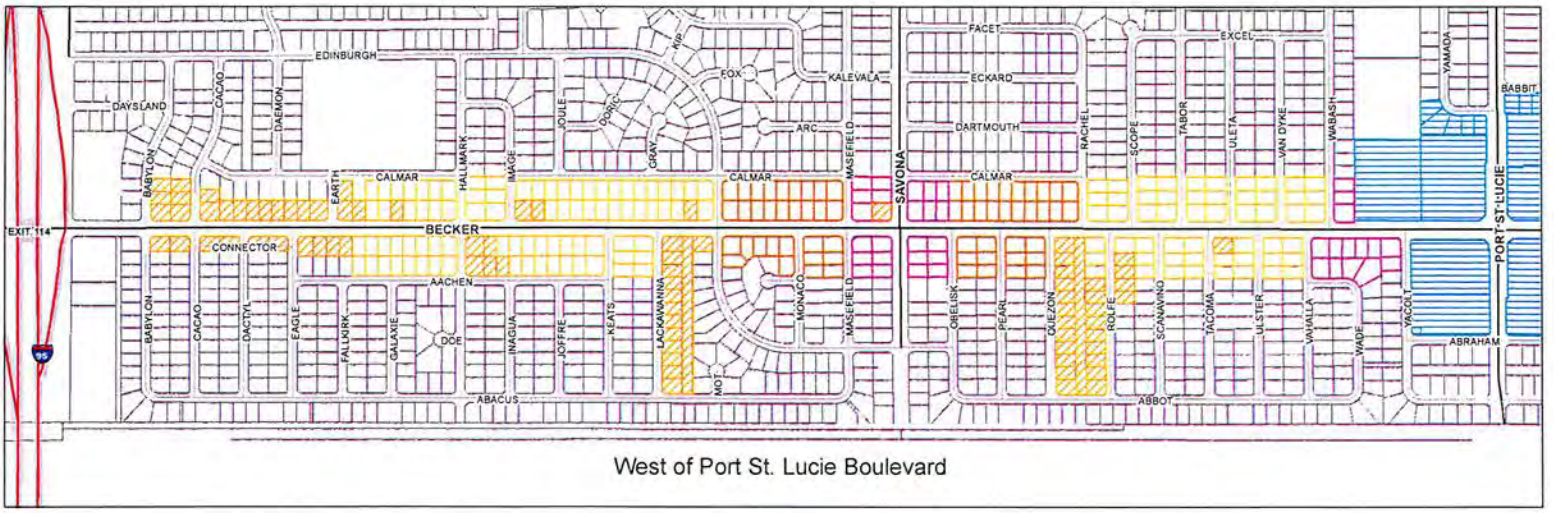
S

Port St. Lucie Boulevard and Becker Road Intersection

**Legend**

- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

# Proposed Becker Road Overlay of Future Land Use

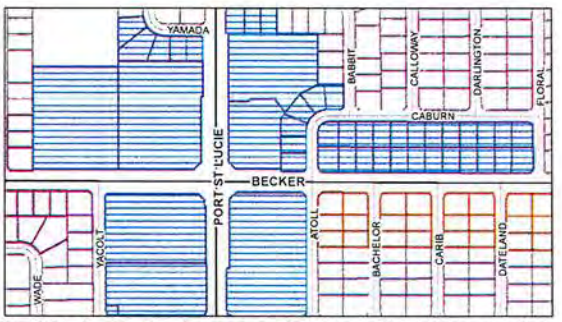



West of Port St. Lucie Boulevard

0.1 0.05 0 0.1 0.2 0.3 0.4 Miles

N

S




Port St. Lucie Boulevard and Becker Road Intersection

**Legend**

- Existing CG Land Use
- City Lots
- Proposed CG Land Use
- Proposed Mixed Use Land Use
- Proposed RM Land Use

COUNCIL ITEM 10B
DATE 8/22/16
COUNCIL ITEM 8C
DATE 9-12-16
COUNCIL ITEM 8B
DATE 9-26-16

# ORDINANCE 16 - 57

**AN ORDINANCE TO REZONE 1.57 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS FLORIDA RECREATION AND INVESTMENTS P14-038; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Florida Recreation and Investments Properties, LLC, seeks to rezone 1.57 acres of property located on the northwest corner of Darwin Boulevard and Becker Road and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to CG (General Commercial); and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on May 6, 2014 to consider the rezoning application (P14-038), notice of said hearing to adjoining property owners for a radius of three-hundred (300) feet having been given and advertising of public hearing having been made; and

**WHEREAS**, the City Council held a public hearing on September 12, 2016 to consider the rezoning application (P14-038), advertising of the public hearing having been made; and

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS**:

Section 1: That the property described as Port St Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24, Port St. Lucie be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to CG (General Commercial).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

**ORDINANCE 16 - 57**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____ 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10B
Meeting Date: August 22, 2016
September 12, 2016

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

THRU: Daniel Holbrook, Assistant City Manager – Community Development Director

FROM: Patricia A. Tobin, AICP, Director of Planning and Zoning

Agenda Item: Ordinance: 16-57 Florida Recreation and Investments – Rezoning Application (P14-038)

Submittal Date: 8/9/2016

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application (P14-037). The rezoning is being submitted so the property is compatible with the proposed General Commercial (CG) future land use.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor can be considered. This public input was calculated as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4 South on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for Interim City Attorney Azlina Goldstein.

**CITY COUNCIL:** City Council unanimously recommended to table this small scale comprehensive plan amendment on May 27, 2014 (minutes of this meeting are attached).

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, with a vote of 6-1, recommended to deny this rezoning application on May 6, 2014 (minutes of this meeting are attached).

Staff would like to recommend that this rezoning application be sent back to the Planning and Zoning Board to allow them to review the application with City Council's approval of the Planning Area 4 South Neighborhood Action Plan, and staff's updated staff report.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 8/22/2016

**LOCATION OF PROJECT:** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF

RECEIVED
AUG 1 1 2016
CITY MANAGER'S OFFICE

65.02, COUNCIL FINDINGS; SECTION 65.03, DEFINITIONS; AMENDING SECTION 65.04, APPLICABILITY OF CHAPTER; AMENDING SECTION 65.05, AUTHORIZATION OF CITY MANAGER; AMENDING SECTION 65.06, WATER USE RESTRICTIONS; AMENDING SECTION 65.07, PENALTIES; ENFORCEMENT; AMENDING SECTION 65.08, GENERAL PROVISIONS; AMENDING SECTION 65.09, CONTROL OF BACKFLOW AND CROSS CONNECTIONS; AMENDING SECTION 65.10, INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-30 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 14-30. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-30. The **motion passed unanimously** by roll call vote.

**f) ORDINANCE 14-31**, AMENDING CHAPTER 53, WELLFIELD PROTECTION; CREATING CHAPTER 67, WELLFIELD PROTECTION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-31 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Bowen **moved** to approve Ordinance 14-31. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-31. The **motion passed unanimously** by roll call vote.

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled under this item.

10. **FIRST READING OF ORDINANCES**

**a) ORDINANCE 14-32**, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND PORT ST. LUCIE LITTLE LEAGUE, INC.

The City Clerk read Ordinance 14-32 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 14-32. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-32. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 14-33**, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD 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 14-33 aloud by title only. Councilwoman Martin said, "I would like to ask the Council to table this item. We have been having this discussion about Becker Road and where we are going to go with it. I noticed that staff has recommended denial based on the fact that it is inconsistent with our Comprehensive Plan. On both sides of this issue, we have requests for development for rezoning and requests to leave certain areas alone. I have had feedback on possibly doing something along the lines of pocket parks. If we go forward with this tonight, we will be piece-mealing Becker Road. I have spoke to the City Manager and the Assistant City Manager, Daniel Holbrook, who oversees the Planning and Zoning Department, to come back to us at the June Workshop and look at a corridor approach, and possibly fit it in with our future Neighborhood Planning to see what it will look like. There have been charrettes that occurred in 2008, and here we are six years later and nothing was done with the corridor because of the economy, because Becker Road was being widened. I'm not saying that I'm not for development, as I am in certain areas. I just want to make sure that when we have an opportunity to deal with Becker Road, we can look at the whole four miles together in one plan, as opposed to piece-mealing it and putting the City in a situation where we are making it a corridor that we don't want. I would like to table it, but I don't want to put it off indefinitely. I realize people have property rights and want to be able to make changes, and everyone should be afforded the opportunity to come forward with those applications. I want to do it as a whole plan and look at it together, as opposed to piecing it together." Mayor Faiella clarified, "So you want to table it to the next Workshop." Councilwoman Martin stated, "I would like to table the item for now, and discuss it in further depth at the Workshop. That area needs to be looked at, as far as being a gateway to the City. There will be more information at the Workshop, and we can see how we want to go from there."

Councilwoman Berger said, "I support that. With this project, there are some consistencies with what we wanted back then. It was the right types of developments in the right areas, and

specific corners make sense. The large Port St. Lucie Boulevard and Becker, and Darwin and Becker areas; those corners are ripe for commercial development, if it is done the right way. Part of what the conversation was back then was if they are going to develop it, we want them to come forward with a package of land. We didn't want them to bring one or two lots forward to develop into commercial property, because it is not consistent with the plan. Options like this one where they have taken six lots and created something that would work for the large amount of people that live there that don't have a lot of options without driving too far. I support tabling it, so we can get some consistency. I hope we don't have to get into another year to two years worth of discussion and charrettees, because it costs money as well. We can take what we have learned and what we like, and leave what we don't." Councilwoman Martin commented, "I agree." Mayor Faiella suggested, "I would like some community input also." Councilwoman Martin remarked, "It will come forward at that time."

The City Clerk read Ordinance 14-33 aloud by title only. Councilman Bowen **moved** to table Ordinance 14-33. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for table of Ordinance 14-33. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 14-34**, AMENDING THE 2013-14 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2013-14 BUDGET AMENDMENT NO. 2. 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 14-34 aloud by title only. Councilman Bowen **moved** to approve Ordinance 14-34. Councilwoman Martin **seconded** the motion.

Councilwoman Berger said, "I'm not going to be supporting this because of one particular part. I have questions on other portions of it. If I could have the City Manager get back to me regarding the portion on the FTE count for the City Council Office being increased to 1.63. It is one of the programs that I don't agree with. Many things that are happening out of the City Manager's Office are amazing, but this is one that we just don't agree on. I think that there is an opportunity to solve a problem perhaps, and I appreciate the City Manager's Office looking into to trying to solve that problem. My personal feeling is that it is a problem that could be solved amongst the

Development Director, "Can you give us some direction? We have an issue with the 42 foot lots. How do we approach this?" The Assistant City Manager/Community Development Director stated, "This is one of those interesting cases where you have a PUD Amendment and it is not a black and white issue. Staff shared our concerns and the applicant has stated that they believe those concerns are mitigated by the design they've provided. Your recommendation needs to include any conditions that you believe would be appropriate. If you believe that what they've shared is sufficient, you can recommend approval. If you feel that conditions need be attached to guarantee a certain level of architecture, you can include that. If you're completely opposed to the concept, you have the right to recommend denial. It's an interesting situation. As far as the public's concerns go, the Board will make a recommendation. This will then go on to the City Council as an Ordinance. Ordinances require two readings before the City Council. The first reading is a standard one, and the second one is the Public Hearing. Mr. Finizio noted that there were other issues that needed to be addressed before this goes to the City Council." Vice Chair Ojito stated, "I think that Verano is a commercial venture and the developer is going to create something that is cohesive to the area he is developing in. My opinion is to approve with no conditions." Vice Chair Ojito **moved** to approve P14-032, Verano PUD 1 - PUD Amendment No. 8 & Concept Plan, with no conditions. Chair Kurek stated, "The only condition that was offered by staff was Ambros Way, which is already under construction, so it is not relevant whether we have it in there or not. If we approve it with no conditions, it means we're approving it as presented. It would include the 42 foot lots, which would be reviewed again by the Board and the Site Plan Review Committee." The Assistant City Manager/Community Development Director stated, "All plats that create more than two lots are required to be reviewed by the Site Plan Review Committee, then this Board will make a recommendation and ultimately the City Council has the right to approve." Chair Kurek stated, "So that issue could come up at a later date anyway." The Assistant City Manager/Community Development Director responded in the affirmative. Mr. Martin **seconded** the motion, which **passed unanimously** by roll call vote.

**E. P14-037 FLORIDA RECREATION & INVESTMENTS - COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Chair Kurek stated, "We have two Items that are concerning Becker Road and Darwin Boulevard. I would ask Mr. Holbrook to explain the status of this area of land." The Assistant City Manager/Community Development Director replied, "The topic of Becker Road has been before this Board and before the City

Council. It's been a topic at a number of Workshops and public charrettes over the past several decades. We're still having this discussion with City Council. They had a Workshop in April, and there were some concerns with this subject that were raised. A petition had been submitted to the City Council, so they recommended that we take up this topic, and try to get more public feedback before we make any additional proposals to the Council. Council discussed a four-mile stretch of undeveloped land between I-95 and the Turnpike. It's undeveloped on the north side and the south side, so the question is whether the land use and zoning be changed, because right now, it would essentially only accommodate single-family residential. It's very obvious that there is no market for it at this time. The current policy is low-density residential and single-family residential zoning on that entire corridor, except for a few intersections, which are primarily on Port St. Lucie Boulevard. We're in the midst of that conversation, and I'm sharing that with the Board to let you know that a policy has been established through the City's Comprehensive Plan, Land Development Regulations, and the Zoning Code. The next two applications are a request to change that policy. Council has had numerous discussions, and has yet to provide direct policy change, but they have asked for additional information. City staff is preparing an RFP, and we'll take this back to a future Council Workshop, hopefully, the one in June. We will confer with Council at that time to see if they wish to hire a consultant to assist us with this matter. Last month, the applicant for these two items requested that these applications be postponed, due to the conversations the City Council was going to have at the Workshop. We'll need to have Public Hearings on these applications, and I'd be happy to answer any questions."

Mr. Finizio stated, "P14-037 is a small scale Comprehensive Plan Amendment application. The owner of the property is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road. The approximate size of these lots are 1.57 acres, or 68,285 square feet. The existing zoning is RS-2 (Single-Family Residential), and the existing Land Use is RL (Low Density Residential). The requested land use designation is CG (General Commercial). The applicant is requesting to change the future land use of these six lots from RL (Low Density Residential) to CG (General Commercial), in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor. The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4

of the Future Land Use Element of the City's Comprehensive Plan states, 'Future growth, development, and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with sound planning principles including: the prevention of sprawl; energy efficiency; natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.' Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting this residential land use would not be consistent with sound planning principles, and could possibly adversely impact the character of the adjacent residential neighborhood."

Mr. Finizio continued, "Over the years, there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential, and incorporating more non-residential and multi-family uses, because the City was beginning to notice that Becker Road may be well suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted, or implemented. Except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on Becker Road, where everyone looked at the entire Becker Road corridor. Therefore, any changes made to the Becker Road land use and zoning designation should not be looked at by piecemeal, but as a collective whole. On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from the City Council, the Planning and Zoning staff made a brief presentation that discussed the current status of Becker Road and the major studies that were completed on Becker Road. It was agreed that the topic of Becker Road would be discussed further at a future City Council Workshop. This City Council Workshop took place on April 11, 2014. After a brief introduction, this presentation was pulled because it was felt that meeting with the stakeholders was appropriate prior to making any land use changes on Becker Road. Therefore, until there is a land use policy change for Becker Road, any Comprehensive Plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a Comprehensive Plan has been approved for the entire Becker Road area. The Future Land Use Map identifies this area as low density residential (RL), and converting these six lots to General Commercial could have a negative impact on the Darwin Boulevard and Becker Road intersection, not to mention the surrounding residential

neighborhoods. The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from the Planning and Zoning Board and the City Council on the future character of the Becker Road corridor. Additionally, with the existing 99,000 square-foot Veranda Falls Shopping Center, approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor, not just lot by lot, or site by site. Until the City Council makes a determination on how they would like the Becker Road corridor to grow, staff believes that any Comprehensive Plan approval for this area is premature. That being said, the Planning and Zoning Department staff finds the petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report. Also, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual Comprehensive Plan amendment approvals." Chair Kurek asked if there were any questions.

Ms. White asked, "Mr. Finizio, has there been an interest in commercial ventures along the Becker Road corridor?" Mr. Finizio responded, "There have been four commercial plans submitted in the past, but all of them have expired. There was a proposed CVS on the corner of Port St. Lucie Boulevard and Becker Road. There was a Commercial PUD on the northwest corner of Port St. Lucie Boulevard and Becker Road. There were also two minor Site Plans further to the east, but nothing has ever materialized." Ms. White asked the Assistant City Manager/Community Development Director, "Have the Planning and Zoning Board and the City Council ever come together for a Workshop?" The Assistant City Manager/Community Development Director responded in the affirmative and added, "This is a very appropriate topic for a Workshop. We know that there is interest in this topic, but we don't have a policy change. It is very beneficial for the City Council to hear the Board's opinions on Becker Road. We know what there could be under the current policy. There are approximately four houses in a four mile stretch, and everything else is vacant. I think many people love the green area, but there are property owners who could build houses up and down the entire length, if they chose to. I ask people if they'd want to live there, because a lot of times those properties become rental properties. There are a lot of things that should be considered when we look at changing a policy. At this point,

staff believes this to be premature. If the Board requests a meeting with the City Council, we can put that request forward." Vice Chair Ojito asked the Assistant City Manager/Community Development Director, "Does Planning and Zoning have an up to date vision of how Becker Road should look, based on the research over the years?" The Assistant City Manager/Community Development Director replied, "Planning and Zoning has a variety of studies and visions that have been processed, reviewed, and prepared by City staff or consultants. None of those have received a recommendation of approval. There are a variety of concepts, and they've been presented to the City Council, but none of them have had traction." Vice Chair Ojito stated, "You've submitted a document, which lists homeowners that approve rezoning Becker Road. Does this represent a consensus? How many homeowners are in agreement?" The Assistant City Manager/Community Development Director stated, "I can't give you numbers and statistics, but I'd say that the property owners up and down Becker Road favor change."

Mr. Martin stated, "I'm more familiar with the conversion areas in the City. Can you draw a correlation between what we hope to do with Becker Road versus what we have done with Bayshore Boulevard or Port St. Lucie Boulevard? I would suggest that the latter two are dysfunctional, from a planning perspective." The Assistant City Manager/Community Development Director responded, "City staff, the public, and the elected officials have seen the effects of conversion areas. There is concern that we don't want to duplicate that on Becker Road, or anywhere else in the City. A lot of the sites are too small, and there are conflicting uses when the sites abut residential areas. The question is, do we want change on Becker Road, and if so, what does it look like? There are repercussions sometimes either way, so we need to explore it further. We know what the conversion areas look like, and can learn lessons from them. We can change land uses among certain parcels, while leaving the ones next to them unchanged." Mr. Martin said, "Right now, in our conversion areas, you can build a commercial building on a minimum 20,000 square-foot lot. If we looked at that kind of policy, going forward, we could have many two to three lot conversion packages, which I feel is not in the best interest of the City." The Assistant City Manager/Community Development Director stated, "In the past, we've have presentations regarding lessons we've learned from conversion areas. We've learned that you need more land to adequately accommodate commercial development. Some people choose to build houses, as you can see, on Port St. Lucie Boulevard. There has been new construction in the past decade, even though they are in a conversion area. There are a lot of things that need to be discussed, and the public has a lot of

input on what they'd like to see." Mr. Martin asked, "If we're to help establish a policy, could that policy include minimum lot requirements and buffering? Some of these people who bought property on Becker Road did not expect to be living next to commercial developments. If we make recommendations to the City Council, can we address those types of things?" The Assistant City Manager/Community Development Director replied, "It could definitely be considered." Ms. White stated, "I think Mr. Martin is addressing the bigger issues. This Board should sit down with all the stakeholders and the City Council to develop a grand vision for Becker Road. I'd like to hear from the applicant." Mr. Finizio added, "Brad Currie is acting as the agent for this Item."

**BRAD CURRIE**, Red Tail Design Group stated, "I'm representing the EDC and Rod Kennedy for the two applications. There is a Comprehensive Plan Amendment to change the land use of the property, and a rezone application as well. We are asking for a Comprehensive Plan Amendment to change the land use from Residential Low to General Commercial, and a Rezoning application to go from RS-2 to CG. Rod Kennedy, and I, and the two property owners that are here today believe that the Becker Road corridor should begin to take on a more commercial character. It is a major roadway in the overall scheme of the City. I will present a few aerial pictures of the property in question." (**Clerk's Note**: Mr. Currie presented aerial views of the property.) Mr. Currie continued, "While there is residential land use and zoning surrounding the property, there are no actual structures abutting the subject property. Darwin Boulevard is a lit intersection. There are two lanes in either direction, and turning lanes at the major intersections. The reason we are here today is because of the past studies. The Assistant City Manager/Community Development Director mentioned that none of the studies were ever adopted by the Board. There are a total of five different studies, and it was discussed in February and April of this year. There has been a lot of discussion about Becker Road, but unfortunately, there hasn't been a lot of action as far as setting a policy. No direction has been given as to what the future will be for that area. The Assistant City Manager/Community Development Director mentioned an RFP to do another study, and I think it's interesting that we would spend time and money on a study when we've done five in the past, and haven't adopted anything. What we're proposing is six lots at a lit intersection. Six lots of land at a major lit intersection is a good commercial corner. Whatever happens in the future, I think this corner will be commercial in the future. I do not believe that moving forward with an application today is premature, because I believe this corner will be a

commercial corner in the future. I believe this is the only section along Becker Road where six lots are under one ownership, except for the intersection of Port St. Lucie Boulevard and Becker Road. There are five major lit intersections along Becker Road. I think that's important, because they are major intersections. Even though the land uses and zonings are residential, it is not a residential roadway. I think the roadway is the most significant change, which has changed the character of the area. Addressing the Southwest Annexation area, Becker Road is proposed to go from I-95 to Range Line Road, which is an existing road. There are supposed to be a total of four roadways that run north and south. One roadway is built now, Village Drive, and the remaining three will go to Gatlin. That will be the only other interchange that all of these residents will use. This area has been annexed into the City, and has received a Comprehensive Plan approval. We are only waiting for the zoning. Becker Road is the only roadway in the entire City that has interchanges on I-95 and the Florida Turnpike. If the future residents want to get to the Turnpike, they're going to take Becker Road. Becker Road from the Turnpike to the Southwest Annexation area will be seeing an increase of trips over time, and is not a street where you would want to build a house."

Mr. Currie continued, "There was a recent article in the paper that stated that Divosta was going to build 358 new homes east of Becker Road. These residents would have to take Becker Road to get to I-95. Becker Road was increased because the City saw that there would be a need to move people from the east part of the City to the west part, and vice versa. The proposed development would have an impact on the future of Becker Road. There was some previous discussion about Becker Road, Port St. Lucie Boulevard, and Bayshore Boulevard. Those are different, in the sense that there were a lot of residential homes before they began to transition. Becker Road is different because there aren't any residential homes; the Assistant City Manager/Community Development Director stated that there were only four homes. As far as General Commercial not being compatible with Residential Low Density, there are many times in the City where these two land uses abut each other. From my experience, it happens a lot. What we're requesting on this property is no different from what happens throughout the City. Mr. Finizio mentioned sprawl in his presentation. I'm a planner, and it is my opinion that having additional commercial along some of the stretch of Becker Road would reduce sprawl. I was speaking to someone who lives on Becker Road, and they mentioned that it would be nice if they didn't have to drive so far to go to a Dunkin Donuts, or a convenience store. Those local uses

close to their home would shorten drive times and reduce the amount of trips on the roadway. Again, Becker Road is the only road that has both and I-95 and a Turnpike interchange. It's a four-lane divided highway, and is not a residential-friendly road. The property we are proposing today has six lots. Regardless of the future, I believe this piece will be commercial. Why hold my client up because of another study? If you were telling me I could move forward after one study, that would be okay, but history says five studies have been done, and no action has been taken. My clients are seeing people come to them asking about commercial development on this property. They've lost several potential tenants because of the lack of not being able to use it for commercial. My client sent out 500 notices to people within a quarter of a mile. She got a 10% return back, which is about 50 people. The majority of those people were in support of the change to commercial. What are we telling the property owners on Becker Road? Are we telling them to develop it as residential? I hope not, because that's not the right move. Are we telling them to develop it as commercial? No, we've said we won't allow commercial. I'd like for you to put yourself in the position of a property owner on Becker Road. Let's say you want to do something with your property, and you're not getting any direction from the City. One such person will speak now."

**SHIRLEY CHEVIGNY** stated, "I'm one of the property owners. I've been here since 1978, so I've seen a lot of change. There were 11,000 people here when I moved here; there are 170,000 people here now. I was the first person to build an office building west of the Turnpike. I was the first person to build a gas station on Gatlin Boulevard. I'm now looking to do something with this property. This is very unique, in that it is an isolated piece of property. It is bordered on three sides with streets, and has a traffic light. No one is going to build a house on this property. We've waited since 2008 to have the City do something, and they've chosen to do nothing. I'm here asking you for General Commercial so that we can develop it." Chair Kurek opened the Public Hearing.

**LARRY BANNISTER** stated, "I live at 215 Liseron Way in St. Lucie West, but I also jointly own a piece of property at 211 Quick Street, which is adjacent to the area being discussed today. When they showed these properties, they numbered them one through six. I'm adjacent to number four. I have two grandchildren that live there, and they walk down Darwin Boulevard to get to the bus. There are no sidewalks. There have been a series of children walking to their bus stop and getting struck. Children who live less than two miles from a school are not eligible to ride on a bus. Other than the obvious problems, there is a bigger danger. The small area of

Becker Road, when you get off of I-95, is pretty, so leave it that way. There are plenty of commercial areas to be developed. Why would you take a residential neighborhood and start turning it into another commercial road for the benefit of a few investors? Previous Boards have voted down commercialization. I'd like to see this Board do the same, and keep this as a residential neighborhood."

**MICHAEL CONCHLIN** stated, "I live at 4671 S.W. Alpha Street, about five houses south of Becker Road. I moved here in 1977. I've also seen a lot of the construction that is going on, and one of the people who used to work for the City a long time ago said, 'If you do what you did, you get what you got.' That was something that stuck in the back of my mind ever since then. I learned a lot from listening and getting involved with the charrette that was held by the Treasure Coast Regional Council about five or six years ago. At that time, they had several hundred people who assisted in developing what could have been called a Master Plan for Becker Road. It was adopted, although Mayor Minsky didn't like the idea. To see this opened up again makes me wonder why the people voiced their opinion in the first place. There were supposed to be traffic circles, specifically at the intersection we're discussing, and one further to the east. None of that came to fruition, but we had hoped that at least it wouldn't become commercialized. We were prepared for it to become Light Commercial. The expectation was that it would be multiple floor units, with office buildings on the bottom and apartments on top. We were willing to have that, because people would be in a neighborhood with Light Commercial. To see someone trying to profit by changing this property into Heavy Commercial is exactly what we don't want."

**DIANE STROUD** stated, "I live at 332 S.W. South Quick Circle, which intersects with Becker Road, and is about a block from Darwin Boulevard. I just moved here from Illinois in November of 2012. I picked the area because of the serenity in the neighborhood, and because it wasn't surrounded by commercial property. The first Planning and Zoning meeting I ever attended was when this item came up on the agenda, and it was tabled at that time. I then went to the Workshop, and City Council tabled it, because Councilwoman Martin said she wanted to talk to the homeowners. When the study was done in 2008, there were a lot of people who didn't live there yet. I would hate to see it turn into Bayshore Boulevard. It would break up the serenity, which is the reason we like it there."

**OLIVER BROWN** stated, "I reside at 473 S.W. Kestor Drive. I'm in the proverbial eye of the storm. I'm directly across the street from the subject site. I relocated here six years ago from New York City, and I had a certain view of how I wanted to raise my young children. The environment of the community in which I made

a long term investment to buy a home is subject to change, and I am very concerned. I love the environment in the community. The first couple of years after I moved here, I spent some time in Ft. Lauderdale. A lot of the things I saw in Brooklyn is what I saw in south Florida, and I see it transitioning north to Port St. Lucie and the neighboring counties. I'm all for change and development, but the essence of family and community needs to hold true within our society, it is being breached here. Many of the concerns I have with this particular rezoning classification and possible commercial development would include lighting, rodent infestation, the increase in traffic, the quality of life, safety for our children and families, increased water usage, and property value ramifications. I'm not sure what kind of business they wish to put in place, but the hours of operation could influence the type of people who would be in the area at any given time of the night. Being a father, I wish to preserve a certain lifestyle for my children, and I don't want to see that taken away. You mentioned all the corridors in Port St. Lucie where this transition has taken place, specifically, Bayshore Boulevard and Port St. Lucie Boulevard. I do not want to see Becker Road turn into that, and I vehemently oppose this rezoning."

There being no further comments, Chair Kurek closed the Public Hearing. Mr. Currie said, "I don't have any direct response to the comments. They were fairly general comments about not wanting commercial development. As I was sitting here, I was thinking about how I own an office building on Port St. Lucie Boulevard. Port St. Lucie Boulevard is getting a lot of negative comments, but I love my office building. I back right up to neighbors, and I leave at 5 p.m. or 6 p.m. I also think of Prima Vista Boulevard from Airoso Boulevard to U.S. 1. It's a four-lane roadway, which is similar, with the exception of the divided median. I sit on the St. Lucie Code Enforcement Board, and that's the heaviest area of Code Enforcement for all of St. Lucie County, because they are winter-occupied houses. They can't sell them, because no one wants to live there, so they are typically rented out. When thinking about planning, I would consider Prima Vista Boulevard to follow the Do Nothing Plan. There are derelict houses there. I'd rather have my office building on Port St. Lucie Boulevard than one of the derelict houses on Prima Vista Boulevard. I don't know why the roundabouts weren't built. If we are approved, we will build sidewalks along our frontage, and there are existing sidewalks along Becker Road. Safety is very important to us."
Ms. White asked, "How many applications have come to the City from this owner?" Mr. Currie responded, "The applicant has submitted two applications, which are the ones before you today.

This is the only time they've ever submitted applications." Ms. White stated, "They've owned the property since 2008, but this is the first time they've come forward." Mr. Currie responded in the affirmative. Mr. Sanders asked, "Mr. Currie, have you considered submitting a PUD in lieu of General Commercial?" Mr. Currie replied, "I'm not as familiar with the Code as I should be. The majority of the more intensive uses, for example, gas stations or convenience stores, are Special Exception Uses. We won't be able to put a gas station up overnight, we'd have to come back before this Board and ask for a Special Exception. To be honest, I don't think it's a good spot for a gas station. I actually like neighborhood convenience stores. I like being able to go for a short drive to get my goods. Any of the aforementioned uses would have to come back before this Board." Chair Kurek stated, "We can approve this, deny it, or table it again. I truly sympathize with Mr. Currie and his client. The Council can't seem to figure out what they want to do with this. The last study was in 2008." The Assistant City Manager/Community Development Director stated, "That was a unique study that was used and funded by the FDOT to show a typical conversion in a pre-platted corridor." Chair Kurek stated, "The other studies were in 2006, and the economy has changed a lot since then, so we have to rethink what we're doing. This is a situation where we need to rethink what we want to do. I'm not sure that this Board is in a position to push it forward. I will not be voting in favor of this." Mr. Martin stated, "I've been on this Board for five years, and I try to be logical and ask a lot of questions. I would like to know what came first, was it a commercial zone next to residential, or was it residential that was converted? In this case, we have a 4.5 mile stretch that's going to be a key corridor. The applicant stressed how integral that four mile stretch will be going forward. I think we need to get this right. I don't want to see this conversion area turned into another Port St. Lucie Boulevard, Bayshore Boulevard, or Prima Vista Boulevard. I agree with Mr. Currie, I'm sure he likes his converted house, and that's appropriate. We're the ninth largest city in Florida. My vision for this is Heavy Commercial. You're going to see national brands on that road. I can imagine lifting the height standard to allow buildings taller than 35 feet. With that said, I think it needs to be handled delicately. These people bought property adjacent to a road that was strictly residential ten years ago. The public input is going to be contrary to what I believe, and my vision for that four mile stretch. In most cases, if you bought property next to a commercial zoned property, you should've done more due diligence. In this case, the people that bought adjacent to Becker Road bought what they thought was residential. In most cases, I have very little

sympathy for people who buy next to commercial, then say they don't want commercial use. In this case, it's going to be tough. I think we need to go back to the Land Development Regulations. We need to have minimum sizes, minimum depths, and change buffering. I think this is going to be a very significant General Commercial corridor throughout the City. We can't allow this one to take place, because it'll set a precedent, and then we'll have the same situation we have on Bayshore Boulevard, Port St. Lucie Boulevard, and Prima Vista Boulevard. I can't support making any changes to this corridor at this time."
Vice Chair Ojito stated, "I'd like to give the opposite opinion. This corridor can also be like the Crosstown Parkway, where there is no commercial. I wouldn't recommend approving this Item either, because it can be the opposite. I think that we should have a joint meeting with City Council to move this subject along and get more public input." Ms. White stated, "It's unfortunate that the property owner has owned the property since 2008, and has watched the property just sit there. The traffic light was put in, and I'm not sure why. It may have been because of the school. They have an opportunity to sell that property, and make it commercial, but I'm not sure if that's their intent. I said before that I would hold my personal comments, because I live in Southbend, which abuts to Becker Road. My neighborhood would also be affected by any commercial industry along Becker Road, because people may want to venture through Southbend to get to Becker Road. When they opened the Becker Road corridor to Southbend, I knew we were going to have additional traffic. The commercial aspects on Becker Road are not doing well. At this time, I can't see how any commercial can be successful. I will not be recommending approval. We need to look at the broader picture, and have a meeting with all of the stakeholders."
Secretary Martin stated, "The application itself is reasonable. I share the thought that there will be commercial on this corridor in the future. I think it's important to take a comprehensive look at it overall, but I'm frustrated, because we tabled this Item to today's meeting in order to have dialogue with the City Council. I don't know if my one lone vote in favor of this will convey the importance of this topic to the City Council. I don't think it's fair to kick the can down the road to the applicant, nor the residents, who are in a state of flux. I'd like to see something definitive done, and if that's a vote in favor of this, that's what I'll do."

Chair Kurek stated, "I think I see a consensus here. Do we want to deny this Item or table it again?" Mr. Martin **moved** to deny P14-037. Vice Chair Ojito **seconded** the motion. The motion to deny passed by roll call vote, with Chair Kurek, Mr. Martin, Ms.

Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

Ms. White **moved** to request City staff organize a Workshop between the Planning and Zoning Board and the City Council to discuss the Becker Road corridor. Vice Chair Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

**F. P14-038 FLORIDA RECREATION & INVESTMENTS - REZONING**

Mr. Finizio stated, "This is a rezoning application, and is concurrent with the Comprehensive Plan Amendment. The existing zoning is Single Family residential, or RS-2, and the requested zoning is General Commercial. As noted in the Comprehensive Plan Application, staff believes the proposed zoning request is not compatible with the surrounding residential neighborhoods located immediately north, south, and west of the site. Having something as intense as general commercial abutting residential zoning would not be consistent with sound planning principles, and has the potential to adversely impact the character of the adjacent residential neighborhood. That being said, the Planning and Zoning Department staff finds the current petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report."

Chair Kurek opened the Public Hearing. There being no comments, Chair Kurek closed the Public Hearing. Ms. White **moved** to deny P14-038, Florida Recreation & Investments - Rezoning. Ms. Skurka **seconded** the motion. The motion to deny P14-038 passed by roll call vote, with Chair Kurek, Mr. Martin, Ms. Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

**G. P14-042 VINCENZO MARZELLA/ST. LUCIE CRICKET CLUB - SPECIAL EXCEPTION USE**

Ms. Kuruvilla stated, "This is a Special Exception Use application for the St. Lucie County Cricket Club. The applicant is Brad Currie, with Redtail Design Group. The owner is Vicenzo Marecella. The property is located on the east side of SW South Macedo Boulevard, between SW Lakehurst Drive and SW Swan Avenue. The legal description is Lots 16, 17, and 18, Block 74, Port St. Lucie Section 28. The approximate size is 0.69 acres. The existing zoning is WI, Warehouse Industrial, and the applicant is requesting a zoning to CS, Service Commercial. The Second Reading is at next week's Council Meeting on May 12th. The

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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***TO:*** **CITY COUNCIL - MEETING OF AUGUST 22, 2016**

***FROM:*** **JOHN FINIZIO, PLANNER** JF

***RE:*** **FLORIDA RECREATION AND INVESTMENTS REZONING APPLICATION PROJECT NO. P14-038**

***DATE:*** **AUGUST 9, 2016**

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***PROPOSED USE:*** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application. The rezoning is being submitted so the property is compatible with the proposed future land use.

This application was first reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor could be considered. This public input was calculated as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Blvd. and Becker Rd.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***REQUESTED ZONING:*** CG (General Commercial).

***FUTURE LAND USE:*** Currently the future land use for this property is RL (Low Density Residential), but a comprehensive plan amendment application has been submitted (P14-037) to change the future land use to CG (General Commercial).

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***IMPACTS AND FINDINGS:***

***Land Use Consistency:*** Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporating more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were previously completed on Becker Road. Staff was seeking direction from City Council on how to proceed with development on the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin due to lack of stakeholder input. Shortly after this April workshop a solicitation request for a neighborhood planning RFP was approved for the Planning and Zoning Department. This RFP was for the creation of a neighborhood plan that would cover six (6) planning areas of the City.

At the conclusion of this RFP process, Tindale Oliver, a planning, design, and engineering organization, was contracted to complete neighborhood plans for six planning areas, which included planning areas 1, 3, 4N, 4S, 6, and 7. In addition to these basic neighborhood plans, the RFP also required Tindale Oliver to focus on the

Becker Road corridor, which was being rolled up into the neighborhood planning project and required to be completed with the neighborhood for planning area 4S.

There was quite a bit of public outreach involved in the overall planning process. This included citywide focus groups, public workshops, as well as a focus group specifically for the Becker Road property owners. Even though the subject of Becker Road was discussed at all the workshops for Planning Area 4S, the Becker Road Focus Group provided us with the clearest picture of what the shareholders want to see developed along the Becker Road corridor, and this information was included in the neighborhood plan for Planning area 4S.

The main topics that were discussed during the Becker Road Focus Group included:

1. Discussing lot requirements, such as sizes, depth and other setbacks,
2. Identifying potential commercial and mixed use areas along the corridor,
3. Discussing the appropriate building scale and orientation,
4. Possible neighborhood services for the area,
5. Importance of public parks and recreation centers,
6. Location and importance of gateway and entry signage.

All this information was assimilated and included in the Planning Area 4S Neighborhood Action Plan in Becker Road Overlay District.

The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016 City Council meeting. After a short presentation from staff, and some discussion from council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously.

Planning and Zoning Staff will be preparing a corridor wide comprehensive plan amendment, which will help direct growth along the Becker Road corridor as identified in the neighborhood plan for Planning Area 4S. However, since this application was submitted, and subsequently tabled by City Council on May 27, 2014, it was determined to bring this rezoning application back to City Council prior to the corridor wide compressive plan amendment staff will be submitting in the future.

With the approval of the Becker Road Overlay District, it is clearly evident that the City is beginning to see the Becker Road corridor as something other than a residential corridor. Therefore, rezoning this property from RS-2 (Single Family Residential) to CG (General Commercial) is not expected to have an adverse impact on the surrounding neighborhood. The rezoning of this property is consistent with the direction and policies of the City's Comprehensive Plan. In particular objective 1.1.4 which states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural

limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities."

The applicant also submitted a small scale comprehensive plan amendment to be reviewed concurrently with this rezoning application (P14-037, Florida Recreation and Investments Small Scale Comprehensive Plan Application). This comprehensive plan amendment is to change the land use from RL (Low Density Residential) to CG (General Commercial).

Please note: Staff is recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented. This overlay district should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements as outlined in the approved neighborhood plan.

***Compliance With Conversion Area Requirements*:** Currently this area is not located in any conversion area. If the rezoning receives approval we are recommending that the properties be combined together through a unity of title.

The Planning Area 4 South Neighborhood Action Plan that was recently approved by City Council, is recommending that an overlay district be created for the Becker Road corridor, staff is currently working on a large scale comprehensive plan amendment, as well as an overlay district for this area as outlined in the Becker Road Overlay District.

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development. A developer's agreement with the City Utilities Department, that is consistent with the adopted levels of service, is required prior to the issuance of building permits.

***Environmental:*** As identified above, the applicant has submitted a comprehensive plan amendment to be reviewed concurrently with this rezoning application. Submitted with the comprehensive plan amendment was an environmental assessment for these sites. As identified in this Environmental Assessment, the site shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits. The report also states that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree

survey is required to show the location of all trees on the site and identify each tree's dbh.
It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Schools:*** Not applicable as this is for a commercial project.

***Other:*** As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

As recommended by the Planning Area 4 South Neighborhood Action Plan, City staff is working on creating an overlay district for the Becker Road area, until this overlay district has been approved, staff is recommending that no site plan for this property be submitted for review.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abuts residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Since this property abuts residential property to the north, east, and west, rezoning to General Commercial would require the buffer strip and the architectural wall, as defined in §153.04 (G) (1) (b), along the southern property line.

Currently these six lots have not been unified. A request to unify these properties was submitted to the City's Legal Department on March 19, 2014 to prepare and record a unity of title for these lots. This unity of title will need to be approved prior to the application being reviewed by City Council.

In an effort to ensure that development proceeds as outlined in the approved neighborhood action plan for Planning Area 4S, staff is requesting the approval of the Becker Road Overlay District prior to the issuance of any site plan approvals.

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## ***STAFF RECOMMENDATION:***

With the subsequent approval of the Planning Area 4 South Neighborhood Action Plan by City Council, The Planning and Zoning Department staff finds the petition to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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*TO:* PLANNING AND ZONING BOARD - MEETING OF MAY 6, 2014

*FROM:* JOHN FINIZIO, PLANNER JF

*RE:* REZONING APPLICATION
PROJECT NO. P14-038
FLORIDA RECREATION AND INVESTMENTS

*DATE:* APRIL 21, 2014

---

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Blvd. and Becker Rd.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***REQUESTED ZONING:*** CG (General Commercial).

***FUTURE LAND USE:*** Currently the future land use for this property is RL (Low Density Residential), but a comprehensive plan amendment application has been submitted (P14-037) to change the future land use to CG (General Commercial).

***PROPOSED USE:*** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application. The rezoning is being submitted so the property is compatible with the proposed future land use.

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***IMPACTS AND FINDINGS***:

***Land Use Consistency:*** As noted in the comprehensive plan application, the proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4 of the Future Land Use Element of the City's Comprehensive Plan states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities." Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting residential land use would not be consistent with sound planning principles and has the potential to adversely impact the character of the adjacent residential neighborhood.

Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporate more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on the Becker Road corridor, and every one looked at the entire Becker Road corridor. Therefore any changes made to the Becker Road land use and zoning designation should not be looked at being done piecemeal, but as a collective whole.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council where to proceed with the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin because she felt that meeting with the stakeholders is appropriate prior to making any land use changes along the Becker Road corridor. Therefore, until there is a land use policy change for Becker Road, any comprehensive plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a comprehensive plan has been approved for the Becker Road area.

The future land use map identifies this area as low density residential (RL); in fact most of the Becker Road Corridor has this future land use designation, and converting these six (6) lots to General Commercial could have a negative impact on the Darwin Boulevard/Becker Road intersection and the surrounding residential neighborhoods.

Along with this rezoning application, the applicant also submitted a small scale comprehensive plan amendment to be reviewed concurrently with this rezoning application (P14-037, Florida Recreation and Investments Small Scale Comprehensive Plan Application). In this application, the applicant has indicated that the future of Becker Road is more commercial in character. Therefore, the Planning and Zoning Staff has identified that we are seeking guidance from The Planning and Zoning Board and City Council on the future character of the Becker Road corridor. Also, with the existing 99,000 square foot Veranda Falls shopping center approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor not just go lot by lot, or site by site. Until City Council makes a determination on how they would like the Becker Road corridor to mature, staff believes that any comprehensive plan or rezoning approvals for this area are premature.

***Compliance With Conversion Area Requirements*:** Currently this area is not located in any conversion area. If the rezoning receives approval we are recommending that the properties be combined together through a unity of title.

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development. A developer's agreement with the City Utilities Department, that is consistent with the adopted levels of service, is required prior to the issuance of building permits.

***Environmental:*** As identified above, the applicant has submitted a comprehensive plan amendment to be reviewed concurrently with this rezoning application. Submitted with the comprehensive plan amendment was an environmental assessment for these sites. As identified in this Environmental Assessment, the site shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits. The report also states that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identify each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Schools:*** Not applicable as this is for a commercial project.

***Other:*** As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abuts residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Since this property abuts residential property to the north, east, and west, rezoning to General Commercial would require the buffer strip and the architectural wall, as defined in §153.04 (G) (1) (b), along the southern property line.

Currently these six lots have not been unified. A request to unify these properties was submitted to the City's Legal Department on March 19, 2014 to prepare and record a unity of title for these lots. This unity of title will need to be approved prior to the application being reviewed by City Council.

---

## *STAFF RECOMMENDATION:*

The Planning and Zoning Department staff finds the request to be inconsistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends denial.

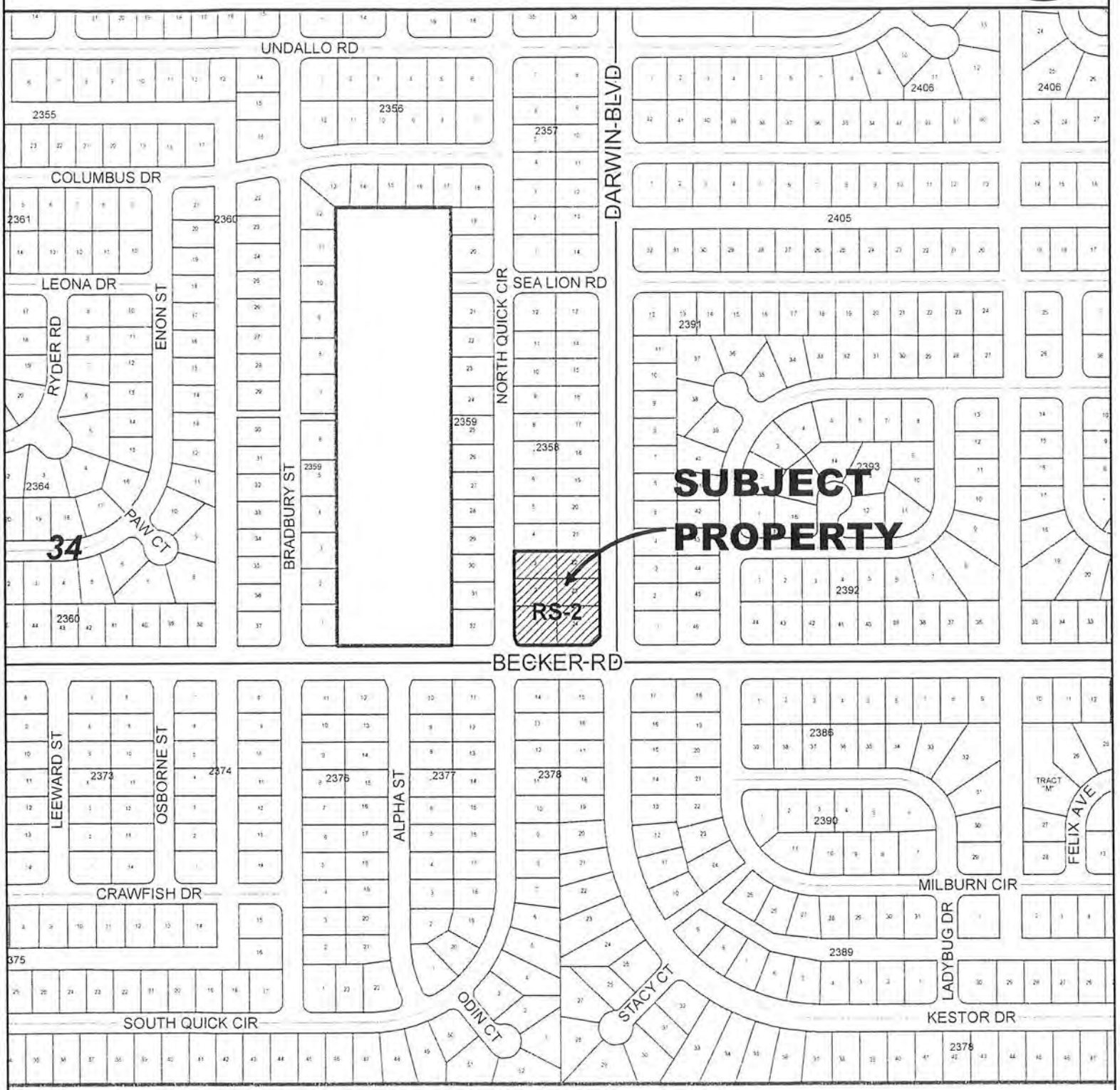
Additionally, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual comprehensive plan amendment and/or rezoning approvals.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

# SITE LOCATION

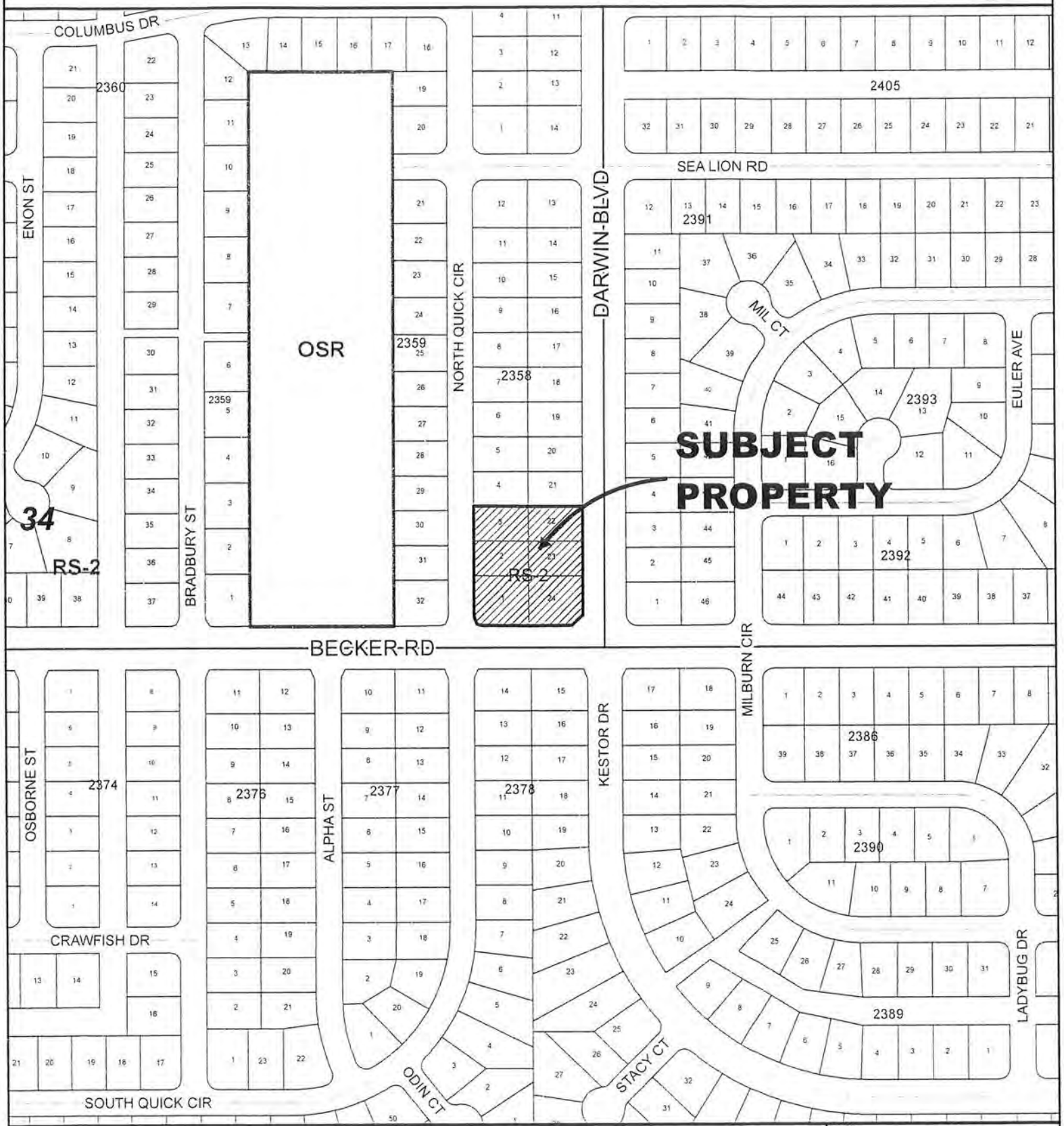



| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONE<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE 3/10/2014<br>APPLICATION NUMBER: P14-038<br>USER: PatriciaS<br>SCALE: 1 in = 400 ft |

# SITE LOCATION

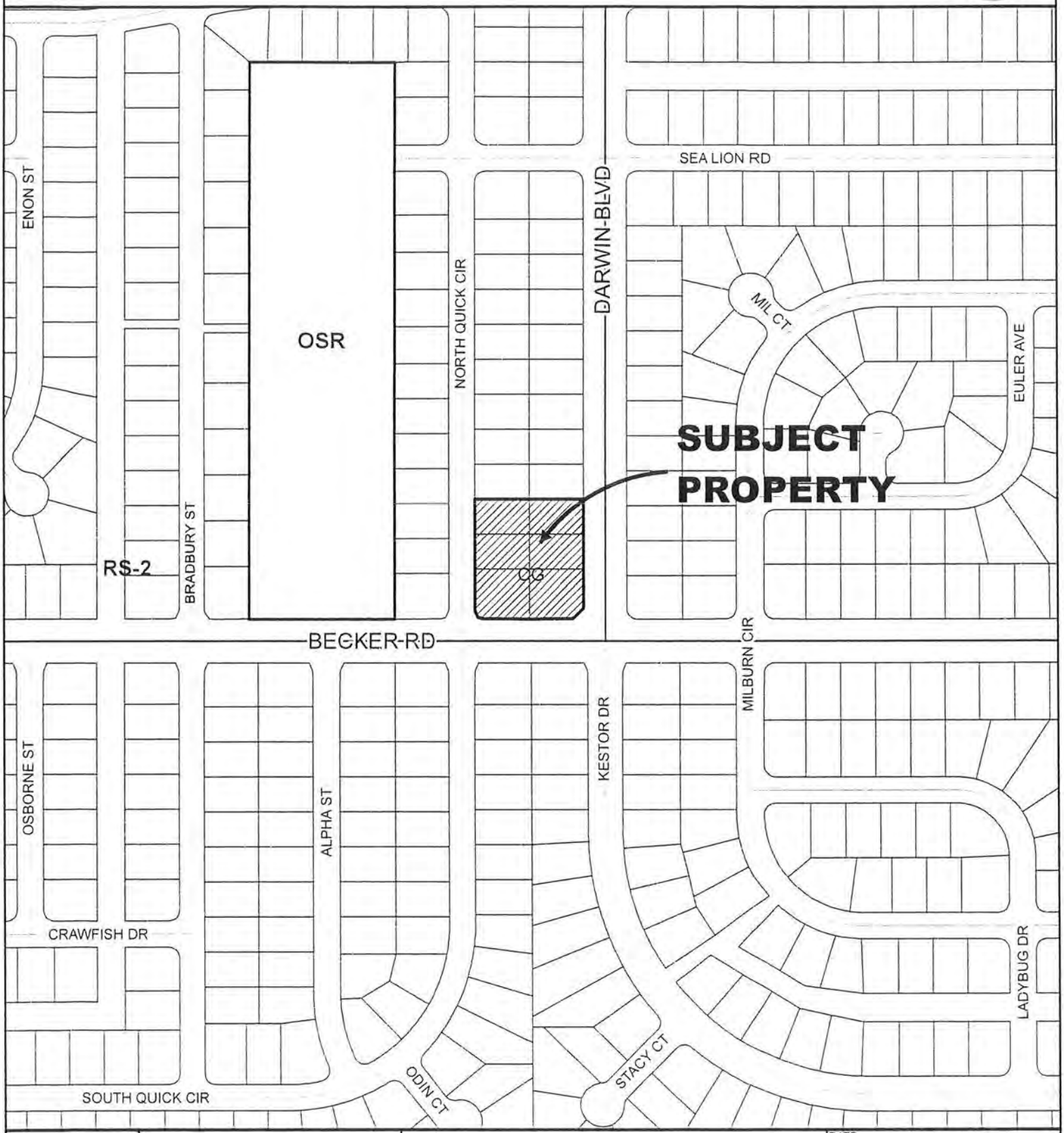
| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONE<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24<br>AERIAL DATE 4/2012 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-038<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft | |

# EXISTING ZONING




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONE<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-038<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft |

# PROPOSED ZONING

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|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | REZONE<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/20/2014<br>APPLICATION NUMBER: P14-038<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft | |

# REZONING APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX:(772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept. P14-038
Fee (Nonrefundable)$ 2,172.80
Receipt # 1019

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. **All** items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** rodkennedy@edc-inc.com

**PROPERTY OWNER:**

Name: Florida Recreation and Investments

Address: 2278 Olympic Club Ter, Palm City, Florida 34990

Telephone No.: 772-873-3232 FAX No.: 772-871-9095

**AGENT OF OWNER** (if any)

Name: Rod Kennedy, Engineering Design & Construction

Address: 1934 Tucker Court, Fort Pierce, Florida 34950

Telephone No.: 772-462-2455 FAX No: 772-462-2454

**PROPERTY INFORMATION**

Legal Description: (Include Plat Book and Page) Port St. Lucie, Section 34, Blk 2358 Lots 1 -3 and 22-24,

RECEIVED
FEB 28 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Parcel I.D. Number: 3420-665-0808-000-6

Current Zoning: RS-2 (Single Family Residential)

Proposed Zoning: CG (Commercial General)

Future Land Use Designation: Propsoed CG Acreage of Property: 1.57

Reason for Rezoning Request:

The applicant is seeking concurrent review of this rezone application along with a proposed CPA (Comprehensive Plan Amendment) application. This request is being filed so that the subject property is compatible with the proposed Future Land Use designation.

*Signature of Owner

FLORIDA RECREATION & INV. PROP LLC
By ALFRED WETZEL MANAGING MEMBER
Hand Print Name

2-27-2014
Date

***If signature is not that of the owner, a letter of authorization from the owner is needed.**

**NOTE**: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

Florida Recreation & Investment Properties, LLC
2278 Olympic Club Terrace
Palm City, Florida 349990

## AGENT CONSENT FORM

Project Name: Becker & Darwin CPA & Rezone

BEFORE ME THIS DAY PERSONALLY APPEARED ALFRED WETZEL, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Engineering Design & Construction, Inc./Roderick J. Kennedy, P.E. to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to, Northwest Corner of Becker and Darwin Comprehensive Plan Amendment (CPA) and Rezone Applicaiton, for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 26th day of February, 2014, by Alfred Wetzel (Name of Person Acknowledging) who is personally known to me or who has produced FDL W324016404030 (Type of identification) as identification and who did (did not) take an oath.

Jaana D. Jennings
(Signature of Person Taking Acknowledgement)

JAANA D. JENNINGS
(Name of Acknowledger Typed, Printed or Stamped)

Notary Public
(Title or Rank)

County: St. Lucie
(Serial Number, if any)

Notary's Seal
Notary Public State of Florida
Jaana D Jennings
My Commission EE 857042
Expires 12/09/2016

Owner's Signature

ALFRED WETZEL
Owner's Name (Print)

2600 S. KANNER HWY Y-1
Street Address

STUART FL 34994
City, State, Zip Code

(772) 240 4169
Telephone

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3223739 OR BOOK 2 7 PAGE 2247, Recorded 06/23/20 at 04:34 PM
Doc Tax: $206.50

**Courthouse Box SLW #39**

**Prepared By and Return To:**

Diane L. Ally
Fast Title, Inc.
698 S.W. Port St. Lucie Boulevard, Ste. 104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0807-000/9

**File No.** 20082025

COPY

# SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED dated this 10th day of June, 2008, by RYAN ANDREW, A SINGLE MAN INDIVIDUALLY AND AS TRUSTEE whose post office address is 4521 PGA Boulevard #201, Palm Beach Gardens, Fl 33418 hereinafter called the grantor, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY whose post office address is: 2278 Olympic Club Terrace, Palm City, Florida 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged and conveyed to the said grantee, and grantee's heirs, executors, administrators and assigns forever, the following described land, situate, lying and being in ST. LUCIE County Florida, to-wit:

LOT 22, BLOCK 2358, OF PORT ST. LUCIE SECTION THIRTY-FOUR, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AN FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.

And Grantor covenants with Grantee that except as noted, at time of the delivery of this deed:

1. The premises is free from all encumbrances made by Grantor, except as follows: (NONE)
2. Grantor will warrant and defend against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

COPY

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Print Name Diane L. Ally

RYAN ANDREW- INDIVIDUALLY

Witness Signature

Witness Print Name

RYAN ANDREW-TRUSTEE

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared RYAN ANDREW who is/are personally known to me or ___who produced his/her/their Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10th day of June, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
DD 638189
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

Notary Signature

Notary Print Name Diane L. Ally

My Commission Expires: 4/30/11

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3197670 OR BOOK 2 4 PAGE 2744, Recorded 04/23/20 at 11:51 AM
Doc Tax: $1400.00

Courthouse Box SLW #33

**Prepared By and Return To:**
Diane Ally
Fast Title Inc.
698 SW Port St. Lucie Blvd., #104
Port St. Lucie, Fl. 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0786-000/5
3420-665-0787-000/2
3420-665-0788-000/9
3420-665-0808-000/6
3420-665-0809-000/3

**File No.** FT20081998

# WARRANTY DEED

THIS WARRANTY DEED dated this 10th day of April, 2008, by SHIRLEY CHERVENY, CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, DANA BROWN, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, ED SEIDNER, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY AND MICHAEL O'JEA, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY hereinafter called the grantors, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A LIMITED LIABILITY COMPANY, whose post office address is 2278 OLYMPIC CLUB TERRACE, PALM CITY, FLORIDA 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in ST. LUCIE County, Florida, viz:

**LOTS 1, 2, 3, 23, AND 24, BLOCK 2358, OF PORT ST. LUCIE, SECTION 34, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.**

**The above described property is not nor has it ever been the homestead of the Grantors. Subject property is vacant land.**

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

DIANE L. ALLY
Witness Print Name

Witness Signature

Michelle S. Dias
Witness Print Name

SHIRLEY CHERVENY

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared SHIRLEY CHERVENY, who is personally known to me or who produced a drivers license as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 15th day of April, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
DD 638189
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

Notary Signature

DIANE L. ALLY
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 04/30/11

COPY

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

David Passaty
Witness Signature

David Passaty
Witness Print Name

Delfin Payret
Witness Signature

Delfin Payret
Witness Print Name

Michael O'Jea
MICHAEL O'JEA-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

Michael O'Jea
MICHAEL O'JEA-MANAGING MEMBER

State of Texas
County of Walker

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared MICHAEL O'JEA both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced Florida Driver's License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 14 day of April, 2008.

MARY DUNSEITH
MY COMMISSION EXPIRES
November 6, 2011

Mary Dunseith
Notary Signature

Mary Dunseith
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 11-8-11

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Print Name

Witness Signature

REGINE GRAY
Witness Print Name

ED SEIDNER-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

ED SEIDNER-MANAGING MEMBER

State of FLORIDA

County of BROWARD

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared ED SEIDNER both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced DRIVER LICENSE as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 11 day of April, 2008.

JYOTI V. PATEL
Notary Public - State of Florida
My Commission Expires Jun 16, 2010
Commission # DD 559479
Bonded By National Notary Assn.

Notary Signature

JYOTI V. PATEL
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6/16/2010

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Danielle Farmer
Witness Signature

Danielle Farmer
Witness Print Name

Burim Gurka
Witness Signature

Burim Gurka
Witness Print Name

DANA BROWN-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

DANA BROWN-MANAGING MEMBER

State of Florida

County of Indian River

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared DANA BROWN both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced FL Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 16 day of April, 2008.

NOTARY PUBLIC STATE OF FLORIDA
JOYCE FIGAROLA
NOTARY PUBLIC, STATE OF FLORIDA
MY COMM. EXP. AUGUST 14, 2011
COMMISSION DD 701059

Joyce Figarola
Notary Signature

Joyce Figarola
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 8-14-11

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Annette Mallon
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

R & L FLANZBAUM,
A/K/A RICHARD FLANZBAUM AND
LOUISE FLANZBAUM

RICHARD FLANZBAUM

LOUISIE FLANZBAUM

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, who is personally known to me or who produced Florida Dr. Lic. as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires:

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

CREATIVE REALTY MANAGEMENT, INC.
A FLORIDA CORPORATION

Witness Signature

Annette Mullin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

LOUISE PINE, PRESIDENT

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared LOUISE PINE, THE PRESIDENT OF CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, who is personally known to me or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6-15-08

# Detail by Entity Name

## Florida Limited Liability Company

FLORIDA RECREATION & INVESTMENT PROPERITIES, LLC

## Filing Information

| | |
|---|---|
| **Document Number** | L04000049924 |
| **FEI/EIN Number** | 861112163 |
| **Date Filed** | 07/06/2004 |
| **State** | FL |
| **Status** | ACTIVE |

## Principal Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Mailing Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Registered Agent Name & Address

ALFRED, WETZEL R
2600 S. KANNER HIGHWAY
APT. Y-1
STUART, FL 34994

Address Changed: 01/07/2006

## Authorized Person(s) Detail

**Name & Address**

Title MGR

WETZEL, ALFRED R
2600 KANNER HIGHWAY APT Y-1
STUART, FL 34994

Title MGR

CHERVENY, SHIRLEY
2278 OLYMPIC CLUB TERRACE

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State of Florida, Department of State

## Annual Reports

| Report Year | Filed Date |
|---|---|
| 2012 | 01/16/2012 |
| 2013 | 01/08/2013 |
| 2014 | 01/08/2014 |

## Document Images

| | |
|---|---|
| 01/08/2014 -- ANNUAL REPORT | View image in PDF format |
| 01/08/2013 -- ANNUAL REPORT | View image in PDF format |
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| 01/07/2006 -- ANNUAL REPORT | View image in PDF format |
| 01/18/2005 -- ANNUAL REPORT | View image in PDF format |
| 07/06/2004 -- Florida Limited Liability | View image in PDF format |

RECEIVED
APR 24 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

**From:** Edward Bowers <bromley01@aol.com>
**To:** beckerroad.rezoene <beckerroad.rezoene@gmail.com>
**Subject:** the tax poor city of PSL
**Date:** Mon, Apr 21, 2014 12:01 pm

---

Dear who ever you are,

I find it strange that a concerned citizen would not sign his name nor give a return address.

BUT as a home owner living near Becker Rd. I do NOT want Becker Rd to become either Port St Lucie Blvd nor
Prima Vista Blvd. Neither add to the value of surrounding properties and the traffic is terrible on both roads. I presume
that Becker was widened because of existing traffic at that time not to turn my neighborhood into a sad definition of "progress".

I also am aware of the empty store fronts in Veranda Falls shopping center and on Port St Lucie Blvd, Prima Vista where they have
erected buildings without businesses. I would propose these vacancies be filled before any more building.

I find Cross Town Parkway a lovely road to represent a "Green City" Perhaps we should have more roads like that.

I will send this letter and a copy of your letter to both the city council and the zoning board of Port St Lucie. With some
planning for the future, Port St Lucie could be a nice town to live in.

Thank you but I do not, repeat not, want Becker Rd. rezoned.

Suzanne Bowers

Suzanne Bowers

Dear Fellow Port St Lucie Property Owners

The Port St Lucie City Council is in the process of planning for the future development of the Becker Road corridor from the TURNPIKE TO I-95.

The City has four laned Becker Road and added all the Utilities necessary for development.

Currently Becker Road is being taxed as Residential property with the city losing thousands of dollars in tax revenue, after spending millions of tax payers' money for all the improvements that have been completed

The City has approved and has issued permits for 360 homes as part of a 2000 acre sub division on Becker Road. The logical development for Becker Road is to provide the conveniences our neighborhood needs.

The only logical development for Becker Road is commercial. We need your help to achieve this.

**We are asking for your help. Please E mail us your support and we will present the E mails to the City Council. If you have any questions on this E mail us and we will get back to you.**

beckerroad.rezone@gmail.com

Florida Recreation and Investment Properties LLC

Palm City FL 34990

2278 Olympic Club Terr.

772 240 4669

Shannon Martin Councilwoman

John Finizio Planner

City of Port St Lucie

121 SW Port St Lucie Blvd

Port St Lucie FL 34984

Re: Project Number P14 037 & P14 038 (Becker Rd.)

Dear Councilwoman Martin and Mr. Finizio,

I am enclosing e-mails from property owners around the Becker Rd. area expressing support for the rezoning application to be considered at the Planning and Zoning meeting Tuesday, May 6.

Alfred Wetzel

Managing Member

Gmail by Google

# Letter from you

**Michele Hughes** <michellie007@yahoo.com> Fri, Apr 18, 2014 at 3:18 PM
Reply-To: Michele Hughes <michellie007@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello,

My wife and I received your letter in the mail concerning the Becker Road development.
We are interested and would like more info on the subject.
Does this mean we will be changed to a commercial land tax?
Is this a definite rezoning that is going to happen?
Will the city buy our house?
If you could please give us some more info on this matter and what it entails we would certainly appreciate it.

Thank you,

Thomas and Michele Oja

Gmail
by Google

# Support for Zoning Change

**Dominic Yip** <dominickkyip@gmail.com>
To: Beckerroad.rezone@gmail.com
Cc: Diana Yip <diana.yip@elliman.com>

Fri, Apr 18, 2014 at 3:52 PM

To: The Planning and Zoning Board
Port St. Lucie, Florida.

From: Dominic K. Yip and Diana T. Yip,
Owner of Property at:
1342 SW Becker Road, PSL
Port St. Lucie-Section 33-Blk 2210 Lot 8

Contact Address: 65-43 226th Street,
Oakland Gardens, NY 11364.
Tel: Home: 718-229-0077; Cell/Direct: 917-913-9977

Re: Support for Zoning Change

---

Dear Sir/Madam,

Please consider this email as our official support for **a zoning change to Commercial on a 6 lot package on Becker Road.** As likewise the owner of the property, a single family house at: 4552 SW Image Dr., PSL, we strongly feel reasonable commercial developments on Becker Road are crucial to the benefit of the residents in Port ST. Lucie. I am writing to urge The Planning and Zoning Board to grant approval of this significant initiative. Thanks.

Gmail by Google

# becker road rezone

**Donovan Chin** <tubolski@bellsouth.net> Fri, Apr 18, 2014 at 10:21 PM
Reply-To: Donovan Chin <tubolski@bellsouth.net>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I STRONGLY SUPPORT THE REZONING OF BECKER ROAD FROM RESIDENTIAL TO COMMERCIAL.IT WILL BOOST THE ECONOMY OF THE CITY GREATLY BY ATTRACTING MORE CONSUMERS BOTH LOCALS AND VISITORS ALIKE.

I AM,
DANOVAN CHIN

Gmail by Google

# Becker Road

**RICHARD LITTIG** <littig1@prodigy.net> Sat, Apr 19, 2014 at 10:55 AM
Reply-To: RICHARD LITTIG <littig1@prodigy.net>
To: "Beckerroad.rezone@Gmail.com" <Beckerroad.rezone@gmail.com>

Hi,

Please contact me so I may discuss the issue. I'm sure my Wife and I would support a rezoning package. You may call any time.

Rick Littig
609-965-8780

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

## Becker Road

1 message

**David Grey** < jdjdjd5625@gmail.com> Thu, Apr 17, 2014 at 3:31 PM
To: Beckerroad.rezone@gmail.com

Thank you very much for the rezoning letter concerning Becker Road.
We are pro commercial rezoning.
If we can be of any assistance please do not fail to contact us.

David Gray
5625 Sun Valley Drive
Fort Pierce fl 34951
772-579-2220

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezoning

1 message

**mikeneil@aol.com** < mikeneil@aol.com> Thu, Apr 17, 2014 at 4:20 PM
To: beckerroad.rezone@gmail.com

To Whom It May Concern:

We support the rezoning of any residential parcel along Becker Road to Commercial Zoning.

Sincerely,

AM Developments, Inc.
Michael Neil Reinstein, Managing Partner
Architect AR 13161
State Lic. Gen. Contr. CGC 045282
786-546-4739

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# You got my support regarding zoning change to commercial.

1 message

**Mark jean-pierre** < markhj22@yahoo.com> Thu, Apr 17, 2014 at 7:18 PM
Reply-To: Mark jean-pierre <markhj22@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## keep commercial

1 message

**john kendall** < snapher3006@yahoo.com> Wed, Apr 16, 2014 at 10:17 AM
Reply-To: john kendall <snapher3006@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I am in full favor of keeping the zoning as is - commercial
John Kendall - 155 SW Klee circle, PSL FL 34953

as always the council will do as they please no mater what we want.

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road rezoning

1 message

**Prima Properties** < primapro@aol.com> Wed, Apr 16, 2014 at 1:56 PM
To: beckerroad.rezone@gmail.com

We will give you our support to get the zoning changed from residential to commercial, if you can get our lots changed as well! :)

-John Morris
Prima Properties

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# SUPPORT FOR REZONE

1 message

**Djdi557@aol.com** < Djdi557@aol.com> Wed, Apr 16, 2014 at 2:11 PM
To: Beckerroad.rezone@gmail.com

To Whom It May Concern:

We are in support of the rezoning of Becker Road from residential to commercial.

Sincerely,

DeLeasa LLC
Diane DeLeasa
Gail DeLeasa

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# rezone

1 message

**MITCHELL THAL** < yankee714@yahoo.com> Wed, Apr 16, 2014 at 3:23 PM
Reply-To: MITCHELL THAL <yankee714@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I have 3 lots fronting Becker

I thought it was rezoned to GC years ago...lost track

2 questions please...
-what is the address of the 6 lot pkg?
-what type of project is proposed for the site?

Thanks,

Mitchell Thal

Alfred Wetzel < beckerroad.rezone@gmail.com>

# lot#6 Becker rd.

1 message

**twerpshaw@comcast.net** < twerpshaw@comcast.net> Wed, Apr 16, 2014 at 3:45 PM
To: Beckerroad.rezone@gmail.com

I'm in support of rezoning my parcel on Becker rd. to commercial zoning.

Tom Werpshaw 772 - 781- 9546

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

# We are in support of this rezone of Becker Road.

1 message

**FLMUZ@aol.com** < FLMUZ@aol.com> Wed, Apr 16, 2014 at 4:07 PM
To: Beckerroad.rezone@gmail.com

This has been too many years sitting around for someone or something to get this in motion. Signed Paul S Conti and Shirley E Heysham both are lot owners on Becker Road in Port St Lucie, Fl.

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road - Commercial Development

1 message

**Deirdre Levesque** < deirdrelevesque@yahoo.com> Wed, Apr 16, 2014 at 5:25 PM

Reply-To: Deirdre Levesque <deirdrelevesque@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

To Whom It May Concern:

We completely agree, one hundred percent, that Becker Road should be developed commercially and support Port St. Lucie City Council's proposal to do so. Thank you for the opportunity for our voices to be heard.

Sincerely,
Deirdre and Timothy Levesque

249 SW North Wakefield Circle
Port St. Lucie, FL 34953

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezone of Becker road

1 message

**Nick Peters** < pickneters@gmail.com>

Wed, Apr 16, 2014 at 6:28 PM

To: beckerroad.rezone@gmail.com

I am for Becker road becoming zoned commercial. My name is Nick Peters and I reside at 4626 sw fallkirk st in Port Saint Lucie Florida. Please feel free to contact me at 772-332-4422 with any questions.

Thanks
Nick Peters

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Becker Road.

1 message

**Nabil Mansour** < nabilmansour55@gmail.com> Wed, Apr 16, 2014 at 8:49 PM

To: beckerroad.rezone@gmail.com

Hi ,

My name is Mr Mansour,myself and my cousin own the first three lots located at the NW corner of the Florida Turnpike. We will be more than happy to offer any kind of assistance to you in your quest to rezone your lots into commercial ones.If you would to discuss the details,you can call me at 404/998-9036.

Best regards
Mr Mansour

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Support for Becker Road Rezone

1 message

**edmonahan@webb-builders.com** < edmonahan@webb-builders.com> Thu, Apr 17, 2014 at 6:47 AM
To: beckerroad.rezone@gmail.com

Count me in please. I'm also the president of Spartan Development that owns property on and near Becker Rd. I would like to speak with you (cell #) when have a moment about Port St. Lucie; it's current state and future.
Thank you
Ed Monahan
Webb Builders, LLC
Phone (561) 626-1568
Fax (561) 626-1654
Cell (561) 847-0472

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Re-zone Becker

1 message

**Lorraine Nichol** < lnichol13@live.com> Thu, Apr 17, 2014 at 9:05 AM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Please add us to the list of supporters for the re-zoning of Becker Road, Port St. Lucie, FL, from Residential to Commercial.

Phillip H. Nichol and Lorraine S. Nichol

Gmail

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Zoning change on Becker RD

1 message

**Teddy kapsoulias** <teddyk31@hotmail.com> Mon, Apr 21, 2014 at 11:18 PM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hi My Name is Theodore Kousoulis Trustee for the Kousoulis LIVING TRUST
we own a lot on Becker rd # 1071 , BL 2270 LOT 21
WITH BECKER RD BEEN THE Link that connects the turn pike and 95
with 4 Lanes AND SPEEDS AT 40 MILES PER HR
Who Would want to build a house and Raise a family
Under these conditions ????
The Logical and long over due solution it will be
to turn the RD on to commercial zoned .
Lets all work together . to improve
the Life of the people on port st Lucie
thanks
Theodore kousoulis
908 581 8163

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Rezoning

1 message

**Valarie** <grantstb@comcast.net> Mon, Apr 21, 2014 at 9:40 PM
To: beckerroad.rezone@gmail.com

It would be to the best interest of the homeowners in this area to have commercial development along Becker Road. It will relieve some of the traffic on the Boulevard and the neighboring streets i.e. Gatlin. We need a pharmacy, restaurants, etc.

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Zoning change on Becker RD

1 message

**Teddy kapsoulias** <teddyk31@hotmail.com> Mon, Apr 21, 2014 at 11:18 PM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hi My Name is Theodore Kousoulis Trustee for the Kousoulis LIVING TRUST
we own a lot on Becker rd # 1071 , BL 2270 LOT 21
WITH BECKER RD BEEN THE Link that connects the turn pike and 95
with 4 Lanes AND SPEEDS AT 40 MILES PER HR
Who Would want to build a house and Raise a family
Under these conditions ????
The Logical and long over due solution it will be
to turn the RD on to commercial zoned .
Lets all work together . to improve
the Life of the people on port st Lucie
thanks

Theodore kousoulis
908 581 8163

Gmail

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

# Pt. St. Lucie Rezoning of Becker Road

1 message

**Dale Gaines** < dalegaines@hotmail.com> Mon, Apr 21, 2014 at 12:29 PM

To: "Beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello Mr. Wetzel,

Just received your letter and we are very interested in learning more as to what is going on with this.
We are in support of the rezoning to commercial.

I would appreciate if you would please call me or send me your phone number so we can discuss this further.

Thank you,

Greg Gaines
Phone: 828-421-5630

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

## zoning on Becker Road

1 message

**juliacr@aol.com** < juliacr@aol.com> Sun, Apr 20, 2014 at 9:26 PM
To: beckerroad.rezone@gmail.com

I think rezoning Becker Road from the turnpike to I- 95 is a pretty logical thing to do. The area is between 2 major highways and would be convenient for businesses to locate in the area. Commercial development would bring more revenue to the city too.

Julia Raub
772 336 2783

Gmail by Google

# Port St. Lucie Planning & Zoning

**Sandy** <sdambrosio1@rochester.rr.com> Fri, Apr 18, 2014 at 3:07 PM
To: beckerroad.rezone@gmail.com

Hello,

This is inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Sandra D'Ambrosio

Gmail by Google

# (no subject)

**blue** <blueoak@rochester.rr.com> Fri, Apr 18, 2014 at 6:21 PM
To: beckerroad.rezone@gmail.com

Hello,

This is to inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Michael D'Ambrosio

Gmail by Google

# Letter from you

**Michele Hughes** <michellie007@yahoo.com> Fri, Apr 18, 2014 at 3:18 PM
Reply-To: Michele Hughes <michellie007@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello,

My wife and I received your letter in the mail concerning the Becker Road development.
We are interested and would like more info on the subject.
Does this mean we will be changed to a commercial land tax?
Is this a definite rezoning that is going to happen?
Will the city buy our house?
If you could please give us some more info on this matter and what it entails we would certainly appreciate it.

Thank you,

Thomas and Michele Oja

Gmail by Google

# Support for Zoning Change

**Dominic Yip** <dominickkyip@gmail.com> Fri, Apr 18, 2014 at 3:52 PM
To: Beckerroad.rezone@gmail.com
Cc: Diana Yip <diana.yip@elliman.com>

To: The Planning and Zoning Board
Port St. Lucie, Florida.

From: Dominic K. Yip and Diana T. Yip,
Owner of Property at:
1342 SW Becker Road, PSL
Port St. Lucie-Section 33-Blk 2210 Lot 8

Contact Address: 65-43 226th Street,
Oakland Gardens, NY 11364.
Tel: Home: 718-229-0077; Cell/Direct: 917-913-9977

Re: Support for Zoning Change

---

Dear Sir/Madam,

Please consider this email as our official support for **a zoning change to Commercial on a 6 lot package on Becker Road.** As likewise the owner of the property, a single family house at: 4552 SW Image Dr., PSL, we strongly feel reasonable commercial developments on Becker Road are crucial to the benefit of the residents in Port ST. Lucie. I am writing to urge The Planning and Zoning Board to grant approval of this significant initiative. Thanks.

Gmail by Google

# becker road rezone

**Donovan Chin** <tubolski@bellsouth.net> Fri, Apr 18, 2014 at 10:21 PM
Reply-To: Donovan Chin <tubolski@bellsouth.net>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I STRONGLY SUPPORT THE REZONING OF BECKER ROAD FROM RESIDENTIAL TO COMMERCIAL.IT WILL BOOST THE ECONOMY OF THE CITY GREATLY BY ATTRACTING MORE CONSUMERS BOTH LOCALS AND VISITORS ALIKE.

I AM,
DANOVAN CHIN

Gmail by Google

# Becker Road

**RICHARD LITTIG** <littig1@prodigy.net> Sat, Apr 19, 2014 at 10:55 AM
Reply-To: RICHARD LITTIG <littig1@prodigy.net>
To: "Beckerroad.rezone@Gmail.com" <Beckerroad.rezone@gmail.com>

Hi,

Please contact me so I may discuss the issue. I'm sure my Wife and I would support a rezoning package. You may call any time.

Rick Littig
609-965-8780

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## Becker Road

1 message

**David Grey** < jdjdjd5625@gmail.com> Thu, Apr 17, 2014 at 3:31 PM
To: Beckerroad.rezone@gmail.com

Thank you very much for the rezoning letter concerning Becker Road.
We are pro commercial rezoning.
If we can be of any assistance please do not fail to contact us.

David Gray
5625 Sun Valley Drive
Fort Pierce fl 34951
772-579-2220

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezoning

1 message

**mikeneil@aol.com** < mikeneil@aol.com> Thu, Apr 17, 2014 at 4:20 PM
To: beckerroad.rezone@gmail.com

To Whom It May Concern:

We support the rezoning of any residential parcel along Becker Road to Commercial Zoning.

Sincerely,

AM Developments, Inc.
Michael Neil Reinstein, Managing Partner
Architect AR 13161
State Lic. Gen. Contr. CGC 045282
786-546-4739

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# You got my support regarding zoning change to commercial.

1 message

**Mark jean-pierre** < markhj22@yahoo.com> Thu, Apr 17, 2014 at 7:18 PM
Reply-To: Mark jean-pierre <markhj22@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## keep commercial

1 message

**john kendall** < snapher3006@yahoo.com> Wed, Apr 16, 2014 at 10:17 AM
Reply-To: john kendall <snapher3006@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I am in full favor of keeping the zoning as is - commercial
John Kendall - 155 SW Klee circle, PSL FL 34953

as always the council will do as they please no mater what we want.

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road rezoning

1 message

**Prima Properties** < primapro@aol.com> Wed, Apr 16, 2014 at 1:56 PM
To: beckerroad.rezone@gmail.com

We will give you our support to get the zoning changed from residential to commercial, if you can get our lots changed as well! :)

-John Morris
Prima Properties

Alfred Wetzel < beckerroad.rezone@gmail.com>

# SUPPORT FOR REZONE

1 message

**Djdi557@aol.com** < Djdi557@aol.com> Wed, Apr 16, 2014 at 2:11 PM
To: Beckerroad.rezone@gmail.com

To Whom It May Concern:

We are in support of the rezoning of Becker Road from residential to commercial.

Sincerely,

DeLeasa LLC
Diane DeLeasa
Gail DeLeasa

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# rezone

1 message

**MITCHELL THAL** < yankee714@yahoo.com> Wed, Apr 16, 2014 at 3:23 PM
Reply-To: MITCHELL THAL <yankee714@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I have 3 lots fronting Becker

I thought it was rezoned to GC years ago...lost track

2 questions please...
-what is the address of the 6 lot pkg?
-what type of project is proposed for the site?

Thanks,

Mitchell Thal

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# lot#6 Becker rd.

1 message

**twerpshaw@comcast.net** < twerpshaw@comcast.net> Wed, Apr 16, 2014 at 3:45 PM
To: Beckerroad.rezone@gmail.com

I'm in support of rezoning my parcel on Becker rd. to commercial zoning.

Tom Werpshaw 772 - 781- 9546

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## Becker Road - Commercial Development

1 message

**Deirdre Levesque** < deirdrelevesque@yahoo.com> Wed, Apr 16, 2014 at 5:25 PM

Reply-To: Deirdre Levesque <deirdrelevesque@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

To Whom It May Concern:

We completely agree, one hundred percent, that Becker Road should be developed commercially and support Port St. Lucie City Council's proposal to do so. Thank you for the opportunity for our voices to be heard.

Sincerely,
Deirdre and Timothy Levesque

249 SW North Wakefield Circle
Port St. Lucie, FL 34953

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezone of Becker road

1 message

**Nick Peters** < pickneters@gmail.com>

Wed, Apr 16, 2014 at 6:28 PM

To: beckerroad.rezone@gmail.com

I am for Becker road becoming zoned commercial. My name is Nick Peters and I reside at 4626 sw fallkirk st in Port Saint Lucie Florida. Please feel free to contact me at 772-332-4422 with any questions.

Thanks
Nick Peters

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road.

1 message

**Nabil Mansour** < nabilmansour55@gmail.com> Wed, Apr 16, 2014 at 8:49 PM

To: beckerroad.rezone@gmail.com

Hi ,

My name is Mr Mansour,myself and my cousin own the first three lots located at the NW corner of the Florida Turnpike. We will be more than happy to offer any kind of assistance to you in your quest to rezone your lots into commercial ones.If you would to discuss the details,you can call me at 404/998-9036.

Best regards
Mr Mansour

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Support for Becker Road Rezone

1 message

**edmonahan@webb-builders.com** < edmonahan@webb-builders.com> Thu, Apr 17, 2014 at 6:47 AM
To: beckerroad.rezone@gmail.com

Count me in please. I'm also the president of Spartan Development that owns property on and near Becker Rd. I would like to speak with you (cell #) when have a moment about Port St. Lucie; it's current state and future.
Thank you
Ed Monahan
Webb Builders, LLC
Phone (561) 626-1568
Fax (561) 626-1654
Cell (561) 847-0472

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Re-zone Becker

1 message

**Lorraine Nichol** < lnichol13@live.com> Thu, Apr 17, 2014 at 9:05 AM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Please add us to the list of supporters for the re-zoning of Becker Road, Port St. Lucie, FL, from Residential to Commercial.

Phillip H. Nichol and Lorraine S. Nichol

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Pt. St. Lucie Rezoning of Becker Road

1 message

**Dale Gaines** < dalegaines@hotmail.com> Mon, Apr 21, 2014 at 12:29 PM

To: "Beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello Mr. Wetzel,

Just received your letter and we are very interested in learning more as to what is going on with this.
We are in support of the rezoning to commercial.

I would appreciate if you would please call me or send me your phone number so we can discuss this further.

Thank you,

Greg Gaines
Phone: 828-421-5630

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## zoning on Becker Road

1 message

**juliacr@aol.com** < juliacr@aol.com> Sun, Apr 20, 2014 at 9:26 PM
To: beckerroad.rezone@gmail.com

I think rezoning Becker Road from the turnpike to I- 95 is a pretty logical thing to do. The area is between 2 major highways and would be convenient for businesses to locate in the area. Commercial development would bring more revenue to the city too.

Julia Raub
772 336 2783

Gmail by Google

# Port St. Lucie Planning & Zoning

**Sandy** <sdambrosio1@rochester.rr.com> Fri, Apr 18, 2014 at 3:07 PM
To: beckerroad.rezone@gmail.com

Hello,

This is inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Sandra D'Ambrosio

Gmail by Google

# (no subject)

**blue** <blueoak@rochester.rr.com> Fri, Apr 18, 2014 at 6:21 PM
To: beckerroad.rezone@gmail.com

Hello,

This is to inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Michael D'Ambrosio

COUNCIL ITEM 8C
DATE 9/26/16

~~COUNCIL ITEM 10A~~
~~DATE 9/12/16~~

# ORDINANCE 16 - 61

AN ORDINANCE AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 61.25, "TEMPORARY METER PERMITS," TO REFLECT THE CHANGE IN RATES AND FEES APPLICABLE TO THE MONTHLY USAGE BILLINGS FOR TEMPORARY METERS; AMENDING CHAPTER 62, "WATER, WASTEWATER AND RECLAIMED WATER UTILITY SERVICE RATE SCHEDULE," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING THE APPENDIX TO CHAPTER 62 SETTING FORTH A WATER, WASTEWATER AND RECLAIMED WATER RATE SCHEDULE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 61.25, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.25. Temporary Meter Permits

(a) *Signed application and agreement required.* Before rendering temporary water service, the City shall require a signed permit application and agreement for service. Said application shall be made on forms furnished by the City and shall constitute an agreement by the customers to abide by the utility's rules and policies for such service, and shall be tendered only by the duly authorized agents of the firm, partnership, association or corporation requesting service.

(b) *Permit period.* Each permit shall allow for temporary metered water usage for up to 180 consecutive days. Permits may be extended in 180-day increments at the sole discretion of the City.

(c) *Permit Fees.* Any applicant requesting temporary water service for up to 180 days shall be required to pay fees based on the size of the meter as follows:

| Meter Size | Refundable Deposit | Installation Fees | Collected at Time of Application for Service |
|---|---|---|---|
| ⅝" × ¾" | $203.00 | $247.00 | $450.00 |
| 1" | $281.00 | $253.00 | $534.00 |

| | | | |
|---|---|---|---|
| 2" | $731.00 | $299.00 | $1,030.00 |
| 3" | $2,400.00 | $676.00 | $3,076.00 |
| 4" | $2,842.00 | $676.00 | $3,518.00 |
| 6" | $5,121.00 | $733.00 | $5,854.00 |
| 8" | $9,006.00 | $1,122.00 | $10,128.00 |
| 10" | $13,092.00 | $1,530.00 | $14,622.00 |
| Rates for meters above 10" are to be determined at time of application for service. | | | |

(d) *Temporary Meter Relocation Fees.* Permittees may request the relocation of a specific permitted temporary meter if it is to be relocated within the boundaries of the property for which it originally provided service. A $60.00 fee shall be charged for the relocation of each temporary meter.

(e) *Permit Time Extensions.* Permittees are responsible for monitoring their permit's expiration date. A permittee may request permit time extension in 180-day increments. If a time extension is not requested, the City will remove the permitted temporary meter assemblies on the 181st day after the original date of installation (the permit date).

A $60.00 fee shall be charged for each 180-day permit time extension.

(f) *Termination of service.* Temporary meter permittees who no longer need service from a permitted temporary meter are responsible for contacting City to request that the assembly be removed. Upon termination of the temporary meter assembly's use, the City will evaluate the assembly's condition. Damage resulting from a permittee's negligent use or misuse of any assembly will result in the City retaining the full amount of the permittee's deposit.

(g) *Monthly billings required.* The City shall perform monthly temporary meter readings. The following rates and fees shall apply to the monthly usage billings for temporary meters.

| Temporary Meter Size | BFC |
|---|---|
| 5/8" × 3/4" | ~~$6.87~~ $7.29 |
| 1" | ~~$17.19~~ $18.23 |
| 2" | ~~$54.98~~ $58.32 |
| 3" | ~~$101.84~~ $107.92 |
| 4" | ~~$159.16~~ $168.71 |
| 6" | ~~$318.46~~ $337.57 |
| 8" | ~~$509.69~~ $540.27 |
| 10" | ~~$1,031.29~~ $1,093.17 |

Plus gallonage rate per 1,000 gallons according to the Block 1 rates then in effect.

(h) *Refundable Deposit.* In the event of loss, theft or vandalism, the refundable deposit is forfeited.

Section 2. That the Appendix to Chapter 62, Port St. Lucie City Code, WATER, WASTEWATER, AND RECLAIMED WATER RATE SCHEDULE, is hereby amended to read as follows:

APPENDIX: WATER, WASTEWATER AND RECLAIMED WATER RATE SCHEDULE

(a) *Base Facility Charges.* "Readiness to serve" fee: A monthly Base Facility Charge (BFC) or "readiness to serve" fee, shall be applied to all water, wastewater or reclaimed water bill regardless of whether there is any usage recorded for that month.

(b) *Lien of service charges.* The City of Port St. Lucie has issued revenue bonds for the acquisition, construction, and expansion of the City's water, wastewater, and reclaimed water facilities pursuant to Chapter 159, Florida Statutes. The City shall have a lien against all lands or premises served by any water (potable and reclaimed), or sewer system for all service charges for such facilities until paid. Such liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes pursuant to section 159.17, Florida Statutes.

(c) *Rates.* Monthly water, wastewater and reclaimed water gallonage charges and rates are based on metered use.

(1) *Billing Charge for all customer classes*: A charge totaling ~~$2.88~~ $3.06 per month shall be added to all bills.

(2) *Residential single-family base facility charge (BFC)*:

| Meter size | Water BFC | Wastewater BFC |
|---|---|---|
| $^5/_8$" x $^3/_4$" | ~~6.87~~ 7.29 | ~~14.26~~ 13.69 |
| 1" | ~~17.21~~ 18.23 | ~~35.65~~ 34.23 |
| $1^1/_2$" | ~~34.37~~ 36.45 | ~~71.29~~ 68.45 |
| 2" | ~~54.98~~ 58.32 | ~~114.07~~ 109.52 |

Plus gallonage rate per 1,000 gallons as follows:

| | Water rate | Wastewater rate | Water gallons | Wastewater cap (gal) |
|---|---|---|---|---|
| Block 1 | ~~3.89~~ 4.13 | ~~7.43~~ 7.14 | 0--5000 | 8,000 |
| Block 2 | ~~5.08~~ 5.39 | n/a | 5,001—12,000 | n/a |
| Block 3 | ~~6.25~~ 6.63 | n/a | 12,001 and above | n/a |

(3) *Residential multi-family BFC individually metered (includes condominiums and townhomes*:

| | Water BFC | Wastewater BFC |
|---|---|---|
| Per dwelling unit: (when master metered) | ~~4.88~~ 5.18 per unit | ~~13.41~~ 12.88 per unit |

Plus gallonage rate per 1,000 gallons as follows:

| | Water rate | Wastewater rate | Water gallons | Wastewater cap (gal) |
|---|---|---|---|---|
| Block 1 | ~~3.89~~ 4.13 | ~~7.43~~ 7.14 | 0—3,600 | Up to 6,000 gal/mo/unit |
| Block 2 | ~~5.08~~ 5.39 | n/a | 3,601—8,500 | n/a |
| Block 3 | ~~6.25~~ 6.63 | n/a | 8,501 and above | n/a |

(4) *Nonresidential BFC (includes, but is not limited to, commercially leased residential properties such as apartment complexes)*:

| ERCs | Water BFC rate per ERCs Reserved | Wastewater BFC Rate per ERCs Reserved |
|---|---|---|
| Calculations shall be based upon the number of ERCs reserved. | ~~6.87~~ 7.29 | ~~14.26~~ 13.69 |

Plus gallonage rate per 1,000 gallons as follows:

| | Water Rate | Wastewater Rate |
|---|---|---|
| Block 1 | ~~3.89~~ 4.13 | ~~7.43~~ 7.14 |
| Block 2 | ~~5.08~~ 5.39 | n/a |
| Block 3 | ~~6.25~~ 6.63 | n/a |

There shall be no wastewater cap for this class of users and customers.

Monthly water and wastewater block gallonage shall be based upon the number of ERCs reserved. The block thresholds for each commercial water or wastewater meter shall be calculated by multiplying the number of ERCs reserved for that meter times the number of gallons shown in the following table:

| Block 1 Threshold | Block 2 Threshold | Block 3 Threshold |
|---|---|---|
| Usage up to 5,000 gallons multiplied by the number of ERCs reserved shall be billed at the Block 1 rate | Usage greater than 5,000 up to 12,000 gallons multiplied by the number of ERCs reserved shall be billed at the Block 2 rate | Usage greater than 12,000 gallons multiplied by the number of ERCs reserved and above shall be billed at the Block 3 rate |

(5) *Wastewater only*:

a. Single family flat rate: ~~$58.84~~ $56.53 (based on ~~$14.26~~ 13.69 BFC + ~~$7.43~~ $7.14 per gallon x 6,000 gallons)

b. Multi-family flat rate: ~~$57.99~~ $55.75 per unit (based on ~~$13.41~~ $12.88 BFC + ~~$7.43~~ $7.14 per gallon x 6,000 gallons)

c. Non-residential: ~~$14.26~~ $13.69 BFC x ERCs reserved
Plus
~~$59.44~~ $57.12 (based on ~~$7.43~~ $7.14 per gallon x 8,000 gallons)

(6) *Reclaimed Water Usage Rates*:

Monthly Consumption Rates:

Monthly billings shall be handled as provided in Section 61.04.

| | Rate |
|---|---|
| *Base Facility Charge (BFC):* | ~~$2.82~~ $2.91 per 1,000 gallons of capacity reserved |
| Plus | |
| Per 1,000 gallons of metered use | ~~16¢~~ 17¢ |

Industrial reclaimed water customer rates:

| | |
|---|---|
| Per 1,000 gallons of metered use | ~~23¢~~ 24¢ |

(b) Guaranteed revenue fee. The rate per ERC shall be equal to the BFC for the 5/8" x 3/4" residential meter as set forth above, and the calculation shall be based upon the number of ERC's reserved in a service agreement.

Section 3. Inconsistency. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any of this Ordinance is determined to be void or held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, then the remainder of this Ordinance shall remain in full force and effect and this Ordinance shall nevertheless stand and be construed as if the illegal or invalid part or portion had not be included herein.

Section 5. Codification. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Port St. Lucie Code of Ordinances.

Section 6. Effective Date. This ordinance shall become effective October 1, 2016.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of_____ , 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

_____
Karen A. Phillips, City Clerk

By:_____
Gregory J. Oravec, Mayor

APPROVED AS TO FORM

By:_____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10A
Meeting Date: 9/12/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager
Patricia Roebling, PE, Assistant City Manager – Admin. Services

FROM: Jesus Merejo, Utility Systems Director

Agenda Item: Ordinance: 16-61 Amending Section 61.25, Temporary Meter Permits; and the Appendix to Chapter 62, Setting Forth a Water, Wastewater and Reclaimed Water Rate Schedule.

Submittal Date: 9/1/2015

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**STRATEGIC PLAN LINK:** Principal A – Exceptional Municipal Services: 1. Developing and maintaining a state of the art infrastructure and utility system.

**BACKGROUND:** Ordinance 16-61 was drafted pursuant to City Council discussion about utility rates and charges during the 2016 Summer Retreat. In accordance with those discussions, the ordinance reflects a 6% increase to potable water use rates, a 4% decrease to wastewater rates, and a 3% increase to reclaimed water rates to become effective October 1, 2016.

**ANALYSIS:** The subject rate adjustments are outlined in the 2016 Water and Wastewater Rate Study performed by Raftelis Financial Consultants and were discussed by Mr. Mike Rocca, the Raftelis Director of Florida Operations, during a presentation at the 2016 Summer Retreat. The proposed adjustments represent equitable cost recovery that will ensure revenue sufficiency to cover the Utility's operating expenses and debt coverage as mandated by the Utility's bond covenants.

In accordance with Florida Statute 180.136, the following notice has appeared on each customer's utility bill:

> The Port St. Lucie City Council will consider a 6% increase to its water rates and charges, 4% decrease to its wastewater rates and charges, and a *3% increase to its reclaimed irrigation water rates and charges that, if adopted, will become effective October 1, 2016. The Public hearings on*

*these matters will be held in City Council Chambers at City Hall beginning at 7:00 p.m., or as soon thereafter as the matters may be heard, on Monday, September 12, 2016, and Monday, September 24, 2016.*

**FINANCIAL INFORMATION**: None.

**LEGAL INFORMATION**: This ordinance was reviewed and approved as to sufficiency by O. Reginald Osenton, City Attorney.

**STAFF RECOMMENDATION**: It is respectfully requested that the City Council adopt Ordinance #16-61.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Ordinance #16-61

*All attached items have been sent to the City Clerk. Any items not provided in the City Council packets are available upon request from the City Clerk.

RECEIVED

SEP 01 2016

CITY MANAGER'S OFFICE

COUNCIL ITEM 8D
DATE 9/26/16

~~COUNCIL ITEM 10B~~
~~DATE 9/12/16~~

ORDINANCE 16 – 62

AN ORDINANCE AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 61.11, "WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; ADOPTION; CALCULATING APPLICATION; TIME OF PAYMENT," TO PROVIDE FOR AMENDED WATER AND WASTEWATER TREATMENT CAPITAL CHARGES; BY AMENDING SECTION 61.16, "RECLAIMED WATER CONNECTIONS," TO PROVIDE FOR AMENDED RECLAIMED SYSTEM CAPITAL CHARGES; BY AMENDING SECTION 61.24, "WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; ADOPTION; APPLICABILITY; TIME OF PAYMENT," TO PROVIDE FOR AMENDED WATER LINE AND WASTEWATER LINE CAPITAL CHARGES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 61.11, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.11. - Water and wastewater treatment capital charges; adoption; calculating application; time of payment.

(a) *Adoption.* The city hereby adopts and establishes pursuant to general law, water and wastewater capital charges, each of which shall consist of a plant capacity charge, the purpose of which will be to finance capital expenditures and the payment of city indebtedness associated with the expansion of the city's water supply, water treatment, wastewater treatment, and effluent disposal systems. The water and wastewater capital charges imposed per ERC by the city shall be as follows:

| Plant Capacity Capital Charges | Amount per ERC |
|---|---|
| Water | ~~$1,257.00~~ $1,360.00 |
| Wastewater | 2,131.00 $2,080.00 |

(b) *Applicability.* The city may exempt any customer from the payment of all or a portion of the water and wastewater capital charges to the extent that the city accepts a permanent contribution in aid of construction related to the water supply, water treatment, wastewater treatment, or effluent disposal facilities having a value of not less than the portion of the water or wastewater capital charges being exempted.

(c) *Time of payment.* All water and wastewater capital charges shall be paid prior to connection of a structure or structures to be served by the city,

or such other time as may be specifically provided by city resolution, ordinance, agreement, or permit; provided, however, that the city may allow the payment of any water or wastewater capital charges in monthly installments and upon any such terms and conditions that the city deems appropriate.

(d) *Capacity reserved to real property.* All water and wastewater plant capacity purchased for a real property in accordance with this section shall be reserved only to that specific real property.

(e) *Non-refundable reserved capacity.* Any water or wastewater capacities purchased or reserved in accordance with this section shall be nonrefundable; provided however that the utility director may, at his/her sole discretion, authorize exceptions to this section to allow for the refunding of capacities on a case-by-case basis. The manner and timeframe by which the city refunds such capacities shall be at the utility director's sole discretion.

(f) *Determination of equivalent residential unit factors for water and wastewater services.*

(1) For purposes of calculating and imposing the water and/or wastewater capital charges provided for in this section, the ERC factor for any particular connection may be calculated and imposed in the manner provided as follows:

*Establishment* *ERC Factor*

Residential:

Single family per meter .....1.000

Multi-family master metered:

a. Up to 750 square feet .....0.5000

b. More than 750 square feet .....0.9000

Multi-family non-master metered (same as single family)

Commercial:

Airports, bus terminals, train stations, port and dock facilities:

a. Per passenger .....0.0188

b. Add per employee per eight hour shift .....0.0706

Barber and beauty shops per service chair .....0.3529

Bowling alley per lane .....0.2353

Country club:

a. Per resident .....0.4706

b. Add per member or patron .....0.1176

c. Add per employee per eight hour shift .....0.0706

Doctor and dentist offices:

a. Per practitioner .....1.1765

b. Add per employee per eight hour shift .....0.0706

Factories, exclusive of industrial wastes (gallons per employee per eight hour shift):

a. No showers provided .....0.0706

b. Showers provided .....0.1176

Flea market open more than three days per week (estimated flows shall be doubled)

Flea market open three or less days per week:

a. Per nonfood service vendor space .....0.0706

b. Add per food service establishment using single service articles only per 100 square feet .....0.2353

c. Per limited food service establishment .....0.1176

Flea market open more than three days per week (estimated flows shall be doubled)

Food operations:

a. Restaurant operating 16 hours or less per day per seat .....0.1882

b. Restaurant operating more than 16 hours per day per seat .....0.2824

c. Restaurant using single service articles only and operating 16 hours or less per day per seat .....0.0941

d. Restaurant using single service articles only and operating more than 16 hours per day per seat .....0.1647

e. Bar and cocktail lounge:

   1. Per seat .....0.0941

   2. Add per pool table or video game .....0.0706

f. Drive-in restaurant per car space .....0.2353

g. Carry out only, including caterers:

1. Per 100 square feet of floor space .....0.2353
2. Add per employee per eight hour shift .....0.0706

h. Institutions per meal .....0.0235

i. Food outlets excluding delis, bakery or meat department per 100 square feet of floor space .....0.0471

1. Add for deli per 100 square feet of deli floor space .....0.1882
2. Add for bakery per 100 square feet of bakery floor space .....0.1882
3. Add for meat department per 100 square feet of meat department floor space .....0.3529
4. Add per water closet .....0.9412

Hotels and motels:

a. Regular per room .....0.4706

b. Resort hotels, camps, cottages, per room .....0.9412

c. Add for establishments with self service laundry facilities per machine .....3.5294

Laundromat per washing machine .....1.0000

Mobile home park:

a. Per single wide mobile home space, less than four single wide spaces connected to a shared onsite system .....1.1765

b. Per single wide mobile home space four or more single wide spaces are connected to a shared onsite system .....1.0588

c. Per double wide mobile home space, less than four double wide mobile home spaces connected to a shared onsite system .....1.4118

d. Per double wide mobile home space, four or more double wide mobile home spaces connected to a shared onsite system .....1.2941

Office building:

Per employee per eight hour shift or per 100 square feet of floor space, whichever is greater .....0.0706

Transient recreational vehicle park:

a. Recreational vehicle space for overnight stay, without water and sewer hookup per vehicle space .....0.2353

b. Recreational vehicle space for overnight stay, with water and sewer hookup per vehicle space .....0.3529

Service stations per water closet:

a. Open 16 hours per day or less .....1.1765

b. Open more than 16 hours per day .....1.5294

Shopping centers without food or laundry per square foot of floor space .....0.0005

Stadiums, racetracks, ballparks per seat .....0.0188

Stores, per bathroom .....0.4706

Swimming and bathing facilities, public per person .....0.0471

Theaters and auditoriums, per seat .....0.0188

Veterinary clinic:

a. Per practitioner .....1.1765

b. Add per employee per eight hour shift .....0.0706

c. Add per kennel, stall or cage .....0.0941

Warehouse:

a. Add per employee per eight hour shift .....0.0706

b. Add per loading bay .....0.4706

c. Self-storage, per unit .....0.0047

Institutional:

Churches:

a. Per seat which includes kitchen flows unless meals prepared on a routine basis .....0.0141

b. If meals served on a regular basis, add per meal prepared .....0.0235

Hospitals:

a. Per bed which does not include kitchen flows .....0.9412

b. Add per meal prepared .....0.0235

Nursing, rest homes, adult congregate living facilities:

a. Per bed which does not include kitchen flows .....0.4706

b. Add per meal prepared .....0.0235

Parks, public picnic:

a. With toilets only, per person .....0.0188

b. With bathhouse, showers and toilets, per person .....0.0471

Public institutions other than schools and hospitals:

a. Per person which does not include kitchen flows .....0.4706

b. Add per meal prepared .....0.0235

Schools, day cares, or other child care centers, per student:

a. Day-type .....0.0471

b. Add for showers .....0.0188

c. Add for cafeteria .....0.0188

d. Add for day school workers .....0.0706

e. Boarding type .....0.3529

Work/construction camps, semi-permanent per worker .....0.2353

(2) One equivalent residential unit (ERC) shall, for purposes of this section, have an assigned value of 1.00.

(3) For wastewater service capacity, one ERC is hereby established and determined to be equal to a flow of 250 gallons of water per day, average annual basis (250 GPD).

(4) For water service capacity, one ERC is hereby established and determined to be equal to a flow of 250 gallons per day, average annual basis (250 GPD).

(5) The "total equivalent residential unit value" for an establishment may be calculated by multiplying the ERC factor listed above by the number of units, and shall be rounded up to the nearest 0.1 ERC factor.

(6) There shall not be less than one ERC reserved for any and all establishments, users or customers that will use metered water or wastewater services of the city.

(7) For all establishments not listed above, the total equivalent residential unit (ERC) value for service capacity shall be determined by using the following formula:

Total ERC Value = Number of Fixed Units / 20

(8) Historical flows. The city may accept, for other than single-family residences, metered water use data from similar establishments in lieu of flow estimates based on the ERC factors set forth in subsections (d)(1), (5), or (6). Historical water use data from the city's own billing records will supersede any data submitted from another water or wastewater utility provider. The use of this flow calculation method shall require:

a. Submittal of copies of the most recent 12 consecutive months of water bills from comparable servicing utilities for a minimum of six separate similar establishments.

i. Similar establishments shall be considered those that are alike or similar in size, located in a similar geographic environment, and that operate a similar number of days per week and hours per day.

ii. Similar establishment metered flow values may not be considered reliable indicators of typical water use where one or more of the establishments utilized in the sample has exceeded the monthly flow average for all six establishments by more than 25 percent or where the different establishments demonstrate wide variations in monthly flow totals.

b. Food operations electing to utilize this method shall require submittal of copies of the most recent 24 months of water bills from comparable servicing utilities for a minimum of six separate similar establishments.

c. When metered water use data is excepted by the city in lieu of flow estimates based on the ERC factors set forth in subsections (d)(1), (5), or (6), the highest flow that occurred in any month for any of the six similar establishment shall be used for system sizing and plant capacity reservation and line charges if line charges are applicable to the subject property.

(9) The above ERC schedule applies to establishments being connected to the city water and wastewater.

(10) Notwithstanding the foregoing, the city reserves the right to review and monitor actual flows, as compared to flows expected to be generated by the calculated ERC value, and upon which capital charges were calculated and paid to the city. For purposes of an accurate review, such monitoring will cover flows generated during

three consecutive peak months occurring during the previous six-month period. If actual flows exceed expected flows by ten percent or more, the customer shall promptly pay such additional capital charges for such excess flow as shall be required by the city.

(g) *Capital improvement funds; establishment; expenditure guide-lines; application and pledge to revenue bonds.*

(1) The water capital charges collected pursuant to this chapter shall be deposited into a fund called the Port St. Lucie Water System Capital Improvement Fund and the wastewater capital charges shall likewise be deposited into a fund called the Port St. Lucie Wastewater System Capital Improvement Fund. The water capital charges so deposited shall be used only for capital expenditures and the payment of city indebtedness associated with the expansion of the city's water supply, and water treatment systems and all components thereof and additions thereto, in order to provide additional water treatment capacity or water service capacity to those new customers who connect to the city's water system. The wastewater capital charges so deposited in the above-mentioned fund shall be used only for capital expenditures and the payment of city indebtedness associated with the expansion of the city's wastewater treatment systems, wastewater pumping facilities, effluent disposal facilities, and all components thereof and additions thereto, in order to provide additional sewage treatment capacity, effluent disposal capacity, or wastewater service capacity to those new customers who connect to the city's wastewater system.

(2) The city may by resolution provide for the application of some or all of the water and/or wastewater capital charges to the payment or security for the payment of revenue bonds issued in whole or in part for the purpose set out in subsection (e)(1), provided that the amount of water and/or wastewater capital charges applied to the payment of such bonds shall not exceed the amount of bond proceeds actually expended for such purpose with interest at the average rate borne by said bonds. Such application or pledge may be made directly in the proceedings authorizing such bonds or in an agreement with an insurer of bonds to assure such insurer of additional security therefore.

(h) *Application; allocation of water and/or wastewater service capacity.* No water and/or wastewater service capacity shall be sold pursuant to the water and/or wastewater agreement, nor shall any such agreement be issued until application therefore is received by the city. The city may require any information on said application that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for water and/or wastewater service or an agreement shall contain a legal description of the land constituting the service area

for which said service is to be provided. The legal description shall include only those lands owned by the applicant for which the water and/or wastewater shall serve. If any such person described hereinabove fails to apply for and purchase water and/or wastewater service capacity under these rules, the city may consider said failure in determining whether or not to grant or deny any development or construction permit or approval or rezoning application filed by said person. The city may by resolution establish a fee for application review payable by applicants.

Section 2. That Section 61.16, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.16. - Reclaimed water connections.

(a) *[Reserved capacity.]* Reclaimed water capacity shall be reserved in increments of 1,000 gallons per day.

(b) *Reclaimed system capital charges:* The city hereby adopts and establishes pursuant to general law, a reclaimed system capital charge, the purpose of which is to defray the cost of the reclaimed water system. The reclaimed system capital charges by the city shall be calculated as set forth as follows:

~~$838.11~~ $560.00 per 1,000 gallons

(c) *Industrial reclaimed water customer.* An industrial reclaimed water customer shall reserve not less than 1.0 million gallons of water per day and shall commit to a continuous usage 24-hours per day, 365-days per year, equal to the customer's plant capacity reservation.

(d) *Reclaimed capacity reserved to real property.* All reclaimed capacity purchased for a real property in accordance with this section shall be reserved only to that specific real property.

(e) *Non-refundable reserved capacity.* Any reclaimed water capacities purchased or reserved in accordance with this section shall be nonrefundable;

Section 3. That Section 61.24, Port St. Lucie City Code, is hereby amended to read as follows:

Sec. 61.24. - Water line and wastewater line capital charges; adoption; applicability; time of payment.

(a) *Adoption.* The city hereby adopts and establishes pursuant to general law, a water line capital charge and a wastewater line capital charge, the purpose of which shall be to finance capital expenditures and the payment of city indebtedness associated with the expansion of the city's water transmission and wastewater collection systems. Unless otherwise designated below, the water line and wastewater line capital charge per ERC imposed by the city shall be:

| Line Capital Charges | Amount per ERC |
|---|---|
| Water | ~~$535.00~~ $700.00 |
| Wastewater | ~~197.00~~ $350.00 |

(b) *Applicability.* Water line and wastewater line capital charges shall not apply to any property located within the boundaries of the following special assessment districts or utility service areas:

| Special Assessment Districts (SAD) and Utility Service Areas (USA) | |
|---|---|
| SAD 1-Phase 1 | East Lake Village SAD |
| SAD 1-Phase 2 | Glassman SAD / aka Portofino Isles |
| USA 3 & 4 | River Point SAD / aka Tesoro Preserve |
| USA 5, 6, & 7-A | Tesoro SAD |
| USA 9 Units 4, 6, and 8 (exempt from wastewater only) | USA 9 Viking's Lookout and Bay St. Lucie (exempt from water only) |
| St. Lucie Land Holdings SAD (only the first 5,300 ERCs are exempt) | |

With the approval of the city's council, the city may add to or delete SADs or USAs from the above table.

(c) *Exemptions.* The city may exempt any customer from the payment of all or a portion of the water line capital charges and wastewater line capital charges to the extent that the city accepts a permanent contribution in aid of construction related to the water transmission facilities or the wastewater transmission facilities having a value of not less than the portion of the water line or wastewater line capital charges being exempted.

(d) *Time of payment.* All water line and wastewater line capital charges shall be paid prior to connection of a structure or structures to be served by the city, or such other time as may be specifically provided by city resolution, ordinance, agreement, or permit.

(e) *Line capacity reserved to real property.* All water and wastewater line capacity purchased for a real property in accordance with this section shall be reserved only to that specific real property

(f) *Non-refundable reserved line capacity.* Any water or wastewater line capacities purchased or reserved in accordance with this section shall be non-refundable; provided however that the utility director may, at his/her sole discretion, authorize exceptions to this section to allow for the refunding of water and/or wastewater line charges on a case-by-case basis. The manner and timeframe by which the city refunds such line charges shall be at the utility director's sole discretion.

Section 4. Inconsistency. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any of this Ordinance is determined to be void or held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, then the remainder of this Ordinance shall remain in full force and effect and this Ordinance shall nevertheless stand and be construed as if the illegal or invalid part or portion had not be included herein.

Section 6. Codification. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Port St. Lucie Code of Ordinances.

Section 7. Effective Date. This ordinance shall become effective January 1, 2017 in accordance with the terms and provisions of Florida Statute §163.31801.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of_____ , 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

_____
Karen A. Phillips, City Clerk

By:_____
Gregory J. Oravec, Mayor

APPROVED AS TO FORM

By:_____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10B
Meeting Date: 9/12/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager
Patricia Roebling, PE, Assistant City Manager – Admin. Services

FROM: Jesus Merejo, Utility Systems Director

Agenda Item: Ordinance: 16-62 Amending Section 61.11, Water and Wastewater Treatment Capital Charges; Amending Section 61.16, Reclaimed Water Connection Charges; and Amending Section 61.24, Water Line and Wastewater Line Capital Charges

Submittal Date: 9/1/2015

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**STRATEGIC PLAN LINK:** Principal A – Exceptional Municipal Services: 1. Developing and maintaining a state of the art infrastructure and utility system.

**BACKGROUND:** Capital facility charges and line charges are often referred to as utility connection fees because they are primarily charged only to new customers. They recover a portion of the costs associated with water and wastewater treatment plant capacities and major water and wastewater transmission line capacities. Amounts not recovered from capital charges must be recovered from the user rates applied to all customers. Capital charges must be in compliance with common law and state statutes.

**ANALYSIS:** Ordinance 16-62 was drafted pursuant to City Council discussion about utility capital facility charge adjustments during the 2016 Summer Retreat. In accordance with the terms and provisions of Florida Statute §163.31801, a 90-day lag time must occur between the rate adoption and effective date; therefore, all of the adjustments are proposed to become effective January 1, 2017.

The subject adjustments were discussed by Mr. Mike Rocca, the Director of Florida Operations for the City's rate consultants, Raftelis Financial Consultants, Inc. during his 2016 Summer Retreat presentation. Mr. Rocca noted at the Retreat that the adjustments reflect amounts that are equitable and reasonable. Adoption of the updated charges will help reduce the burden on user rates to fund expansion related system improvements.

The existing and proposed charges are noted in the table below:

| | | | Facility | Line | Total |
|---|---|---|---|---|---|
| **Water** | | | | | |
| Proposed | 250 | gpd/ERC | $1,360.00 | $700.00 | $2,060.00 |
| Existing | 250 | gpd/ERC | 1,257.00 | 535.00 | 1,792.00 |
| Amount Difference | | | $103.00 | $165.00 | $268.00 |
| Percent Difference | | | 8% | 31% | 15% |
| **Wastewater** | | | | | |
| Proposed | 250 | gpd/ERC | $2,080.00 | $350.00 | $2,430.00 |
| Existing | 250 | gpd/ERC | 2,131.00 | 197.00 | 2,328.00 |
| Amount Difference | | | -$51.00 | $153.00 | $102.00 |
| Percent Difference | | | -2% | 78% | 4% |
| **Total Combined** | | | | | |
| Updated | 250 | gpd/ERC | $3,440.00 | $1,050.00 | $4,490.00 |
| Existing | 250 | gpd/ERC | 3,388.00 | 732.00 | 4,120.00 |
| Amount Difference | | | $52.00 | $318.00 | $370.00 |
| Percent Difference | | | 2% | 43% | 9% |
| **Reclaimed Water** | | | | | |
| Updated | 1,000 | gpd/EIC | $560.00 | $0.00 | $560.00 |
| Existing | 1,000 | gpd/EIC | 838.11 | 0.00 | 838.11 |
| Amount Difference | | | -$278.11 | $0.00 | -$278.11 |
| Percent Difference | | | -33% | N/A | -33% |

The most current comparison data available for local utilities other former General Development Communities appears below (charges as of October 1, 2015).

| **Other Utilities** | **Water** | **Wastewater** | **Combined** |
|---|---|---|---|
| St. Lucie West Utilities | $ 2,100.00 | $ 2,000.00 | $ 4,100.00 |
| Martin County Utilities | $ 1,710.00 | $ 2,100.00 | $ 3,810.00 |
| City of Stuart | $ 1,933.00 | $ 2,092.00 | $ 4,025.00 |
| Indian River County | $ 1,300.00 | $ 2,796.00 | $ 4,096.00 |
| City of North Port Utilities | $ 1,735.00 | $ 2,388.00 | $ 4,123.00 |
| Ft. Pierce Utilities Authority | $ 920.50 | $ 2,815.00 | $ 3,735.50 |
| City of Palm Bay | $ 2,151.39 | $ 3,139.20 | $ 5,290.59 |
| St. Lucie County | $ 4,488.00 | $ 4,591.00 | $ 9,079.00 |
| **Average of Other Utilities** | $ 2,042.24 | $ 2,740.15 | $ 4,782.39 |

**FINANCIAL INFORMATION**: None.

**LEGAL INFORMATION**: This ordinance was reviewed and approved as to sufficiency by O. Reginald Osenton, City Attorney.

**STAFF RECOMMENDATION**: It is respectfully requested that the City Council adopt Ordinance #16-62.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Ordinance #16-62

*All attached items have been sent to the City Clerk. Any items not provided in the City Council packets are available upon request from the City Clerk.

RECEIVED

SEP 01 2016

CITY MANAGER'S OFFICE

COUNCIL ITEM 8E
DATE 9/26/16
~~COUNCIL ITEM 10C~~
~~DATE 9/12/16~~

# ORDINANCE 16 - 63

AN ORDINANCE AMENDING CHAPTER 60, "UTILITY SYSTEMS DEPARTMENT," OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA BY AMENDING SECTION 60.06, "DEFINITIONS;" AMENDING CHAPTER 61, "WATER, WASTEWATER AND RECLAIMED WATER RATES," BY AMENDING SECTION 61.05, "WATER METER INSTALLATION CHARGE;" AMENDING CHAPTER 65, "WATER SYSTEM USER RULES," BY AMENDING SECTION 65.09, "CONTROL OF BACKFLOW AND CROSS-CONNECTIONS;" PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Section 60.06 of the Port St. Lucie City Code is hereby amended to read as follows:

Sec. 60.06. - Definitions.

For the purpose of this Title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Animal Care Facility.* Facilities for housing, holding, hygiene or medical treatment of animals, i.e. kennel, pet grooming, retail pet shop, shelter, hospital and/or veterinary office.

*Applicant.* The owner of real property or the person or entity that has the legal right to utilize the real property.

*Application.* A written request from an Applicant requesting that specific water service, wastewater and/or reclaimed water service be provided to and for certain real property.

*Approval Authority.* The Florida Department of Environmental Protection (FDEP) which has been authorized by the USEPA to enforce provisions of the federal National Pollution Discharge Elimination System (NPDES) regulations including pretreatment.

*Approved.* Accepted by the Utility Systems Director as meeting an applicable standard, specification criteria or requirement of the City's Utility Standards Manual and Code of Ordinances.

*Assembly.* A grouping of one or more approved body components, including approved shutoff valves and test cocks, forming a self-contained, independently mounted unit. To be an approved assembly, the backflow preventer must be shipped from the manufacturer as one unit.

*Auxiliary Water Supply.* A pressurized system of piping and appurtenances using auxiliary water, which is water other than the potable water being supplied by the public water system and which includes water from any natural source such as a well, pond, lake, spring, stream, river, etc. includes reclaimed water, and includes other used water or industrial fluids described in AWWA Manual M14; however, "auxiliary water system" specifically excludes any water

recirculation or treatment systems for a swimming pool, hot tub, or spa. (Note that reclaimed water system is a specific type of auxiliary water system.

*Backflow.* The undesirable reversal of flow in a potable water distribution system as a result of a cross-connection. There are two different types of backflow; backpressure and backsiphonage.

*Backpressure.* A pressure, higher than the supply pressure, caused by a pump, elevated tank, boiler, air/stream pressure, or any other means that may cause backflow.

*Backsiphonage.* Backflow caused by negative or reduced pressure in the supply piping.

*Backflow Preventer.* An assembly, device, or method designed to prevent backflow.

*Backflow Preventer Assemblies.* As referenced in this Title, backflow preventer assemblies are:

(1) *Air gap separation (AG).* The unobstructed vertical distance through free atmosphere between the lowest effective opening of any pipe or faucet conveying water or wastewater to a tank, plumbing fixture, or other assembly and flood level rim of the receptacle. The vertical physical separation must be at least twice the effective opening of the water supply outlet, never less than 1" (25 mm) above the receiving receptacle's flood level rim.

(2) *Atmospheric vacuum breaker (AVB).* The AVB consists of a float check, a check seat, and an air-inlet port. The AVB is designed to allow air to enter the downstream water line to prevent backsiphonage. This unit shall not be installed where it could be subjected to backpressure condition or where it will be in continuous operation for more than 12 hours in a 24-hour period.

(3) *Double check valve assembly (DCVA).* A complete assembly consisting of two internally loaded, independently operating check valves, located between two tightly closing resilient -seated shutoff valves with four properly placed resilient-seated test cocks.

(4) *Duel check.* A compact unit manufactured with two independent spring actuated check valves.

(5) *Pressure vacuum breaker (PVB).* An assembly consisting of an independently operating internally loaded check valve, an independently operating, loaded air-inlet valve located on the discharge side of the check valve, with properly located resilient-seated test cocks and tightly closing resilient-seated shutoff valves attached at each end of the assembly designed to be operated under pressure for prolonged periods of time to prevent backsiphonage. The pressure vacuum breaker may not be subjected to any backpressure

(6) *Reduced-pressure principle-backflow-prevention assembly (RPBA).* A complete assembly consisting of a mechanical, independently acting,

hydraulically dependent relief valve, located between two independently operating, internally loaded check valves that are located between two tightly closing resilient seated shutoff valves with four properly placed resilient seated test cocks.

*Base Facility Charge or BFC.* A monthly readiness to serve fee that is applied to all water, wastewater or reclaimed water bills, regardless of there is any usage recorded for that month.

*Biochemical Oxygen Demand (BOD).* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in standard methods.

*Building drain.* The lowest horizontal piping that collects the wastewater discharge from all the plumbing pipes inside the building and extends 30" beyond the exterior walls and conveys the wastewater to the building sewer.

*Building sewer.* The underground pipe that conveys wastewater from the building drain to the public sewer or septic system.

*Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 105-471.

*Certified Backflow Tester.* A person who has proven his competency to the satisfaction of the Utility Systems Department. Each person who is certified to make competent tests and related reports, or to repair, overhaul, and make reports on backflow prevention assemblies shall: (a) have attended and successfully completed the FW&PCOA (Florida Water and Pollution Control Operators Association) or TREEO (Training, Research, and Education for Environmental Occupations Center, University of Florida) certification programs for backflow prevention assembly testers and repair specialists, or other programs acceptable to the Utility Systems Department, and produced proof of current certification from such a program; and (b) shall be compliant with all applicable laws, rules, and regulations including, but not limited to, licensing, occupational licensing, and insurance requirements.

*City.* The City of Port St. Lucie, St. Lucie County, Florida, a municipal corporation of the State of Florida.

*City Council or Council.* The City Council of the City of Port St. Lucie, Florida

*City Manager* The City of Port St. Lucie's Manager

*City's Responsibility for Backflow Preventers.* The City shall maintain all backflow preventers related to water meters 1½ inches or smaller.

*Clean Water Act.* The Federal Water Pollution Control Act, as amended, Title 33 U.S.C. § 1251 et seq.

*Collection Facilities or system.* Sewers, pipelines, conduits, pumping stations, force mains, and all other facilities used for collection of wastewater from the point of service to the transmission mains.

*Cooling Water.* The water discharged from any use, such as air conditioning, cooling, or refrigeration, to which the only pollutant added is heat.

*Consistent Removal.* A reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater system to a less toxic or harmless level in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Title 40 CFR § 403.7(c) (2) promulgated pursuant to the Clean Water Act.

*Contamination.* An impairment of a potable water supply by the introduction or admission of any foreign substance that degrades the quality or creates a health hazard.

*Contributions-in-aid-of-construction.* The sum of money and/or the value of property represented by the cost of certain water, wastewater, and reclaimed irrigation quality water facilities contributed to the City in advance of construction by an Applicant so that the City may provide service to a specific development.

*Control Authority.* The approval authority as defined above, or the Utility Systems Director if the city has an approved pretreatment program under the provisions of Title 40 CFR, Section 403.11.

*Cross Connection.* Any physical arrangement whereby a public water supply is connected directly or indirectly with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other device which contains or may contain contaminated water, sewage or other of unknown or potentially unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow. Bypass arrangements, jumper connections, changeable devices or other devices through which or because of which backflow could occur are considered to be cross connections.

*Customer.* Any person, firm or corporation who has entered into an agreement to receive water, wastewater, or reclaimed water service from the City or who may be liable for the payment of bills associated with that water, wastewater or reclaimed water.

*Customer's Installation or System.* The water, wastewater and reclaimed water facilities on the customer's premises which are not owned or maintained by the City (customer's side of the point of service).

*Degree of Hazard.* The term, "degree of hazard" is a qualification of the potential risk to public health and the adverse effect upon the public water system that may result from cross-connections. Establishing the degree of hazard is directly related to the type and toxicity of contaminates that could feasibly enter the public water supply system and is determined by the Utility Systems Department.

*Department.* The City's Utility Systems Department.

*Development approval.*

(1) The issuance of site plan, subdivision, or other form of legislative or administrative approval authorizing construction on a described parcel of land, or

(2) The issuance of a building permit authorizing construction on a described parcel of land, or

(3) The issuance of a zoning compliance, occupational license, or other form of authorization to conduct business or nonresidential activity.

*Direct discharge.* The discharge of untreated or treated sewage or wastewater directly to the waters of the state.

*Dissolved solids.* The amount of dissolved constituents present as determined using procedures in standard methods.

*Distribution Facilities or System.* The lines, pipes, meters, and any other related equipment or facility, of whatever type or nature, used to distribute potable water and/or reclaimed water from the utility to the Point of Service.

*Distribution System.* The Distribution system shall include the network of conduits used for the delivery of service from the source to the customer's system.

*Domestic Sewage or Wastewater.* Wastewater derived principally from dwellings, business buildings, institutions, and other non-industrial sources with waste characteristics that are similar to that from residential use.

*Dwelling unit.* A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* An acquired legal right for the specific use of land owned by others.

*Effluent disposal facilities.* Those wastewater facilities necessary to detain, transmit, store, and dispose of effluent from the sewage treatment plant.

*EPA.* The United States Environmental Protection Agency.

*Equivalent residential connection* or *ERC.* A factor used to convert a given average daily flow (ADF) to the equivalent number of residential connections. For this purpose the ADF of one ERC is deemed to be 250 gallons per day (GPD) of water usage for wastewater service and 250 GPD for water service. The number of ERC's contained for a given ADF is initially determined hereunder by dividing that ADF by 250 GPD of water usage for wastewater or 250 GPD for water. ERC's shall be calculated as a number rounded up to the nearest tenth, but shall in no event be less than one ERC per meter connection. The rounding of ERCs to whole numbers shall be calculated as follows: 0.5 and greater shall be rounded up to the next whole number and anything less than 0.5 shall be rounded down to the next whole number.

*Facilities for servicing vehicles/mechanical equipment.* These facilities include establishments which perform cleaning, repair, maintenance, upgrading,

recycling or salvage of cars, trucks, tractors, lifts, lawn mowers and any other vehicle/mechanical equipment used for landscaping, construction, agriculture and utility.

*FDEP.* The Florida Department of Environmental Protection, or its successor agency.

*Food preparation.* Food preparation means the handling of foods by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical, biological, or chemical alterations in the food or product.

*Food service establishments and/or facilities.* Commercial, industrial or institutional establishments that are partially or fully engaged in preparing, processing, packaging or serving food or beverages for consumption by the public and, by virtue of their services, discharge kitchen or food preparation wastewater. Food service establishments and/or facilities shall include, but shall not be limited to: food manufacturers, food packagers, food processors, restaurants, cafeterias, drive-ins, snack bars, concessions, delicatessens, caterers, grocery stores, meat/poultry/seafood/dairy stores and markets, movie theaters, bakeries, bars, lounges, private clubs, hospitals, nursing homes, assisted living facilities, churches, schools, childcare centers, community centers, and clubhouses.

*Garbage.* All kitchen and table food waste and animal or vegetative waste that results from the storage, preparation, cooking or handling of food materials.

*Garbage disposal.* A device that shreds or grinds up food waste matter into smaller particles for discharge into the public sewer.

*GPD.* Gallons per day.

*Grab sample.* A single sample taken from a waste stream, which represents the composition of the waste stream only at that time and place that the sample was taken.

*Grease.* A material composed primarily of fatty matter from animal or vegetable sources or from hydrocarbons or petroleum origins. The terms "oil and grease" or "oil and grease substances" shall be deemed as grease by definition. This may include any fats, oils or waxes as found in butter, lard, margarine, vegetable fats and oils, meats, the germinal area of cereals, seeds, nuts and certain fruits.

*Grease/oil/sand interceptor.* A water tight tank located underground and outside building structures that is designed to collect, contain or remove grease, oil, sand, grit, solids and other similar substances from the wastewater prior to its discharge into the public sewer.

*Groundwater.* Water beneath the surface of the ground, whether or not it is flowing through known and definite channels.

*Health Hazard.* Any condition, device, or practice which creates or may create an imminent and substantial danger to human health and well being.

*Hazardous waste.* Waste that is potentially harmful to human health or the environment's health as a result of its toxicity, ignitibility, corrosivity, chemical reactivity, radioactivity, infectious characteristics, or any other reason.

*Holding tank waste.* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Indirect discharge.* The discharge or the introduction of pollutants from any source regulated under Section 307(b) or Section 307(c) of the Clean Water Act into the wastewater system (including holding tank waste discharged into the wastewater system).

*Industrial fluids system.* Any system containing a fluid or solution that may be chemically, biologically or otherwise contaminated or polluted in a form or concentration, that could pose a health risk, if introduced into an approved water supply. This may include, but not be limited to: polluted or contaminated waters; all types of processed waters and used waters originating from the public potable water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as wells, springs, streams, rivers, bays, harbors, seas, irrigation canals or systems, and so forth; oils, gases, glycerol (glycerin), paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.

*Industrial Sewage or Industrial Wastewater.* Wastewater from industrial, commercial, agricultural, or other non-residential establishments that may contain wastes with characteristics unsuitable for discharge into a sewage treatment plant, and is not otherwise classified as domestic sewage.

*Industrial user.* A source of discharge of industrial sewage.

*Institutional facilities.* Facilities comprising of schools, child care, adult congregate living, assisted living, nursing homes, hospitals, juvenile detention centers, prisons, labor camps and other like establishments that are regulated by state and local agencies.

*Interceptor.* A plumbing receptacle, appurtenance or device designed to remove grease, fats, oils, lint, hair, sand, grit and other substances or materials in wastewater that are harmful to the operation and maintenance of wastewater facilities. Interceptors are normally required for food service establishments and/or facilities, laundries, animal care facilities, and facilities for servicing vehicles/mechanical equipment but may be required for other establishments based on characteristics of the wastewater. Interceptors are usually located outside a building but may be located inside in some instances when approved by the utility.

*Interceptor wastes.* Wastes removed from grease, oil, sand and other interceptors.

*Interference.* The inhibition or disruption of the POTW treatment processes or operations which is the cause of and significantly contributes to a violation of any requirement of the City's NPDES permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Clean Water Act (Title 33 USC § 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

*Limited food service establishments and/or facilities.* Any food service operation, so limited by the type and quantity of foods prepared and the equipment utilized, that the discharge of fats, oils, or grease into the City's wastewater collection system is expected to be minimal. Food is served only with disposable plates, bowls, and utensils and plumbing fixtures do not include a garbage grinder or dishwashing machine. The term may include, but is not limited to, small seasonally operated concession stands at schools and parks, satellite kitchens that only dispense catered meals, establishments that primarily prepare and serve beverages such as coffee, tea, and smoothies, and shops that sell premixed yogurt or ice cream.

*Laundry.* A commercial, industrial or institutional establishment with washing machines for cleaning clothes, bed sheets, mattress covers, towels and other similar articles.

*Mains.* Refers to pipes which are installed to convey water, wastewater or reclaimed water service to individual service lines or to other mains.

*Master meter.* A single water meter serving a multi-family residential or a multi-unit nonresidential facility. This term includes, but is not limited to, master meters serving condominiums, apartments, mobile home parks, hotels, motels, travel trailer parks, shopping centers, and office buildings.

*Meter.* A device used to measure water, wastewater or reclaimed water use.

*Mobile food unit.* Any food service unit which is self-propelled or otherwise moveable from place to place and is self-sufficient for utilities, such as gas, water, electricity and liquid waste disposal, whose main kitchen or commissary is a Florida Department of Health regulated food service establishment.

*National Pollution Discharge Elimination System or NPDES permit.* A permit issued pursuant to Section 402 of the Clean Water Act (Title 33 USC § 1342).

*Natural outlet.* Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*Nonresidential activity.* Any activity occurring on any described parcel of land, whether or not within a structure, with the exception of residential activity as defined herein.

*Off-site Facilities.* Water, wastewater and/or reclaimed water facilities including water distribution *system,* wastewater collection system, transmission mains, and/or reclaimed water facilities constructed to connect on-site facilities

to the nearest utility facilities with adequate capacity to provide water, wastewater or reclaimed water service.

*On-site Facilities.* The service lines, water distribution system, wastewater collection system, and/or reclaimed water facilities, installed within a residential, commercial or industrial development; including those facilities in peripheral streets and easements constructed wholly or in part for use by such development.

*Oversized line.* An oversized line is a line larger than the size line deemed appropriate by the City to serve the property.

*Parcel of land.* Any contiguous quantity of land capable of being described with such definiteness that it is located and boundaries may be established, that is designated by its owner(s) or developer(s) as land to be used or developed as a unit.

*Person.* Any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

*pH.* A symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

*Point of* service. The designated point at which a property is connected to the City's water facilities, wastewater facilities, or reclaimed water facilities. Generally, the point of service for water service is the discharge side of the ~~water meter~~ backflow prevention assembly.

*Pollutant.* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor.

*Pollution.* The presence in the waters of the state of any substances, contaminants or man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water in quantities or levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, including outdoor recreation.

*Potable water.* Water that is satisfactory for drinking, culinary, and domestic purposes, meeting current state and federal drinking water standards.

*POTW treatment plant.* That portion of a POTW designed to provide treatment to wastewater.

*Pretreatment.* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the

nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CFR § 403.6(d).

*Pretreatment requirements.* Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

*Private fire protection.* The existence of separate fire connections, standpipes with hose attachments, fire hydrants, and automatic fire sprinkler systems which are located on the premises and are not the responsibility of the City.

*Private sewage disposal system.* A sewage collection, treatment, and disposal facility installed, maintained and owned by persons other than the City and not connected to the public sewer.

*Program director.* City of Port St. Lucie Utility Systems Director or designee.

*Property.* The real property owned or controlled by an Applicant for which water service capacity, wastewater service capacity, or reclaimed water service capacity is requested or allocated.

*Property Owner.* The person or entity also identified as the legal owner of record that is responsible for all water, wastewater, and/or reclaimed water bills unless another person or entity has entered into an agreement for service for said property.

*Proportional Composite Sample.* A sample consisting of several effluent portions collected during a 24-hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

*Public sewer.* A sanitary sewer, other than a building sewer, that is owned and/or controlled by the city.

*Public water supply well.* Wells withdrawing water from the surficial aquifer or Floridan Aquifer for use as potable water that have a minimum permitted withdrawal capacity of 100,000 gallons per day.

*Publicly-owned treatment works (POTW).* A treatment works as defined by Section 212 of the Clean Water Act (Title 33 USC § 1292) which is owned in this instance by the city. This definition includes any sewers, effluent transmission and disposal facilities, that convey wastewater to a POTW treatment plant or convey effluent from a POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment. For purposes of this chapter, POTW shall also include any sewers that convey sewage or wastewaters to the POTW from persons who are, by contract or agreement with the city, users of the City's POTW's.

*Rates.* The City's applicable schedules of rates and charges for water, wastewater, and/or reclaimed water, including, but not limited to, connection fees, capital charges, meter installation charges, and any and all other fees or charges which may be in effect from time-to-time adopted by the City. The

schedules of service rates shall be of general and uniform application within the City's water, wastewater, and reclaimed water system.

*Reclaimed water.* Wastewater that has been treated and disinfected in accordance with FDEP regulations and is suitable for direct beneficial uses or a controlled use by and for public, agricultural, commercial, residential, industrial, or institutional projects or developments, or purposes including, but not limited to, irrigation of landscape areas.

*Reclaimed water capital charge.* A fee or charge paid to the City by an applicant for the purpose of obtaining reclaimed water service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's reclaimed water supply and treatment systems.

*Reclaimed water facilities.* All reclaimed water distribution, transmission, treatment, storage and production facilities, including all pipes, lines, meter, couplings, pumps, mains, and appurtenant equipment necessary to provide reclaimed water service capacity.

*Regulated area.* That area within the zone of protection surrounding each public water supply well.

*Regulated substances:*

(1) Substances which are:

a. Known to have hazardous and toxic properties such as those listed by the EPA in federal regulations set forth in 40 CFR 302; or

b. Listed as a priority toxic pollutant by the EPA in federal regulations in 40 CFR 122.21; or

c. A toxic degradation product, which includes petroleum-based products; or

d. On the restricted use pesticide list promulgated pursuant to F.S. 487, set forth in Chapter 5E-2 and 5E-9, Florida Administrative Code.

(2) Regulated substances by generic designation shall include, but are not limited to, those set forth in the list entitled "Public Water Supply Well Generic Substance List", which is included in this Title.

(3) Regulated substances do not include those that are used in the quantities exempt as set out in subsection 67.06(b)

*Residential activity.* Any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a described parcel of land for residential purposes. Residential activity shall include those customary and accessory residential activities associated with the principal permitted use of the parcel of land for residential purposes as set out in the zoning code. Residential activity shall not include any activity or business requiring an occupational license or other form of authorization to conduct a business.

*Reuse.* The deliberate application of reclaimed water in compliance with the Florida Department of Environmental Protection and Water Management District rules, for a beneficial purpose.

*Sanitary sewer.* A pipe primarily designed to carry sewage, but may contain such ground, surface and storm waters as may be present due to infiltration and inflow.

*Septic system.* A private sewage disposal system consisting of :

(1) A watertight tank installed below the ground surface to promote separation of solids and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal; and

(2) A subsurface soil absorption system of trenches, piping and other materials constructed to provide treatment and disposal of the clarified effluent from the tank.

*Service area.* Those areas, both within and outside the corporate limits of the City, as indicated in Section 63.24, where water, wastewater, and reclaimed water services are, or will be, exclusively provided by the City to its utilities customers.

*Service lines.* Pipes which are connected from the City's mains to a "point of service."

*Sewerage System.* All pipelines or conduits, pumping station, and force mains and other structures, devices, appurtenances, and facilities used for collecting and conducting wastes to an ultimate point for treatment and disposal.

*Sewage or Wastewater.* The terms "sewage" and "wastewater", when used by itself in the City's Code of Ordinances, shall mean domestic sewage or wastewater.

*SFWMD.* The South Florida Water Management District.

*Shall.* When used, means that it is mandatory, but the term "may" when used means that it is permissive.

*Significant industrial user.*

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (Excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

b. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

c. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 203.8(f)(6), determine that such user should not be considered a significant industrial user.

*Slug.* Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds more than five times the average 24-hour concentration or quantity of flow during normal operation.

*Standard residential meter.* A meter that is 5/8" by ¾" in size.

*Standard Industrial Classification (SIC) Code.* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the Office of Management and Budget.

*Standard methods.* The current edition of "Standard Methods for the Examination of Water and Wastewater" as published or republished from time to time by the American Public Health Association.

*Storm Drain or Storm Sewer.* A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Storm water.* Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

*State.* The State of Florida.

*Surface Water.* Water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be classified as surface water when it exits from the spring onto the earth's surface.

*System.* The City of Port St. Lucie Water, Wastewater, and Reclaimed Water System.

*Total Suspended Solids (TSS).* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquid, and which is removable by various filtering and settling techniques.

*Toxic pollutant.* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the USEPA under the provision of Section 307(a) of the Clean Water Act, or other Acts.

*Under the sink grease trap.* A device, located under or in close proximity to sinks in a food service facility, which is used to separate, trap or contain grease/oil from the wastewater before its discharge in the building drain.

*Unpolluted water.* Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters of the state.

*User — as related to potable water.* Any person or entity that makes use of potable water from the City's potable water system.

*User — as related to reclaimed water.* Any person or entity that makes use of reclaimed water from the City's reclaimed water system.

*User — as related to wastewater.* Any person or entity that contributes, causes, or permits the contribution of sewage or wastewater into the City's wastewater system.

*USEPA.* The United States Environmental Protection Agency.

*Utility.* The Port St. Lucie Utility Systems Department.

*Utility facilities, systems or installations.* By way of illustration and not limitation, all equipment, fixtures, pumps, lines, mains, manholes, lift stations, pumping stations, laterals, service connections, and all appurtenances thereto together with all real property, easements and rights-of-way necessary to provide water, wastewater, and reclaimed water service to property whether located on-site or off-site.

*Utility Service Agreement.* A written agreement between the City and an Applicant or property owner which establishes the terms and conditions pursuant to which the City will provide water, wastewater, or reclaimed water service.

*Utility Systems Director.* The person in charge of the Utility systems Department.

*Waste hauler.* A business which collects and transports interceptor waste to an approved disposal or recycling facility. Waste Haulers servicing grease interceptors must be registered with the Florida Department of Health.

*Wastewater.* Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

*Wastewater capital charge.* A fee or charge paid to the City by an Applicant for the purpose of obtaining wastewater service capacity, the purpose of which is to finance capital expenditures deemed necessary by the city to furnish wastewater service capacity and related service to the property and for the payment of city indebtedness associated with the expansion of the city's wastewater treatment and effluent disposal systems.

*Wastewater constituents and characteristics.* The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

*Wastewater facilities.* All wastewater collection, transmission, treatment, and effluent disposal facilities, including lines, pipes, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide wastewater service capacity.

*Wastewater service capacity.* The rate of wastewater flow on an average daily basis measured in gallons per day, which can be treated and disposed of according to a wastewater facilities design.

*Wastewater treatment facilities.* Those facilities used to treat and filter sewage prior to effluent disposal. Wastewater treatment facilities may also be used to produce reclaimed water. Wastewater treatment facilities do not include any portions of the collection facilities, wastewater transmission facilities, or effluent disposal facilities.

*Water capital charge.* A fee or charge paid to the City by an Applicant for the purpose of obtaining water service capacity, the purpose of which is to finance capital expenditures and the payment of City indebtedness associated with the expansion of the City's water supply and treatment systems

*Water facilities.* All water distribution, transmission, treatment, storage, and production facilities, including all pipes, lines, meters, couplings, pumps, force mains, and appurtenant equipment necessary to provide water service capacity.

*Water—Nonpotable.* Water that is not safe for human consumption or that is of questionable quality.

*Water resource.* Any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water, and water percolating, standing, or flowing beneath the surface of the ground.

*Water service capacity.* The amount of potable water which can be pumped, treated, transmitted and distributed on an average daily basis, where such amount is measured in gallons per day and may include fire flows.

*Water shortage.* That situation when insufficient water is available to meet the present or anticipated needs of the users, or when conditions are such as to require temporary reduction in total use to protect water resources from serious harm.

*Water shortage emergency.* That situation when the regulations and restrictions which are authorized for a water shortage are not sufficient to protect the public health, safety, or welfare, or the health of animals, fish or aquatic life, or a public water supply for commercial, industrial, agricultural, recreational, or other reasonable uses.

*Water Supplier.* As used herein the term water supplier, Utility, and City of Port St. Lucie Utility Systems Department are synonymous and may be used interchangeably herein.

*Water Systems.* The water systems shall be considered as made up of two parts: the City's water system and the customer's water system.

*Water treatment facilities.* Any water treatment and production facilities, including plants, pumps and appurtenant equipment necessary to treat raw water in order to produce potable water.

*Water—Used.* Any water supplied by the utility's potable water system to a customer's water system after it has passed through the point of service and is no longer under the sanitary control of the Utility.

*Watercourse.* A channel in which a flow of water occurs, either continuously or intermittently.

*Waters of the state.* Any surface or ground water located within the boundaries of the state on publicly owned land, including fresh, brackish, saline, tidal, surface or underground waters. Surface waters of the state include, but not limited to, rivers, lakes, streams, springs, and impoundments. Underground waters of the state include, but are not limited to, all underground waters passing through pores of rock or soils or flowing through in channels, whether manmade or natural.

*Well.* Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from a source bed to the surface, by pumping or natural flow.

*Wellfield.* An area where one or more public water supply wells are located.

*Zone of protection.* That area within a radial distance of 1,000 feet of a public water supply well.

Section 2. That Section 61.05 of the Port St. Lucie City Code is hereby amended to read as follows:

Sec. 61.05. - Water meter installation charge.

(a) Each applicant for water service shall be charged for the meter, meter service box and for installation of the water meter as follows:

| Meter Size | Service Fee |
|---|---|
| 5/8" × ¾" | $612.00 |
| 1" | 665.00 |
| 11/2;" | 871.00 |
| 2" | 1,441.00 |
| Above 2" | Applicant is responsible for purchase and installation |

(b) Backflow preventer~~—commercial~~ installation and certification charges. ~~If~~ When the ~~utility systems department~~ Department determines that a backflow preventer is required to be installed on ~~an existing water meter~~ a domestic water service, the ~~city~~ City will~~, at the customer's request,~~ install and certify ~~a~~ the required backflow preventer and charge the customer a fee ~~for said installation~~ based on the following ~~installation charges~~:

| Domestic Meter Backflow Prevention Assembly Size | Charge per Assembly |
|---|---|
| ¾" RPZ Backflow | ~~$382.00~~ $436.00 |
| 1" RPZ Backflow | ~~388.00~~ $448.00 |
| ~~1" Pressure Vacuum Breaker~~ | ~~330.00~~ |
| 1½" RPZ Backflow | ~~607.00~~ $788.00 |
| 2" RPZ Backflow | ~~636.00~~ $826.00 |
| Above 2" | Applicant is responsible for purchase and installation of the required backflow prevention assembly. The City will test and certify newly installed backflow assemblies. |
| Additionally, applicants will be charged $50.00 per assembly test/certification for all newly installed backflow assemblies. | |
| Fire Line Service Backflow Prevention | Applicant is responsible for purchase, installation, and certification of all fire system backflow assemblies. The City will not test, certify or maintain any fire systems or related backflow assemblies. |

(c) Backflow preventer — Annual Inspection, Testing and Certification. The Utility Systems Director shall administer a program for the inspection, testing and certification of all backflow preventers installed for domestic water meters connected to the City's system. A $50.00 fee shall be charged annually for these services. Such fees shall be added to customer of record's next monthly usage bill following completion of the annual service. Backflow preventers shall be repaired, overhauled, or replaced at the expense of the Utility whenever they are found to be defective. Records of such tests, repairs, and overhaul shall be kept by the Utility.

(d) ~~(c)~~ Irrigation meters. Potable water meters connected solely to landscape irrigation systems are not allowed, provided however that the utility director may, at his/her sole discretion, authorize exceptions to this section.

(e) ~~(d)~~ Radio read water meter technology is the city's adopted standard.

(1) Exception. The customer of record for a single family residential account can request that their property be served by a direct read meter upon agreement of the following terms and conditions:

a. The customer of record shall execute a direct read water meter agreement.

b. An agreement/installation fee of $145.00 shall be paid to the city in full prior to the installation of the direct read meter.

c. A $15.00 per month charge shall be applied to the bills of affected accounts to cover costs associated with the city having to manually capture monthly usage data from the direct read meter.

(2) A customer's desire to receive single family residential service with a direct read meter shall not dictate whether surrounding properties are served by a direct read or radio read water meter.

(3) Service via a direct read water meter is not automatically portable.

a. Customers relocating from an address served by a direct read meter to another single family residential address within the city's utility service area shall be required to execute an agreement for the new location and pay a $145.00 fee prior to the direct read meter being installed at the new location.

(4) Upon receiving notice that a location served by a direct read water meter sells, transfers ownership, conveys, or otherwise vacates the property, or the property changes use to something other than a single family residence, the city shall automatically convert the meter serving that location to radio read technology.

(5) Direct read water meter agreement/installation processing fees and the monthly meter reading charges are subject to change in accordance with city utility rate increases/decreases.

Section 3. That Section 65.09 of the Port St. Lucie City Code is hereby amended to read as follows:

Sec. 65.09. - Control of backflow and cross-connections.

(a) *Cross control—General.*

(1) *Purpose.* The purpose of this section is:

a. To protect the City's water system from the possibility of contamination by containing within the Customer's water system(s) such contaminants that could backflow into the City's water system; and

b. To promote the elimination or control of existing cross-connections, actual or potential, between the Customer's water system(s) and the City's water system; and

c. To provide for a continuing program of cross-connection control that will effectively prevent the contamination of the City's water system.

(2) *Legal authority.* To assure that the City's water system meets minimum standards all Federal, State and local regulations shall govern this section.

The FDEP rules require the City to implement a cross-connection control program, which includes a written plan based on the technical publication of American Water Works Association, "Recommended Practice for Backflow Prevention and Cross-Connection Control", Manual M-14, Third Edition. The City's required written plan shall be called the Port St. Lucie Utility Systems Department's Manual of Cross-Connection Control.

(3) *Responsibility.*

a. The Utility Systems Director shall be responsible for the protection of the City's potable water system from contamination due to the backflow of contaminants through the water service connection.

b. The Utility Systems Director is vested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this section. The Utility Systems Director may designate such person or persons as he/she may deem appropriate to implement the provisions of this section, and the decisions and directions of said person(s) shall have the same force and effect as if made by the Utility Systems Director.

c. If, in the judgment of the Utility Systems Director an approved backflow preventer is required at the Customer's water service connection, or, within the Customer's water system for the safety of the City's water system, the Utility Systems Director shall give notice to the Customer to install an approved backflow preventer at specific location(s) within a specified period of time. The failure, refusal, or inability on the part of the Customer to install a backflow preventer as required in this Section shall constitute grounds for discontinuing water service to the Customer's premises until the installation has been satisfactorily completed. Upon failure, refusal, or otherwise inability to have such backflow preventer installed, the Utility may perform the installation at the Customer's expense. Any costs or expenses incurred by the Utility to effect the installation must be remitted to the Utility before service is restored.

(b) *Cross-Connection Control — Requirements*

1. No water service connection to any premises shall be installed or maintained by the Utility unless the water supply is protected as required by state laws and regulations and this section. Service of water to any premises shall be discontinued by the Utility if an approved backflow preventer required by this section is not installed, tested, and maintained, or if it is found that an approved backflow preventer has been removed or bypassed. Service will not be restored until such conditions or defects are corrected.

2. The Customer's system shall be accessible for inspection at all reasonable times to authorized representatives of the Utility to determine compliance with the City's Code of Ordinances and other

regulations relating to cross-connections. If it is determined upon inspection that the Customer's water system is not in compliance, the Utility Systems Director shall give notice to the Customer to correct the violation. If the violation(s) constitute a health hazard, the Utility Systems Director shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the violation has been corrected.

3. An approved backflow preventer shall be installed on each non-residential service connection to a Customer's water system at or near the property line; outside the building or business; or, located elsewhere at the discretion of the Utility Systems Director, but in all cases, before the first branch line leading off the service line.

4. The type of backflow preventer required shall depend upon the degree of hazard that exists. The means of backflow prevention, listed below in an increasing level of protection, include the following:

   i. A Dual Check (DuC) device;

   ii. An Atmospheric Vacuum Breaker (AVB) device;

   iii. A Double Check Valve Assembly (DCVA) or Double Check Detector Assembly (DCDA);

   iv. A Pressure Vacuum Breaker Assembly (PVB);

   v. A Reduced-Pressure Principle Assembly (RPBA) or Reduced-Pressure Principle Detector Assembly (RPDA); and

   vi. An Air Gap (AG).

5. An approved backflow preventer shall be provided at the service connection based on the degree of hazard as follows:

   i. Premises where there is an auxiliary water system, a DuC shall be provided for residential service connections. A RPBA shall be provided for non-residential service connections. There shall be no cross-connection between the Customer's water system and the auxiliary water system.

   ii. Premises with private fire protection connected directly to the City's water system, a DCVA or DCDA will be provided if the fire protection system contains no chemical additives. A RPBA or RPDA shall be provided if the fire protection system contains chemical additives.

   iii. Premises where industrial fluids are used, an AG or RPBA shall be provided. Examples of such premises include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries, and plating plants.

   iv. Premises where it is impossible or impractical for the Utility to conduct a cross-connection survey to determine the degree of hazard, an AG or a RPBA shall be provided.

v. If, in the opinion of the Utility Systems Director, an undue health threat is posed because of the presence of extremely toxic substances, an AG will be required to protect the City's water system.

vi. Premises where a lawn irrigation system is connected to the Customer's water system, a PVB shall be provided. The unit shall be installed a minimum of 12 inches above the highest outlet. An AVB may be used when there are no shut-off valves downstream providing there is no potential for downstream back pressure. The unit shall be installed a minimum of 6 inches above the highest outlet.

vii. Premises where a lawn irrigation system is directly connected to the City's water system, a RPBA shall be provided.

6. Backflow Preventer Standards. Any backflow preventer required herein shall conform to the standards and specifications of the City of Port St. Lucie Utility Systems Department's Utility Standards Manual and be included in the said manual's Qualified Products List.

~~7. Inspections and Testing.~~

~~a. It shall be the responsibility of the Customer at any premises served by a meter 2 inches or greater to have certified inspections and operational tests made on the associated backflow preventer at least once per year as scheduled by the Utility Systems Director. In those instances where the Utility Systems Director deems the hazard to be great enough, certified inspections may be required at more frequent intervals.~~

~~b. These inspections and operational tests shall be performed at the expense of the Customer and shall be performed by a Certified Backflow Tester approved by the Utility Systems Director or replaced at the expense of the Customer whenever backflow preventers are found to be defective. Records of such tests, repairs, and overhaul shall be provided to the Utility Systems Director within 5 business days of completion.~~

~~c. Failure, refusal, or inability on the part of the Customer to have the subject assembly(s) repaired, overhauled, or replaced shall constitute grounds for discontinuing service to the premises until such requirements have been satisfactorily met. Should it become necessary for the Utility to perform the required action(s), all costs incurred by the Utility shall be borne by the Customer.~~

~~d. The Utility Systems Director shall administer a program for the inspection and testing of backflow preventers installed for water meters 1½" or smaller. These inspections and tests shall be at the expense of the Utility. The backflow preventer shall be repaired, overhauled, or replaced at the expense of the Utility whenever they are found to be defective. Records of such tests, repairs, and overhaul shall be kept by the Utility.~~

7. ~~8.~~ The Utility Systems Director may approve backflow preventers that do not meet the requirements of this section, but were approved for the purpose described herein at the time of installation and that have been properly maintained. Said backflow preventers much still meet inspection and maintenance requirements and the Utility Systems Director must be assured that they will satisfactorily protect the Utility system. Whenever the existing backflow preventer is moved from the present location, requires more than minimum maintenance, or when the Utility Systems Director finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow preventer meeting the requirements of this section.

Section 3. Inconsistency. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any of this Ordinance is determined to be void or held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, then the remainder of this Ordinance shall remain in full force and effect and this Ordinance shall nevertheless stand and be construed as if the illegal or invalid part or portion had not be included herein.

Section 5. Codification. Specific authority is hereby granted to codify and incorporate this Ordinance into the existing Port St. Lucie Code of Ordinances.

Section 6. Effective Date. This ordinance shall become effective October 1, 2016.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: _____
Gregory J. Oravec, Mayor

_____
Karen A. Phillips, City Clerk

By: _____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10C
Meeting Date: 9/12/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager
Patricia Roebling, PE, Assistant City Manager – Admin. Services

FROM: Jesus Merejo, Utility Systems Director

Agenda Item: Ordinance: 16-63 Amending Section 60.06, Definitions; Amending Section 61.05 Water Meter Installation Charge; and Amending Chapter 65.09, Control of Backflow and Cross-Connections.

Submittal Date: 9/1/2015

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**STRATEGIC PLAN LINK:** Principal A – Exceptional Municipal Services: 1. Developing and maintaining a state of the art infrastructure and utility system.

**BACKGROUND:** Section 65.09 of the City's Code of Ordinances governs the control of backflow and cross-connections within the City's potable water system. As part of the current backflow and cross-connection prevention program, when a backflow assembly is required for a water service that is 1½" or less, the customer provides the assembly and is responsible for its installation and initial certification. However, the Utility Systems Department subsequently tests, certifies, and maintains them once they are added to its asset inventory (the current inventory is 3,165assemblies). Such assemblies are typically on small commercial customer services or in some cases, townhomes, condos, or apartment complexes. Backflow prevention assemblies associated with 404 water meters that are 2" and above are currently tested, certified and maintained by contractors hired by the customer on an annual basis.

**ANALYSIS:** The Utility proposes to assume responsibility for testing, certifying and maintaining all backflow prevention assemblies associated with domestic water meters, regardless of size. The attached ordinance calls for a $50.00 fee to be charged annually for these services. The fee will be added to the customer's monthly usage bill following the annual service. The ordinance also calls for the Utility to be responsible for repairing, overhauling, or replaced at the expense of the Utility

whenever they are found to be defective. The $50.00 fee is significantly less than customers are currently paying private contractors for the required annual testing and certifications, and customers will not have to pay contractors to repair or replace defective assemblies.

In addition to providing the services outlined above, the Utility also proposes that it assume responsibility for providing and installing all new backflow assemblies on domestic water services 2" or less. All newly installed backflow assemblies will be tested and certified by the Utility prior to the associated water meter being placed into service. It is believed this new service will save developers, contractors, and customers both time and money at the end of their construction projects when time is of the essence.

The following fees will be collected from the applicant when they execute their commercial service agreement.

| Domestic Meter Backflow Prevention Assembly Size | Charge per Assembly |
|---|---|
| ¾" RPZ Backflow | $436.00 |
| 1" RPZ Backflow | $448.00 |
| 1½" RPZ Backflow | $788.00 |
| 2" RPZ Backflow | $826.00 |
| Above 2" | Applicant is responsible for purchase and installation of the required backflow prevention assembly. The City will test and certify newly installed backflow assemblies. |
| Additionally, applicants will be charged $50.00 per assembly test/certification for all newly installed backflow assemblies. | |

Note: this proposal does <u>not</u> apply to fire service backflows or systems.

**<u>FINANCIAL INFORMATION</u>**: None.

**<u>LEGAL INFORMATION</u>**: This ordinance was reviewed and approved as to sufficiency by O. Reginald Osenton, City Attorney.

**<u>STAFF RECOMMENDATION</u>**: It is respectfully requested that the City Council adopt Ordinance #16-63.

**<u>SPECIAL CONSIDERATION:</u>** N/A

**<u>PRESENTATION INFORMATION</u>:** N/A

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT:** N/A

**ATTACHMENTS:** Ordinance #16-63

*All attached items have been sent to the City Clerk. Any items not provided in the City Council packets are available upon request from the City Clerk.

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CITY MANAGER'S OFFICE

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 8F
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager
**REVISED: Patricia Roebling, Interim City Manager**

FROM: David K. Pollard, MBA, CGFO, OMB Director

Agenda Item: Ordinance: Budget Amendment #3 – FY 2015-16 **REVISED per Council action at the Special Meeting on 9-19-16**

Submittal Date: ~~8/30/2016~~ 9-20-16 16-64

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**STRATEGIC PLAN LINK:** GOALS 2018 – FINANCIALLY SOUND CITY

**BACKGROUND:** Each year, the adopted budget is amended as required for un-budgeted items. This is the third and final budget amendment in the current fiscal year. As usual, the final amendment is relatively minor and deals with final true up adjustments for unexpected items and adjustments to debt service in the SAD funds plus refinancing issues.

**ANALYSIS:** Each of the requests is matched to a funding source and sorted by fund with a brief explanation offered. Funds are available for each item as noted, either using additional revenues, identified savings or reducing the budgeted contingency.

**FINANCIAL INFORMATION**: The total of this budget amendment is a net increase of $188,801,586 for a new budget total of $688,603,199. The reason for the huge amendment is two recent refinancing bond issues (SW Annexation SAD and the CRA). The budget must reflect the inflow of new cash and the retirement of the old bonds. In many of the operating funds of the City the total fund balance is greater than the financial policy contingency. In the case of the General Fund, $708,428 is being added to the budgeted contingency which creates a total contingency of $22,854,532. **REVISION: the item being added under the General Fund for the City Manager separation agreement will decrease the Contingency by $114,548 for a new budgeted total of $22,739,984.** The policy requirement of 16.67% is $11,611,753 for the General Fund in the current year.

**LEGAL INFORMATION**: The Ordinance is being reviewed as to form by the Interim City Attorney, 8-30-16.

**STAFF RECOMMENDATION**: Submitted by OMB to the City Manager on behalf of the various city departments. Staff recommends approval.

**SPECIAL CONSIDERATION:** There are no staffing requests in this budget amendment. Major items are discussed per fund.

**General Fund –** There is a true up required for the debt service on the Digital Domain debt. For better accounting, the debt will be paid directly from the General Fund instead of transferring funds to a separate fund and then submitting payment. Thus an increase to debt service and a corresponding decrease to transfer out line items is needed, but due to the re-financing, there is an overall reduction to this cost of $285,776.
The Digital Domain settlement funds receipt of $3,181,920 will be budgeted and then appropriated to retire debt ($1,234,768), fund the Westmoreland Boardwalk project ($1,500,000) and the balance of $447,152 be added to the current year contingency and carried forward into next year for needed repairs and maintenance of facilities.
Legal defense costs of $100,000 is due and must be budgeted in the Legal Department. This is for two labor lawsuits (Robinson and D'Agostino).
**REVISION: Based on Council action from the special meeting on 9-19-16, the final payout for former City Manager Bremer must be appropriated with a total cost of $114,548. This will decrease the contingency of the General Fund.**

**Governmental Finance Fund –** The transfer of $1,234,768 needs to budgeted from the General Fund (settlement proceeds) that will be used to retire the 2004 COP bonds.

**Building Department Fund –** Additional funds are needed to cover overtime costs as well as an estimated $150,000 for reroofing building B.

**SW Annexation SAD –** The refinancing of debt is being budgeted and is making use of $6.9 million in available fund balance to lower the balance of outstanding debt.

**Digital Domain Debt Service Fund –** This fund will not be used going forward and the budgeted transfer from the General Fund is not needed. The General Fund will directly make the required payments.

**Several SAD Funds –** A number of SAD Funds have collected greater revenues than was budgeted and will need to appropriate those funds to be able to retire debt at a faster rate. This is the normal routine of the City is too retire additional debt whenever possible in the SAD Funds.

**Community redevelopment Agency Fund –** The recent refinancing requires the budget be amended to reflect the inflow of new cash and the retirement of the old debt (±$45 million).

**General CIP Fund –** The $1.5 million transfer of settlement funds needs to be appropriated for the Westmoreland Boardwalk project.

**Utility Funds -** $900,000 is being requested from the operating fund's contingency to address the cost of additional repairs that were needed in the renewal and replacement fund. Also in the connection fund, $450,000 is being requested to cover the cost of additional installations being performed.

**PRESENTATION INFORMATION:** N/A

**REQUESTED MEETING DATE:** ~~9/12/2016~~ 9-26-16

**LOCATION OF PROJECT:** N/A

**ATTACHMENTS:** Ordinance and Schedule of Requested Updates

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CITY MANAGER'S OFFICE

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

****** GENERAL OPERATING FUND - #001 ******

| | | Expenses | Revenues |
|---|---|---|---|
| (A ) | ***City Manager - #1200*** | | |
| | -Increase Professional Services | 24,500 | |
| | (professional search firm to hire new city manager) | | |
| | -Decrease Contingency | (24,500) | |
| (B) | ***Non-Departmental - #4199*** | | |
| | -Decrease Interfund transfer to the Digital Domain Fund #142 | (1,161,065) | |
| | -Increase Debt Service -Digital Domain | 873,894 | |
| | (2014B PST Rev Bonds Interest) | | |
| | -Increase Arbitrage Expense | 1,395 | |
| | -Increase Contingency | 285,776 | |
| (C) | ***P & R - Civic Center Fitness Center - #7502*** | | |
| | -Increase Personal Training Revenue | | 25,000 |
| | (actual revenues is projected to exceed budget) | | |
| | -Salaries and Benefits | 25,000 | |
| | (increase instructor costs) | | |
| (D) | ***Police Department - Detective #2115*** | | |
| | -Increase Overtime | 4,436 | |
| | (US Marshals Overtime Reimbursement) | | |
| | -Misc. Revenue | | 4,436 |
| | (actual collected is greater than Budget) | | |
| (E) | ***Police Department - Special Investigations - #2112*** | | |
| | -Increase Overtime | 14,993 | |
| | (Department of Homeland Security Reimbursement) | | |
| | -Increase Misc. Revenue | | 14,993 |
| | (actual collected is greater than budget) | | |
| (F) | ***Police Department - Neighborhood Services District Services - #2131*** | | |
| | -Increase Training & Education | 11,230 | |
| | (insurance reimbursement of non-contract fleet maintenance) | | |
| | -Increase Misc. Revenue | | 11,230 |
| | (actual collected is greater than budget) | | |
| (G) | ***Police Department - Criminal Investigations - #2115*** | | |
| | -Increase Training & Education | 2,000 | |
| | (Unclaimed Evidence of CID Training and donations to CID Fraud Training) | | |
| | -Increase Misc. Revenue | | 1,200 |
| | -Increase Unclaimed Evidence | | 800 |

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

| | | | |
|---|---|---|---|
| (H) | ***Interfund Transfer*** | | |
| | -Increase Digital Domain CRT Settlement | | 3,181,920 |
| | (Settlement for actions against digital domain) | | |
| | -Increase Interfund Transfer to the General Fund Capital Improvement Fund #301 | 1,500,000 | |
| | (Westmoreland Boardwalk Extension) | | |
| | -Increase Interfund Transfer to the General Finance Fund #108 | 1,234,768 | |
| | (transfer is being made to retire 2004 COP Bonds) | | |
| | -Increase Contingency | 447,152 | |
| (I) | ***Legal Department*** | | |
| | -Increase Professional Services | 50,000 | |
| | (invoice for Legal Cost (Robinson) | | |
| | -Increase Professional Services | 50,000 | |
| | (invoice for Legal Cost (D'Agostino) | | |
| | -Reduce Interfund Transfer to Torrey Pines #159 | (100,000) | |
| | (actual transfer is less than budget) | | |
| (J) | ***City Manager*** | | |
| | -Increase Salaries and Benefits | 114,548 | |
| | (City Manager payout per separation agreement) | | |
| | -Decrease Contingency | (114,548) | |
| | **BUDGET AMENDMENT TOTAL - FUND #001:** | $ 3,239,579 | $ 3,239,579 |
| | ******GOVERNMENTAL FINANCE FUND #108****** | | |
| (A) | ***Interfund Transfer*** | | |
| | -Increase Interfund Transfer from the General Operating Fund #001 | | $ 1,234,768 |
| | (transfer is being made to retire the 2004 COP bonds) | | |
| | -Increase Debt Payment | $ 1,238,695 | |
| | -Increase Fund Balance/Cash Carryforward | | 3,927 |
| | **BUDGET AMENDMENT TOTAL - FUND #108** | $ 1,238,695 | $ 1,238,695 |
| | ******BUILDING FUND #110 ****** | | |
| (A) | ***Bldg. Plan Review - #2425*** | | |
| | -Increase Overtime | $ 45,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | $ 45,000 |
| | (actual collections are greater than budget) | | |
| (B) | ***Bldg. Protective Inspections - Field Inspections - #2420*** | | |
| | -Increase Overtime | 20,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | 20,000 |
| | (actual collections are greater than budget) | | |
| (C) | ***Bldg. Plan Review - #2415*** | | |
| | -Increase Overtime | 7,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | 7,000 |
| | (actual collections are greater than budget) | | |

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

| | | | |
|---|---|---|---|
| (D) | ***Bldg. Protective Inspections - #2405*** | | |
| | -Increase Repair and Maintenance of Building | 150,000 | |
| | (Building "B" roof replacement) | | |
| | -Increase Building Permit Fees | | 150,000 |
| | (actual collections are greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #110** | $ 222,000 | $ 222,000 |

******SOUTHWEST ANNEXATION REFUNDING BONDS, SERIES 2016 #115******

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 135,368,251 | |
| | -Increase Other Current Charges and Obligations | 1,448,480 | |
| | -Increase Fund Balance/Cash Carryforward | | $ 6,903,535 |
| | (additional cash carryforward from prior year) | | |
| | -Increase Debt Proceeds Revenue | | 129,913,196 |
| | **BUDGET AMENDMENT TOTAL - FUND #115** | $ 136,816,731 | $ 136,816,731 |

******USA 5,6 & 7A Fund #124******

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 146,450 | |
| | -Increase Transportation & Postage | 5,000 | |
| | -Increase Water & Sewer Assessment Revenue | | $ 5,000 |
| | (actual is greater than budget) | | |
| | -Increase Fund Balance/Cash Carryforward | | 146,450 |
| | **BUDGET AMENDMENT TOTAL - FUND #124** | $ 151,450 | $ 151,450 |

******USA #9 SAD COLLECTION FUND #125**

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 13,000 | |
| | -Increase Other Contractual Services | 1,000 | |
| | -Increase Fund Balance/Cash Carryforward | | $ 14,000 |
| | (actual is greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #125** | $ 14,000 | $ 14,000 |

******SW ANNEXATION DISTRICT #2 FUND #126**

| | | | |
|---|---|---|---|
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services and Postage | $ 3,500 | |
| | -Increase Water & Sewer Assessment Revenue | | $ 3,500 |
| | (actual is greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #126** | $ 3,500 | $ 3,500 |

******ECONOMIC DEVELOPMENT FUND #141******

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental*** | | |
| | -Increase Other Current Charges and Obligations | $ 14,500 | |
| | (increase budget to cover the cost of the Public Relations Firm) | | |
| | -Increase Fund Balance/Cash Carryforward | | $ 14,500 |
| | **BUDGET AMENDMENT TOTAL - FUND #141** | $ 14,500 | $ 14,500 |

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

| | | | |
|---|---|---|---|
| | ******WYNDCREST-DIGITAL DOMAIN FUND #142****** | | |
| (A) | ***Interfund Transfer*** | | |
| | -Decrease Interfund Transfer from the General Operating Fund #001 | | (1,161,065) |
| | (refinancing of debt is currently paid out of the General Fund Operating Fund #001) | | |
| | -Decrease Debt Service | (1,161,065) | |
| | **BUDGET AMENDMENT TOTAL - FUND #142** | $ (1,161,065) | $ (1,161,065) |
| | ******TESORO SAD COLLECTION FUND #152****** | | |
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 90,000 | |
| | -Increase Principal | 447,198 | |
| | -Increase Fund Balance/Cash Carryforward | | |
| | (actual is greater than budget) | | $ 537,198 |
| | **BUDGET AMENDMENT TOTAL - FUND #152** | $ 537,198 | $ 537,198 |
| | ******GLASSMAN SAD COLLECTION FUND #153****** | | |
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 5,000 | |
| | -Increase Principal | 150,000 | |
| | -Increase Water and Sewer Special Assessment Revenue | | |
| | (actual is greater than budget) | | $ 155,000 |
| | **BUDGET AMENDMENT TOTAL - FUND #153** | $ 155,000 | $ 155,000 |
| | ******EAST LAKE VILLAGE SAD COLLECTION FUND #154****** | | |
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 100 | |
| | -Increase Water and Sewer Special Assessment Revenue | | |
| | (actual is greater than budget) | | $ 100 |
| | **BUDGET AMENDMENT TOTAL - FUND #154** | $ 100 | $ 100 |
| | ******Combined SAD Collection Fund #158****** | | |
| (A) | ***Non-Departmental*** | | |
| | -Increase Debt Service | $ 51,000 | |
| | -Increase Water and Sewer Special Assessment Revenue | | $ 13,780 |
| | (actual is greater than budget) | | |
| | -Decrease Contingency | (37,220) | |
| | **BUDGET AMENDMENT TOTAL - FUND #158** | $ 13,780 | $ 13,780 |

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

### ****MUNICIPAL COMPLEX PROJECT #159****

| | | |
|---|---|---|
| (A) ***Interfund Transfer*** | | |
| -Decrease Interfund Transfer from the General Operating Fund #001 | | (100,000) |
| (Res. Public Buildings Revenue collected is greater than budget) | | |
| -Increase Res. Public Buildings Revenue | | $ 100,000 |
| (actual collected is greater than budget) | | |
| **BUDGET AMENDMENT TOTAL - FUND #159** | $ - | $ - |

### ****COMMUNITY REDEVELOPMENT AGENCY #175****

| | | |
|---|---|---|
| (A) ***Non-Departmental*** | | |
| -Increase Debt Service | $ 44,698,563 | |
| (refunding CRA Bonds, Series 2016) | | |
| -Increase Operating Cost | 286,854 | |
| (cost related refinancing CRA Bonds) | | |
| -Increase Debt Proceeds | | $ 44,985,417 |
| **BUDGET AMENDMENT TOTAL - FUND #175** | $ 44,985,417 | $ 44,985,417 |

### ****GENERAL FUND CAPITAL IMPROVEMENT FUND #301

| | | |
|---|---|---|
| (A) ***Interfund Transfer*** | | |
| -Increase Interfund Transfer from the General Operating Fund #001 | | 1,500,000 |
| -Increase Contingency | 1,500,000 | |
| (funds are being reserved for construction of the Westmoreland Boardwalk) | | |
| **BUDGET AMENDMENT TOTAL - FUND #301** | $ 1,500,000 | $ 1,500,000 |

### **** STORMWATER UTILITY FUND #401****

| | Expenses | Revenues |
|---|---|---|
| (A) ***Non-Departmental - #4199*** | | |
| -Increase transportation | $ 36,000 | |
| (send notices to all property owners in the City for $5.00 increase in proposed 16-17 budget) | | |
| -Increase Fund Balance/Cash Carryforward | | $ 36,000 |
| (additional fund balance from prior year) | | |
| **BUDGET AMENDMENT TOTAL - FUND #401:** | $ 36,000 | $ 36,000 |

### ****GOLF COURSE FUND #421****

| | | |
|---|---|---|
| (A) ***Golf Course Maintenance - #7250*** | | |
| -Increase Repair & Maintenance & Operating Supplies | $ 24,284 | |
| (over budget of repair and maintenance operating supplies line items) | | |
| -Increase Property Damage Revenue | | $ 24,284 |
| (property damage check) | | |
| **BUDGET AMENDMENT TOTAL - FUND #421:** | $ 24,284 | $ 24,284 |

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

## ****UTILITY - WATER & SEWER OPERATING FUND #431****

| | | |
|---|---|---|
| (A) ***Interfund Transfer*** | | |
| -Increase Interfund Transfer to the Utilities Renewal & Replacement Fund #438 | $ 900,000 | |
| (transfer funds to fund #438 for Water & Wastewater shortages due to line breaks | | |
| -Decrease Contingency | (900,000) | |
| **BUDGET AMENDMENT TOTAL - FUND #431:** | $ - | $ - |

## ****UTILITIES RENEWAL & REPLACEMENT FUND #438****

| | | |
|---|---|---|
| (A) ***Lift Stations*** | | |
| -Increase Improvements Other than Buildings -#3316 | $ 300,000 | |
| -Increase Improvements Other than Buildings - #3516 | 600,000 | |
| -Increase Interfund transfer from the Utility Operating Fund #431 | | $ 900,000 |
| **BUDGET AMENDMENT TOTAL - FUND #438:** | $ 900,000 | $ 900,000 |

## ****UTILITITIES WATER & SEWER CONNECTION FEE FUND #439****

| | | |
|---|---|---|
| (A) ***Water New Installations - #3315*** | | |
| -Increase Grinder Systems | $ 450,000 | |
| (increase is due to additional installations) | | |
| -Decrease Contingency | (450,000) | |
| **BUDGET AMENDMENT TOTAL - FUND #439:** | $ - | $ - |

## ****MEDICAL INSURANCE FUND #605****

| | Expenses | Revenues |
|---|---|---|
| (A) ***General Government*** | | |
| -Increase Health Insurance Claims | $ 98,138 | |
| (additional funding from stop loss insurance) | | |
| -Increase Promotional Activities (Wellness Program) | 12,280 | |
| -Increase Stop Loss Insurance Revenue | | $ 98,138 |
| (actual is greater than budget) | | |
| -Increase BCBS Wellness Funds | | 12,280 |
| **BUDGET AMENDMENT TOTAL - FUND #605:** | $ 110,418 | $ 110,418 |

**Budget Amendment #3 Grand Total** $ 188,801,586

COUNCIL ITEM 8F
DATE 9/26/16

~~COUNCIL ITEM 10D~~
~~DATE 9/12/16~~

ORDINANCE 16-64

AN ORDINANCE AMENDING THE 2015-16 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 6 PAGES, ATTACHED HERETO AND DESIGNATED AS 2015-16 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.

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THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The budget of the City of Port St. Lucie, Florida, for the year 2015-16 be amended by increasing and/or decreasing various line items as set out in the schedule attached hereto consisting of 6 pages and made a part hereto and designated as 2015-16 Budget Amendment #3 and that the City Manager and Director of Office of Management and Budget are hereby instructed and directed to transfer said funds to said accounts and to increase and/or decrease said accounts in conformity with said schedule.

Section 2. This Ordinance shall become effective ten (10) days after it's final adoption.

PASSED AND APPROVED BY THE City Council of the City of Port St. Lucie, Florida, this_____day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST

BY: _____
Gregory J. Oravec, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

****** GENERAL OPERATING FUND - #001 ******

| | | Expenses | Revenues |
|---|---|---|---|
| (A ) | ***City Manager - #1200*** | | |
| | -Increase Professional Services | 24,500 | |
| | (professional search firm to hire new city manager) | | |
| | -Decrease Contingency | (24,500) | |
| (B) | ***Non-Departmental - #4199*** | | |
| | -Decrease Interfund transfer to the Digital Domain Fund #142 | (1,161,065) | |
| | -Increase Debt Service -Digital Domain | 873,894 | |
| | (2014B PST Rev Bonds Interest) | | |
| | -Increase Arbitrage Expense | 1,395 | |
| | -Increase Contingency | 285,776 | |
| (C) | ***P & R - Civic Center Fitness Center - #7502*** | | |
| | -Increase Personal Training Revenue | | 25,000 |
| | (actual revenues is projected to exceed budget) | | |
| | -Salaries and Benefits | 25,000 | |
| | (increase instructor costs) | | |
| (D) | ***Police Department - Detective #2115*** | | |
| | -Increase Overtime | 4,436 | |
| | (US Marshals Overtime Reimbursement) | | |
| | -Misc. Revenue | | 4,436 |
| | (actual collected is greater than Budget) | | |
| (E) | ***Police Department - Special Investigations - #2112*** | | |
| | -Increase Overtime | 14,993 | |
| | (Department of Homeland Security Reimbursement) | | |
| | -Increase Misc. Revenue | | 14,993 |
| | (actual collected is greater than budget) | | |
| (F) | ***Police Department - Neighborhood Services District Services - #2131*** | | |
| | -Increase Training & Education | 11,230 | |
| | (insurance reimbursement of non-contract fleet maintenance) | | |
| | -Increase Misc. Revenue | | 11,230 |
| | (actual collected is greater than budget) | | |
| (G) | ***Police Department - Criminal Investigations - #2115*** | | |
| | -Increase Training & Education | 2,000 | |
| | (Unclaimed Evidence of CID Training and donations to CID Fraud Training) | | |
| | -Increase Misc. Revenue | | 1,200 |
| | -Increase Unclaimed Evidence | | 800 |

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

| | | | |
|---|---|---|---|
| (H) | ***Interfund Transfer*** | | |
| | -Increase Digital Domain CRT Settlement | | 3,181,920 |
| | (Settlement for actions against digital domain) | | |
| | -Increase Interfund Transfer to the General Fund Capital Improvement Fund #301 | 1,500,000 | |
| | (Westmoreland Boardwalk Extension) | | |
| | -Increase Interfund Transfer to the General Finance Fund #108 | 1,234,768 | |
| | (transfer is being made to retire 2004 COP Bonds) | | |
| | -Increase Contingency | 447,152 | |
| (I) | ***Legal Department*** | | |
| | -Increase Professional Services | 50,000 | |
| | (invoice for Legal Cost (Robinson) | | |
| | -Increase Professional Services | 50,000 | |
| | (invoice for Legal Cost (D'Agostino) | | |
| | -Reduce Interfund Transfer to Torrey Pines #159 | (100,000) | |
| | (actual transfer is less than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #001:** | $ 3,239,579 | $ 3,239,579 |

******GOVERNMENTAL FINANCE FUND #108******

| | | | |
|---|---|---|---|
| (A) | ***Interfund Transfer*** | | |
| | -Increase Interfund Transfer from the General Operating Fund #001 | | $ 1,234,768 |
| | (transfer is being made to retire the 2004 COP bonds) | | |
| | -Increase Debt Payment | $ 1,238,695 | |
| | -Increase Fund Balance/Cash Carryforward | | 3,927 |
| | **BUDGET AMENDMENT TOTAL - FUND #108** | $ 1,238,695 | $ 1,238,695 |

******BUILDING FUND #110 ******

| | | | |
|---|---|---|---|
| (A) | ***Bldg. Plan Review - #2425*** | | |
| | -Increase Overtime | $ 45,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | $ 45,000 |
| | (actual collections are greater than budget) | | |
| (B) | ***Bldg. Protective Inspections - Field Inspections - #2420*** | | |
| | -Increase Overtime | 20,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | 20,000 |
| | (actual collections are greater than budget) | | |
| (C) | ***Bldg. Plan Review - #2415*** | | |
| | -Increase Overtime | 7,000 | |
| | (additional overtime required to handle plan review workload) | | |
| | -Increase Building Permit Fees | | 7,000 |
| | (actual collections are greater than budget) | | |
| (C) | ***Bldg. Protective Inspections - #2405*** | | |
| | -Increase Repair and Maintenance of Building | 150,000 | |
| | (Building "B" roof replacement) | | |
| | -Increase Building Permit Fees | | 150,000 |
| | (actual collections are greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #110** | $ 222,000 | $ 222,000 |

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

## ****SOUTHWEST ANNEXATION REFUNDING BONDS, SERIES 2016 #115****

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 135,368,251 | |
| | -Increase Other Current Charges and Obligations | 1,448,480 | |
| | -Increase Fund Balance/Cash Carryforward | | $ 6,903,535 |
| | (additional cash carryforward from prior year) | | |
| | -Increase Debt Proceeds Revenue | | 129,913,196 |
| | **BUDGET AMENDMENT TOTAL - FUND #115** | $ 136,816,731 | $ 136,816,731 |

## ****USA 5,6 & 7A Fund #124****

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 146,450 | |
| | -Increase Transportation & Postage | 5,000 | |
| | -Increase Water & Sewer Assessment Revenue | | $ 5,000 |
| | (actual is greater than budget) | | |
| | -Increase Fund Balance/Cash Carryforward | | 146,450 |
| | **BUDGET AMENDMENT TOTAL - FUND #124** | $ 151,450 | $ 151,450 |

## ****USA #9 SAD COLLECTION FUND #125

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental & Operating*** | | |
| | -Increase Debt Service | $ 13,000 | |
| | -Increase Other Contractual Services | 1,000 | |
| | -Increase Fund Balance/Cash Carryforward | | $ 14,000 |
| | (actual is greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #125** | $ 14,000 | $ 14,000 |

## ****SW ANNEXATION DISTRICT #2 FUND #126

| | | | |
|---|---|---|---|
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services and Postage | $ 3,500 | |
| | -Increase Water & Sewer Assessment Revenue | | $ 3,500 |
| | (actual is greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #126** | $ 3,500 | $ 3,500 |

## ****ECONOMIC DEVELOPMENT FUND #141****

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental*** | | |
| | -Increase Other Current Charges and Obligations | $ 14,500 | |
| | (increase budget to cover the cost of the Public Relations Firm) | | |
| | -Increase Fund Balance/Cash Carryforward | | $ 14,500 |
| | **BUDGET AMENDMENT TOTAL - FUND #141** | $ 14,500 | $ 14,500 |

# CITY OF PORT ST. LUCIE
## BUDGET AMENDMENT - #3
## FY 2015-16

******WYNDCREST-DIGITAL DOMAIN FUND #142******

| | | | |
|---|---|---|---|
| (A) | ***Interfund Transfer*** | | |
| | -Decrease Interfund Transfer from the General Operating Fund #001 | | (1,161,065) |
| | (refinancing of debt is currently paid out of the General Fund Operating Fund #001) | | |
| | -Decrease Debt Service | (1,161,065) | |
| | **BUDGET AMENDMENT TOTAL - FUND #142** | $ (1,161,065) | $ (1,161,065) |

******TESORO SAD COLLECTION FUND #152******

| | | | |
|---|---|---|---|
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 90,000 | |
| | -Increase Principal | 447,198 | |
| | -Increase Fund Balance/Cash Carryforward | | |
| | (actual is greater than budget) | | $ 537,198 |
| | **BUDGET AMENDMENT TOTAL - FUND #152** | $ 537,198 | $ 537,198 |

******GLASSMAN SAD COLLECTION FUND #153******

| | | | |
|---|---|---|---|
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 5,000 | |
| | -Increase Principal | 150,000 | |
| | -Increase Water and Sewer Special Assessment Revenue | | |
| | (actual is greater than budget) | | $ 155,000 |
| | **BUDGET AMENDMENT TOTAL - FUND #153** | $ 155,000 | $ 155,000 |

******EAST LAKE VILLAGE SAD COLLECTION FUND #154******

| | | | |
|---|---|---|---|
| (A) | ***Other Physical Environment*** | | |
| | -Increase Other Contractual Services | $ 100 | |
| | -Increase Water and Sewer Special Assessment Revenue | | |
| | (actual is greater than budget) | | $ 100 |
| | **BUDGET AMENDMENT TOTAL - FUND #154** | $ 100 | $ 100 |

******Combined SAD Collection Fund #158******

| | | | |
|---|---|---|---|
| (A) | ***Non-Departmental*** | | |
| | -Increase Debt Service | $ 51,000 | |
| | -Increase Water and Sewer Special Assessment Revenue | | $ 13,780 |
| | (actual is greater than budget) | | |
| | -Decrease Contingency | (37,220) | |
| | **BUDGET AMENDMENT TOTAL - FUND #158** | $ 13,780 | $ 13,780 |

******MUNICIPAL COMPLEX PROJECT #159******

| | | | |
|---|---|---|---|
| (A) | ***Interfund Transfer*** | | |
| | -Decrease Interfund Transfer from the General Operating Fund #001 | | (100,000) |
| | (Res. Public Buildings Revenue collected is greater than budget) | | |
| | -Increase Res. Public Buildings Revenue | | $ 100,000 |
| | (actual collected is greater than budget) | | |
| | **BUDGET AMENDMENT TOTAL - FUND #159** | $ - | $ - |

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

## ****COMMUNITY REDEVELOPMENT AGENCY #175****

| | | |
|---|---|---|
| (A) ***Non-Departmental*** | | |
| -Increase Debt Service | $ 44,698,563 | |
| (refunding CRA Bonds, Series 2016) | | |
| -Increase Operating Cost | 286,854 | |
| (cost related refinancing CRA Bonds) | | |
| -Increase Debt Proceeds | | $ 44,985,417 |
| **BUDGET AMENDMENT TOTAL - FUND #175** | $ 44,985,417 | $ 44,985,417 |

## ****GENERAL FUND CAPITAL IMPROVEMENT FUND #301

| | | |
|---|---|---|
| (A) ***Interfund Transfer*** | | |
| -Increase Interfund Transfer from the General Operating Fund #001 | | 1,500,000 |
| -Increase Contingency | 1,500,000 | |
| (funds are being reserved for construction of the Westmoreland Boardwalk) | | |
| **BUDGET AMENDMENT TOTAL - FUND #301** | $ 1,500,000 | $ 1,500,000 |

## **** STORMWATER UTILITY FUND #401****

| | Expenses | Revenues |
|---|---|---|
| (A) ***Non-Departmental - #4199*** | | |
| -Increase transportation | $ 36,000 | |
| (send notices to all property owners in the City for $5.00 increase in proposed 16-17 budget) | | |
| -Increase Fund Balance/Cash Carryforward | | $ 36,000 |
| (additional fund balance from prior year) | | |
| **BUDGET AMENDMENT TOTAL - FUND #401:** | $ 36,000 | $ 36,000 |

## ****GOLF COURSE FUND #421****

| | | |
|---|---|---|
| (A) ***Golf Course Maintenance - #7250*** | | |
| -Increase Repair & Maintenance & Operating Supplies | $ 24,284 | |
| (over budget of repair and maintenance operating supplies line items) | | |
| -Increase Property Damage Revenue | | $ 24,284 |
| (property damage check) | | |
| **BUDGET AMENDMENT TOTAL - FUND #421:** | $ 24,284 | $ 24,284 |

## ****UTILITY - WATER & SEWER OPERATING FUND #431****

| | | |
|---|---|---|
| (A) ***Interfund Transfer*** | | |
| -Increase Interfund Transfer to the Utilities Renewal & Replacement Fund #438 | $ 900,000 | |
| (transfer funds to fund #438 for Water & Wastewater shortages due to line breaks | | |
| -Decrease Contingency | (900,000) | |
| **BUDGET AMENDMENT TOTAL - FUND #431:** | $ - | $ - |

# CITY OF PORT ST. LUCIE
# BUDGET AMENDMENT - #3
# FY 2015-16

## ****UTILITIES RENEWAL & REPLACEMENT FUND #438****

| | | | |
|---|---|---|---|
| (A) | ***Lift Stations*** | | |
| | -Increase Improvements Other than Buildings -#3316 | $ 300,000 | |
| | -Increase Improvements Other than Buildings - #3516 | 600,000 | |
| | -Increase Interfund transfer from the Utility Operating Fund #431 | | $ 900,000 |
| | **BUDGET AMENDMENT TOTAL - FUND #438:** | $ 900,000 | $ 900,000 |

## ****UTILITITIES WATER & SEWER CONNECTION FEE FUND #439****

| | | | |
|---|---|---|---|
| (A) | ***Water New Installations - #3315*** | | |
| | -Increase Grinder Systems | $ 450,000 | |
| | (increase is due to additional installations) | | |
| | -Decrease Contingency | (450,000) | |
| | **BUDGET AMENDMENT TOTAL - FUND #439:** | $ - | $ - |

## ****MEDICAL INSURANCE FUND #605****

| | | Expenses | Revenues |
|---|---|---|---|
| (A) | ***General Government*** | | |
| | -Increase Health Insurance Claims | $ 98,138 | |
| | (additional funding from stop loss insurance) | | |
| | -Increase Promotional Activities (Wellness Program) | 12,280 | |
| | -Increase Stop Loss Insurance Revenue | | $ 98,138 |
| | (actual is greater than budget) | | |
| | -Increase BCBS Wellness Funds | | 12,280 |
| | **BUDGET AMENDMENT TOTAL - FUND #605:** | $ 110,418 | $ 110,418 |
| | **Budget Amendment #3 Grand Total** | $ 188,801,586 | |

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10D
Meeting Date: 9/12/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

FROM: David K. Pollard, MBA, CGFO, OMB Director

Agenda Item: Ordinance: Budget Amendment #3 – FY 2015-16

16-64

Submittal Date: 8/30/2016

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**STRATEGIC PLAN LINK:** GOALS 2018 – FINANCIALLY SOUND CITY

**BACKGROUND:** Each year, the adopted budget is amended as required for un-budgeted items. This is the third and final budget amendment in the current fiscal year. As usual, the final amendment is relatively minor and deals with final true up adjustments for unexpected items and adjustments to debt service in the SAD funds plus refinancing issues.

**ANALYSIS:** Each of the requests is matched to a funding source and sorted by fund with a brief explanation offered. Funds are available for each item as noted, either using additional revenues, identified savings or reducing the budgeted contingency.

**FINANCIAL INFORMATION**: The total of this budget amendment is a net increase of $188,801,586 for a new budget total of $688,603,199. The reason for the huge amendment is two recent refinancing bond issues (SW Annexation SAD and the CRA). The budget must reflect the inflow of new cash and the retirement of the old bonds. In many of the operating funds of the City the total fund balance is greater than the financial policy contingency. In the case of the General Fund, $708,428 is being added to the budgeted contingency which creates a total contingency of $22,854,532. The policy requirement of 16.67% is $11,611,753 for the General Fund in the current year.

**LEGAL INFORMATION**: The Ordinance is being reviewed as to form by the Interim City Attorney, 8-30-16.

**STAFF RECOMMENDATION**: Submitted by OMB to the City Manager on behalf of the various city departments. Staff recommends approval.

**SPECIAL CONSIDERATION:** There are no staffing requests in this budget amendment. Major items are discussed per fund.

**General Fund –** There is a true up required for the debt service on the Digital Domain debt. For better accounting, the debt will be paid directly from the General Fund instead of transferring funds to a separate fund and then submitting payment. Thus an increase to debt service and a corresponding decrease to transfer out line items is needed, but due to the re-financing, there is an overall reduction to this cost of $285,776.
The Digital Domain settlement funds receipt of $3,181,920 will be budgeted and then appropriated to retire debt ($1,234,768), fund the Westmoreland Boardwalk project ($1,500,000) and the balance of $447,152 be added to the current year contingency and carried forward into next year for needed repairs and maintenance of facilities.
Legal defense costs of $100,000 is due and must be budgeted in the Legal Department. This is for two labor lawsuits (Robinson and D'Agostino).

**Governmental Finance Fund –** The transfer of $1,234,768 needs to budgeted from the General Fund (settlement proceeds) that will be used to retire the 2004 COP bonds.

**Building Department Fund –** Additional funds are needed to cover overtime costs as well as an estimated $150,000 for reroofing building B.

**SW Annexation SAD –** The refinancing of debt is being budgeted and is making use of $6.9 million in available fund balance to lower the balance of outstanding debt.

**Digital Domain Debt Service Fund –** This fund will not be used going forward and the budgeted transfer from the General Fund is not needed. The General Fund will directly make the required payments.

**Several SAD Funds –** A number of SAD Funds have collected greater revenues than was budgeted and will need to appropriate those funds to be able to retire debt at a faster rate. This is the normal routine of the City is too retire additional debt whenever possible in the SAD Funds.

**Community redevelopment Agency Fund –** The recent refinancing requires the budget be amended to reflect the inflow of new cash and the retirement of the old debt (±$45 million).

**General CIP Fund –** The $1.5 million transfer of settlement funds needs to be appropriated for the Westmoreland Boardwalk project.

**Utility Funds -** $900,000 is being requested from the operating fund's contingency to address the cost of additional repairs that were needed in the renewal and replacement fund. Also in the connection fund, $450,000 is being requested to cover the cost of additional installations being performed.

**PRESENTATION INFORMATION:** N/A

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT:** N/A

**ATTACHMENTS:** Ordinance and Schedule of Requested Updates

RECEIVED

AUG 3 0 2016

CITY MANAGER'S OFFICE

COUNCIL ITEM 10E
DATE 9/12/16

COUNCIL ITEM 8G
DATE 9/26/16

# ORDINANCE 16 -65

AN ORDINANCE AUTHORIZING THE ABANDONMENT AND RELEASE OF A PORTION OF A FIFTY FOOT FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, AT PAGE 1177, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; ABANDONING AND RELEASING SAID PORTION OF THE FLOWAGE EASEMENT; PROVIDING AN EFFECTIVE DATE.

---

**WHEREAS,** Horizons St. Lucie Development, LLC, a Florida limited liability company ("Horizons"), entered into a Flowage Easement for Southern Grove to the City of Port St. Lucie, a Florida municipal corporation ("City"), recorded on November 7, 2007 in Original Records Book 2902, at Page 1177, of the Public Records of St. Lucie, Florida, which is more specifically described in Exhibit "A" and is attached hereto and incorporated herein; and

**WHEREAS**, Horizons is an affiliate of Tradition Land Company, LLC, a Foreign limited liability company ("Tradition"); and

**WHEREAS**, Tradition is the record owner of the lands encompassed by the Southern Grove Plat No. 11, recorded on December 3, 2014, in Plat Book 70 at Page 15 of the Public Records of St. Lucie County, Florida; and

**WHEREAS,** Tradition has requested that the City partially abandon the flowage easement; and that portion of the flowage easement is more specifically described in Exhibit "B," which is attached hereto and incorporated herein; and

**WHEREAS,** City Staff has reviewed the request to abandon a portion of the flowage easement and is in agreement with that request; and

**WHEREAS,** the City desires to release, vacate and abandon its interests in and to a portion of the flowage easement, which is more specifically and legally described in the attached Exhibit "B."

**NOW THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. The City Council of the City of Port St. Lucie, Florida hereby adopts and ratifies those matters set forth in the foregoing recitals.

Section 2. That there is hereby authorized the abandonment and release of the portion of the flowage easement that is more specifically and legally described in the attached Exhibit "B". The Mayor and City Officials are hereby authorized to execute any and all documents necessary to formalize and complete the abandonment of easement contemplated herein.

Section 3. That this Ordinance shall become effective immediately after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, this ____ day of _____, 2016.

ATTEST:

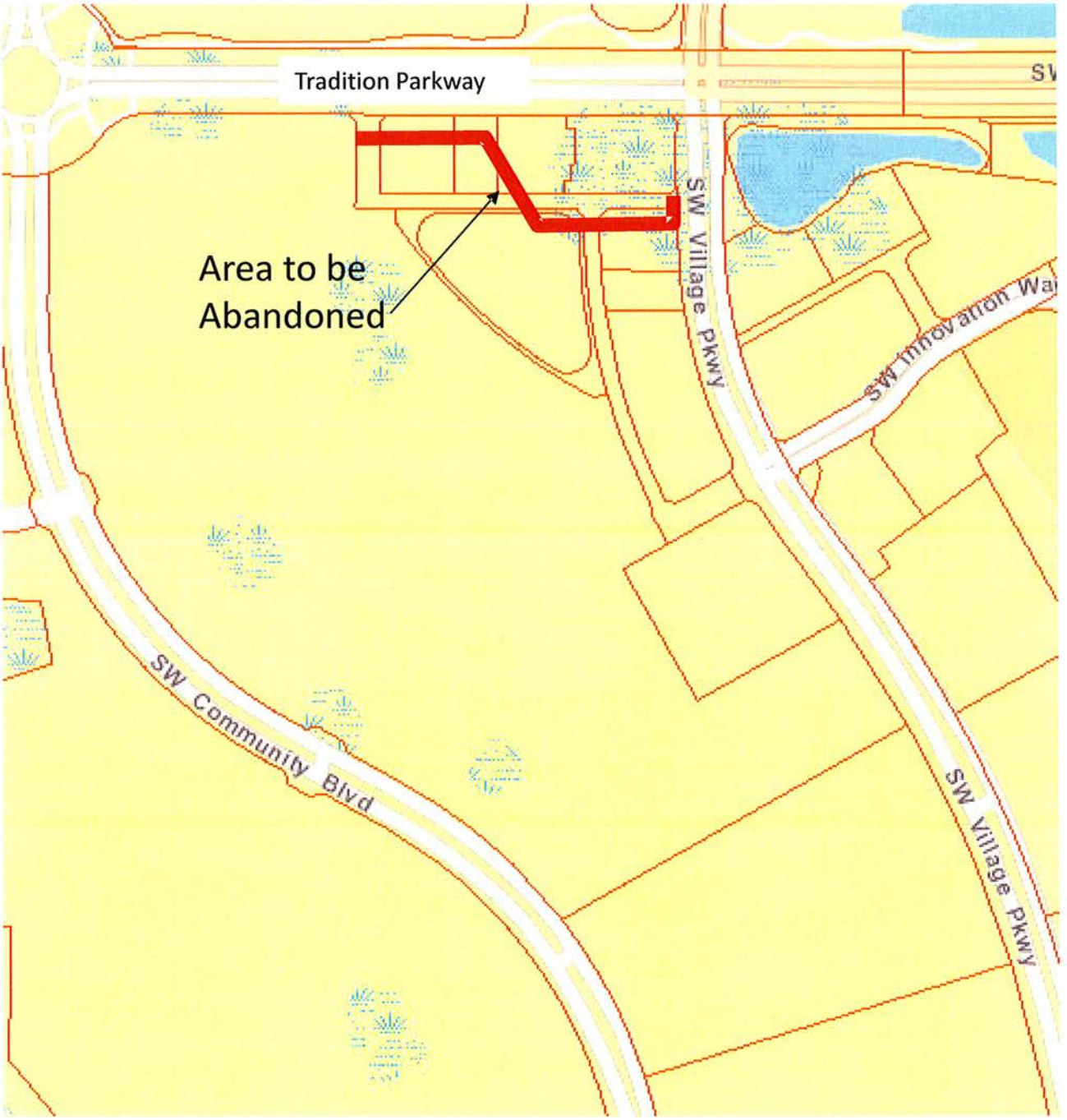
_____
Karen A. Phillips, City Clerk

CITY COUNCIL
CITY OF PORT ST. LUCIE

By:_____
Gregory J. Oravec, Mayor

APPROVED AS TO FORM:

By:_____
O. Reginald Osenton, City Attorney




N

Abandonment of a Portion of a
50-foot Flowage Easement

9/7/2016

***CITY OF PORT ST. LUCIE***
*CITY ATTORNEY*

# MEMORANDUM

TO: FRANK KNOTT, PROJECT MANAGER
JAMES ANGSTADT, PUBLIC WORKS DIRECTOR

FROM: ELLA M. GILBERT, STAFF ATTORNEY

DATE: SEPTEMBER 7, 2016

SUBJECT: ORDINANCE 16-R ___
AUTHORIZING THE ABANDONMENT AND RELEASE OF A PORTION OF A FIFTY FOOT FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, AT PAGE 1177, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; ABANDONING AND RELEASING SAID PORTION OF THE FLOWAGE EASEMENT; PROVIDING AN EFFECTIVE DATE.

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Pursuant to your Department's request, I have prepared an ordinance for review and approval by the City Council which shall serve to abandon and release a portion of a flowage easement within Southern Grove. The abandonment request was made to address a flowage easement that is no longer necessary and has been redirected by Southern Grove Plat No. 11.

Accordingly, the required ordinance for review and approval by the City Council is attached. The ordinance authorizes the Mayor and City Officials to execute any and all documents necessary to formalize and complete the abandonment of the flowage easement. Please process this ordinance as required for placement of this matter on the agenda for the appropriate City Council Meeting. If you have any questions, please do not hesitate to contact me.

EMG/nh

Attachments: Ordinance 16-R_____ with Exhibits
cc: Roxanne Chesser, P.E., Engineering Manager/Site Plan
O. Reginald Osenton, City Attorney

Received by: _____ Date: _____

Print Name: _____

121 S.W. Port St. Lucie Boulevard • Port St. Lucie, Florida 34984-5099 • 772/871-5294 • Fax:772/344-4298
TDD: 772/873-6339

FILE # 3130667 OR BOOK 2902 PAGE 1177, Recorded 11/07/2007 at 04:24 PM
Doc Tax: $0.70

EXHIBIT
A
to Ordinance

Return to:
City of Port St. Lucie
City Attorney's Office
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 873-6321

PROJECT:

COPY

**FLOWAGE EASEMENT**
**[MXD Parcel]**

THIS EASEMENT, granted this 30 day of october, 2007, by **HORIZONS ST. LUCIE DEVELOPMENT, LLC**, a Florida limited liability company whose mailing address is 10521 SW Village Center Drive, Suite 201, Port St. Lucie, Florida 34987, as "Grantor" to the **CITY OF PORT ST. LUCIE**, a Florida municipal corporation, whose mailing address is 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34984, as "Grantee."

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and their respective heirs, legal representatives, successors and assigns.)

WITNESSETH:

Grantor, for and in consideration of Ten Dollars ($10.00) and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, a perpetual easement for surface water drainage, on the following described lands located in St. Lucie County, Florida, to wit (the "Easement Area"):

See attached **Exhibit "A"** through **Exhibit "C"**, inclusive, which are incorporated herein by reference.

Subject to easements, restrictions, and reservations of record.

Grantor shall maintain this Easement at its sole cost and expense. If flowage is obstructed, Grantee shall have the right to take action in compliance with applicable laws necessary to maintain the Easement in the event Grantor shall fail to maintain the easement upon thirty (30) days written notice to Grantor (or such shorter period of time as is necessary in the event of an emergency).

Notwithstanding anything contained herein to the contrary, Grantor may relocate the location of the easement granted herein from time to time with the written consent of Grantee.

TO HAVE AND TO HOLD the same unto the Grantee, together with the right to enforce the intended use stated herein. Grantor and Grantee are used for singular or plural, as the context requires. The easement granted herein shall constitute easements running with the land and shall burden the land described above.

(signature page follows)

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed the date and year first above written.

WITNESSES:

J. Paul Fanning

(Print Name) J. Paul Fanning

Mary Christine Moore

(Print Name) Mary Christine Moore

HORIZONS ST. LUCIE DEVELOPMENT, LLC

By: [signature]
Title: Vice President
Name: Michael L. Arnold

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument as acknowledged before me this 18th day of October, 2007, by Michael L. Arnold as Vice President of Horizons St. Lucie Development, LLC, a Florida limited liability company, who ☑ is personally known to me, or ☐ who has produced _____ as identification.

MARY CHRISTINE MOORE
MY COMMISSION # DD 327032
EXPIRES: June 8, 2008
Bonded Thru Notary Public Underwriters

Mary Christine Moore
Notary Public, State of
(Print Name) Mary Christine Moore

COPY

* * * SIGNATURES CONTINUE ON FOLLOWING PAGE * * *

ATTEST:

BY: _____
Karen A. Phillips, City Clerk

CITY OF PORT ST. LUCIE

_____
Patricia P. Christensen, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
Roger G. Orr, City Attorney

My Commission Expires:

STATE OF FLORIDA )
) SS:
COUNTY OF SAINT LUCIE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, the _____ and _____, the _____ of CITY OF PORT SAINT LUCIE, a Florida municipal corporation. He/she is personally known to me or who has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of October, 2007.

Notary Public _____

Margaret McGrath

Typed, printed or stamped name of Notary Public

My Commission Expires:

MARGARET MCGRATH
MY COMMISSION # DD 405363
EXPIRES: July 9, 2009
Bonded Thru Budget Notary Services

COPY

SKETCH TO ACCOMPANY DESCRIPTION.
THIS IS NOT A SURVEY!

EXHIBIT
A

COPY

DESCRIPTION: FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4

BEING AN EASEMENT 50.00 FEET IN WIDTH LYING OVER A PORTION OF OPEN SPACE TRACT "O.S.T.-1", WATER MANAGEMENT TRACTS "W.M.T.-1 AND W.M.T.-2", OF SAID SOUTHERN GROVE PLAT NO. 4 AND LYING 25.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL 6. SAID CORNER BEING A POINT OF RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 4075.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND WESTERLY LINE OF SAID PARCEL 6, THRU A CENTRAL ANGLE OF 01°07'30", AN ARC DISTANCE OF 80.01 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS SOUTH 62°05'15" WEST); THENCE NORTH 60°57'40" EAST, DEPARTING SAID WESTERLY LINE, A DISTANCE OF 512.11 FEET; THENCE SOUTH 82°28'10" EAST, A DISTANCE OF 60.25 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SAID "O.S.T.-1 AND THE POINT OF BEGINNING;

THENCE SOUTH 82°28'10" EAST, A DISTANCE OF 559.21 FEET; THENCE NORTH 63°46'39" EAST, A DISTANCE OF 1064.37 FEET; THENCE NORTH 46°27'47" EAST, A DISTANCE OF 170.90 FEET TO THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE. THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OF PROLONGED TO MEET AT ANGLE POINTS AND LOT LINES.

CONTAINING 2.059 ACRES, MORE OR LESS.

COPY

NOTE:
THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OR THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE:
LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

9-17-07

JULIAN D. MORRIS
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION NO. 4731

DATE OF SIGNATURE:

G:\AProjects\800-899\PL865\CAD\SURVEY\EASEMENTS\FLOWAGE EASEMENTS\PL865 S G PLAT 4 WMT-1 FLOWAGE ESMT-S001.dwg 9/17/2007 2:57:30 PM EDT

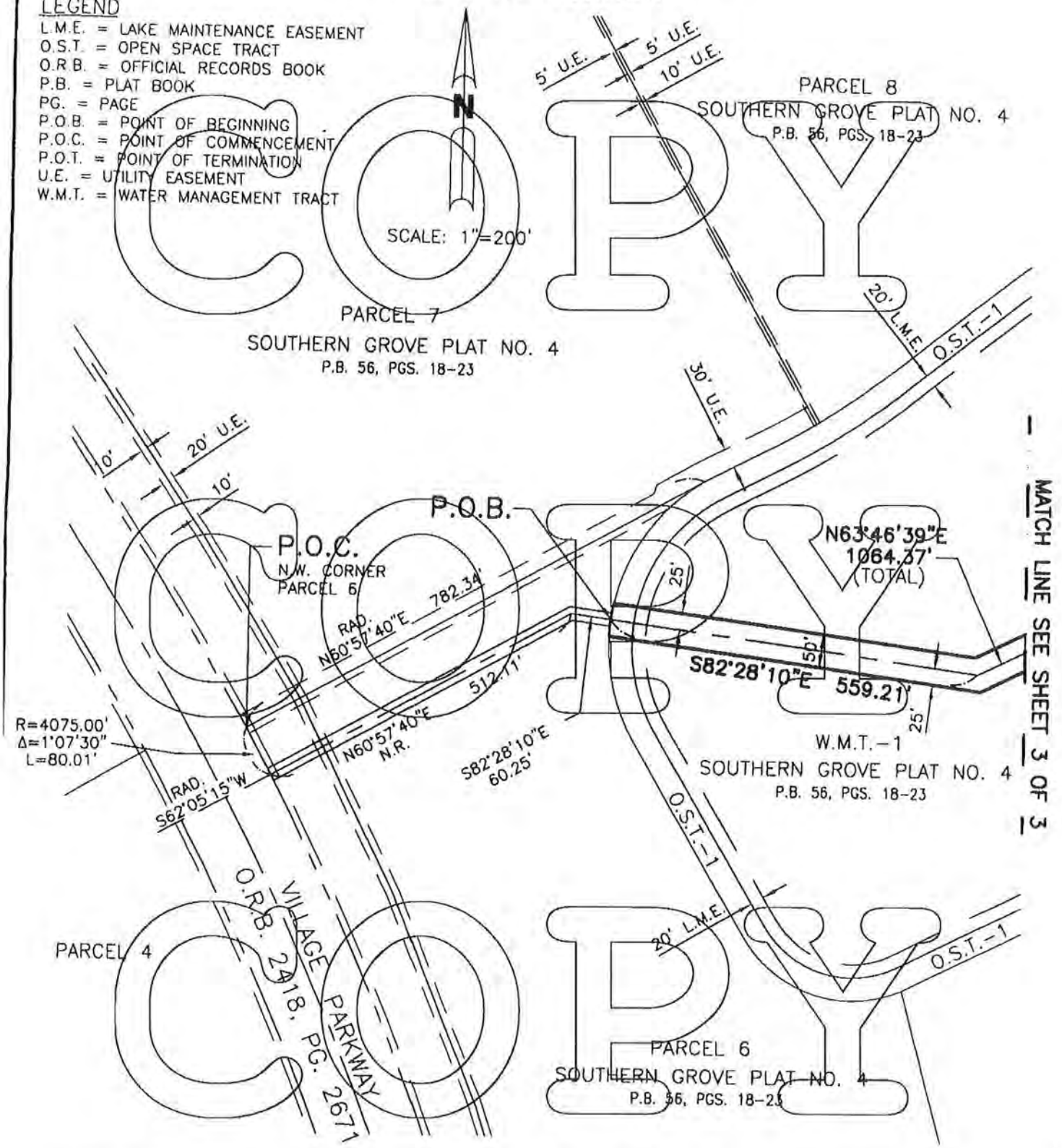
© US, INC.

ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: N/A | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!

LEGEND
L.M.E. = LAKE MAINTENANCE EASEMENT
O.S.T. = OPEN SPACE TRACT
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.O.T. = POINT OF TERMINATION
U.E. = UTILITY EASEMENT
W.M.T. = WATER MANAGEMENT TRACT



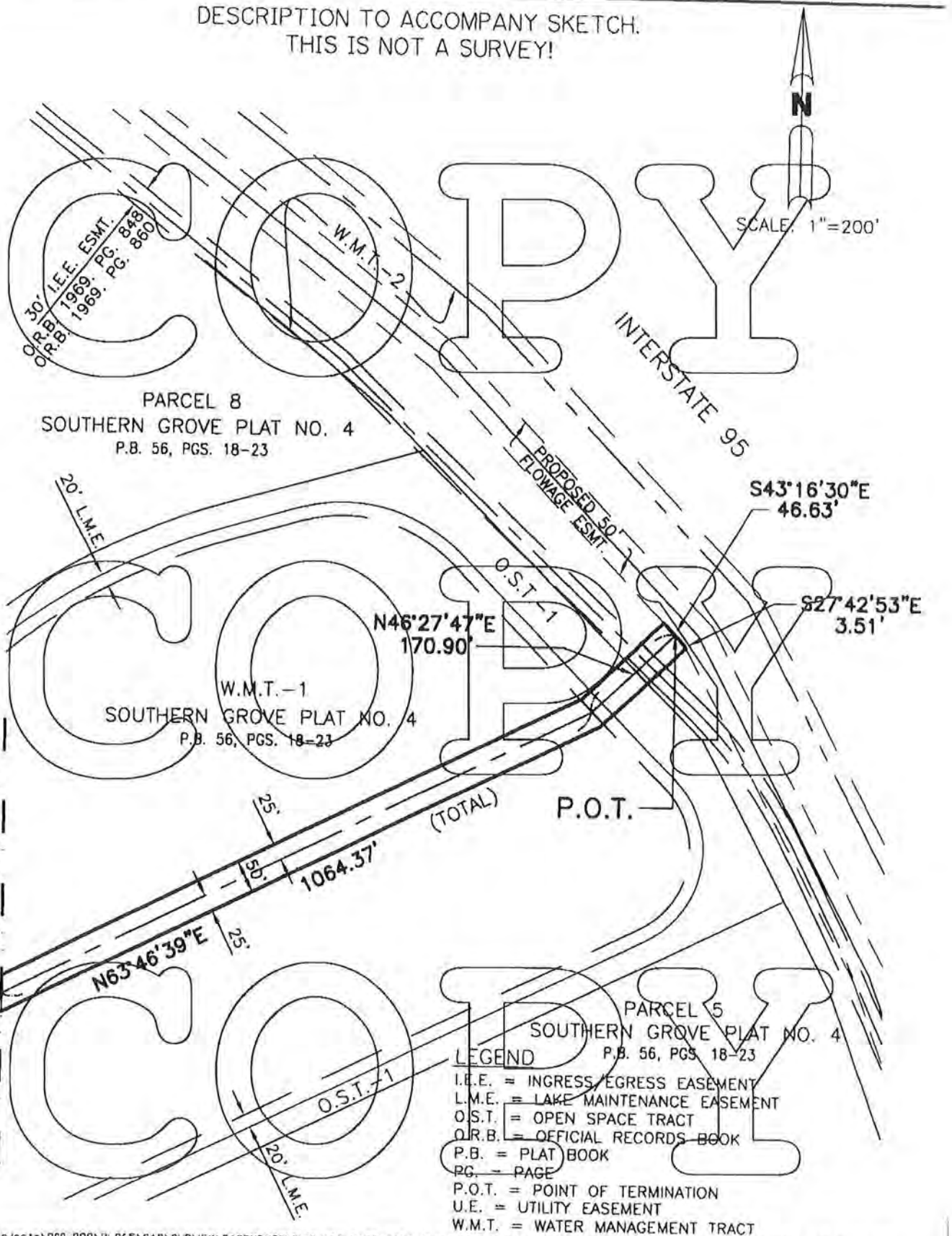

MATCH LINE SEE SHEET 3 OF 3

G:\AProjects\800-899\PL865\CAD\SURVEY\EASEMENTS\FLOWAGE EASEMENTS\PL865 S G PLAT 4 WMT-1 FLOWAGE ESMT-S001.dwg 9/17/2007 2:57:30 PM EDT

ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




LEGEND

I.E.E. = INGRESS/EGRESS EASEMENT
L.M.E. = LAKE MAINTENANCE EASEMENT
O.S.T. = OPEN SPACE TRACT
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.T. = POINT OF TERMINATION
U.E. = UTILITY EASEMENT
W.M.T. = WATER MANAGEMENT TRACT

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ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4 | | DATE: | DRAWN BY |

SKETCH TO ACCOMPANY DESCRIPTION.
THIS IS NOT A SURVEY!

EXHIBIT
B

COPY

DESCRIPTION: FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4

BEING AN EASEMENT 50.00 FEET IN WIDTH LYING OVER A PORTION OF SOUTHERN GROVE PLAT NO. 4, AS RECORDED IN PLAT BOOK 56, PAGES 18 THRU 23, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND LYING 25.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCE AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID SOUTHERN GROVE PLAT NO. 4; THENCE TRAVERSING THE WEST LINE OF SAID PARCEL 2 BY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°02'55" EAST, ALONG THE WEST LINE OF SAID PARCEL 2 AS A BASIS OF BEARINGS, A DISTANCE OF 428.71 FEET TO A POINT OF CURVATURE WITH A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1507.00 FEET;
2. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 13°23'21", AN ARC DISTANCE OF 352.16 FEET TO A POINT OF RADIAL INTERSECTION WITH A LINE;

THENCE NORTH 76°33'44" EAST, DEPARTING SAID WEST LINE OF PARCEL 2, A DISTANCE OF 126.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 76°33'44" EAST, A DISTANCE OF 65.03 FEET; THENCE NORTH 13°26'16" WEST, A DISTANCE OF 22.81 FEET; THENCE NORTH 03°24'57" WEST, A DISTANCE OF 448.20 FEET TO REFERENCE POINT "A" (FOR FUTURE REFERENCE); THENCE NORTH 10°58'31" EAST, A DISTANCE OF 45.63 FEET; THENCE NORTH 05°24'08" EAST, A DISTANCE OF 103.62 FEET; THENCE NORTH 62°01'25" EAST, A DISTANCE OF 516.72 FEET; THENCE SOUTH 89°29'34" EAST, A DISTANCE OF 648.75 FEET; THENCE SOUTH 32°47'05" EAST, A DISTANCE OF 366.84 FEET; THENCE NORTH 85°54'42" EAST, A DISTANCE OF 471.86 FEET; THENCE NORTH 06°28'51" EAST, A DISTANCE OF 85.12 FEET; THENCE NORTH 78°23'56" EAST, A DISTANCE OF 20.43 FEET TO A POINT OF INTERSECTION WITH THE EAST SIDE OF SAID PARCEL 2; SAID POINT ALSO BEING REFERENCE POINT "B" (FOR FUTURE REFERENCE) AND THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE. THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND LOT LINES.

TOGETHER WITH:

COMMENCE AT SAID REFERENCE POINT "B"; THENCE NORTH 78°23'56" EAST, A DISTANCE OF 153.13 FEET TO THE THE POINT OF BEGINNING. SAID POINT ALSO BEING A POINT OF INTERSECTION WITH THE WEST LINE OF PARCEL 9 OF SAID SOUTHERN GROVE PLAT NO. 4; THENCE CONTINUE NORTH 78°23'56" EAST, A DISTANCE OF 101.90 FEET; THENCE NORTH 76°30'46" EAST, A DISTANCE OF 383.26 FEET; THENCE SOUTH 89°58'15" EAST, A DISTANCE OF 705.41 FEET; THENCE SOUTH 81°56'34" EAST, A DISTANCE OF 447.87 FEET; THENCE SOUTH 69°58'48" EAST, A DISTANCE OF 253.35 FEET; THENCE SOUTH 52°20'12" EAST, A DISTANCE OF 887.17 FEET; THENCE SOUTH 43°16'30" EAST, A DISTANCE OF 571.31 FEET; THENCE SOUTH 27°42'53" EAST, A DISTANCE OF 572.84 FEET; THENCE SOUTH 19°33'44" EAST, A DISTANCE OF 1352.34 FEET TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF SAID SOUTHERN GROVE PLAT NO. 4 AND THE POINT OF TERMINATION OF THE HEREIN DESCRIBED CENTERLINE. THE SIDE LINES OF SAID EASEMENT TO BE SHORTENED OF PROLONGED TO MEET AT ANGLE POINTS AND LOT LINES

NOTE:
THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OR THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE:
LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

9-11-07

JULIAN D. MORRIS
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION NO. 4731

DATE OF SIGNATURE:

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ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: N/A | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

SKETCH TO ACCOMPANY DESCRIPTION.
THIS IS NOT A SURVEY!

COPY

DESCRIPTION: FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4 Continued.

TOGETHER WITH:

BEING AN EASEMENT LYING OVER A PORTION OF SAID PARCEL 2 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SAID REFERENCE POINT "A"; THENCE NORTH 86°13'13" WEST, A DISTANCE OF 25.20 FEET TO THE POINT OF BEGINNING; THENCE NORTH 79°01'29" WEST, A DISTANCE OF 32.75 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 250.00 FEET (THE RADIUS POINT OF WHICH BEARS SOUTH 84°45'50" EAST); THENCE NORTHEASTERLY ALONG THE ARC OF SAID, THRU A CENTRAL ANGLE OF 11°28'42", AN ARC DISTANCE OF 50.08 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS SOUTH 73°17"08" EAST); THENCE SOUTH 79°01'29" EAST ALONG SAID LINE, A DISTANCE OF 32.51 FEET; THENCE SOUTH 05°24'08" WEST, A DISTANCE OF 2.45 FEET; THENCE SOUTH 10°58'31" WEST, A DISTANCE OF 47.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.301 TOTAL ACRES, MORE OR LESS

COPY

COPY

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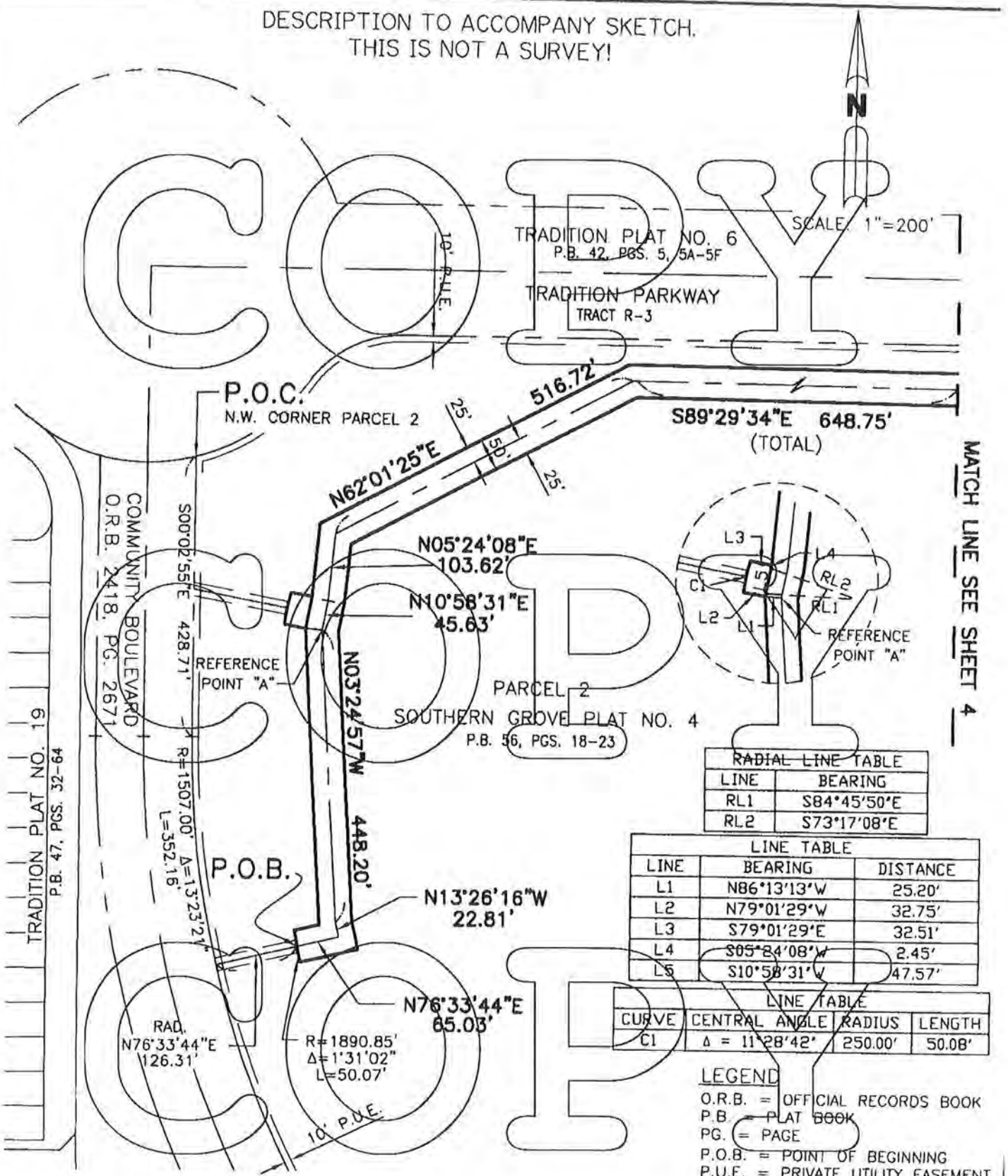
DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




| RADIAL LINE TABLE | |
|---|---|
| LINE | BEARING |
| RL1 | S84°45'50"E |
| RL2 | S73°17'08"E |

| LINE TABLE | | |
|---|---|---|
| LINE | BEARING | DISTANCE |
| L1 | N86°13'13"W | 25.20' |
| L2 | N79°01'29"W | 32.75' |
| L3 | S79°01'29"E | 32.51' |
| L4 | S05°24'08"W | 2.45' |
| L5 | S10°58'31"W | 47.57' |

| LINE TABLE | | | |
|---|---|---|---|
| CURVE | CENTRAL ANGLE | RADIUS | LENGTH |
| C1 | Δ = 11°28'42" | 250.00' | 50.08' |

LEGEND
O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.U.E. = PRIVATE UTILITY EASEMENT
RAD. = RADIAL
U.E. = UTILITY EASEMENT

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ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
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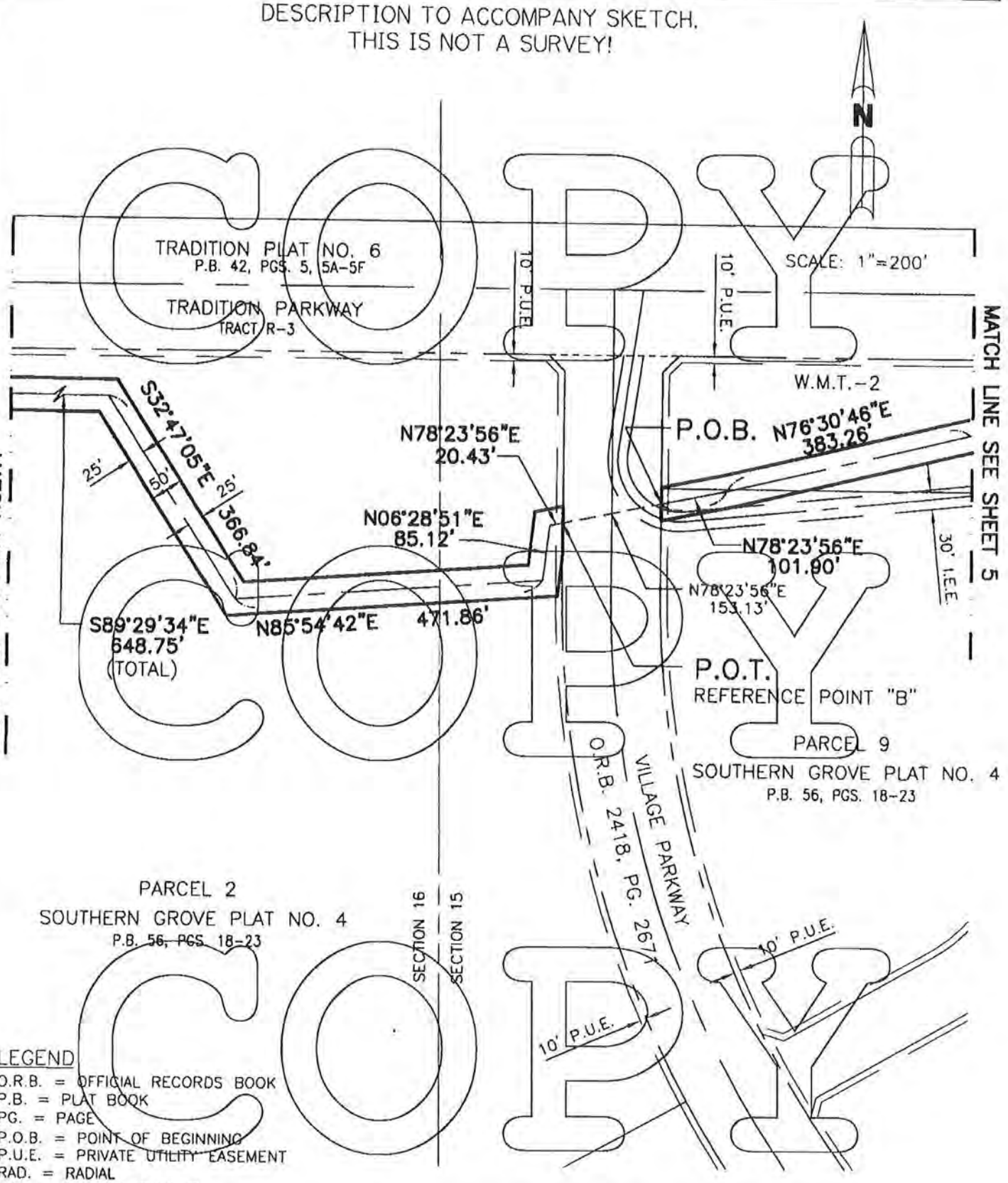
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




LEGEND
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P.U.E. = PRIVATE UTILITY EASEMENT
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U.E. = UTILITY EASEMENT

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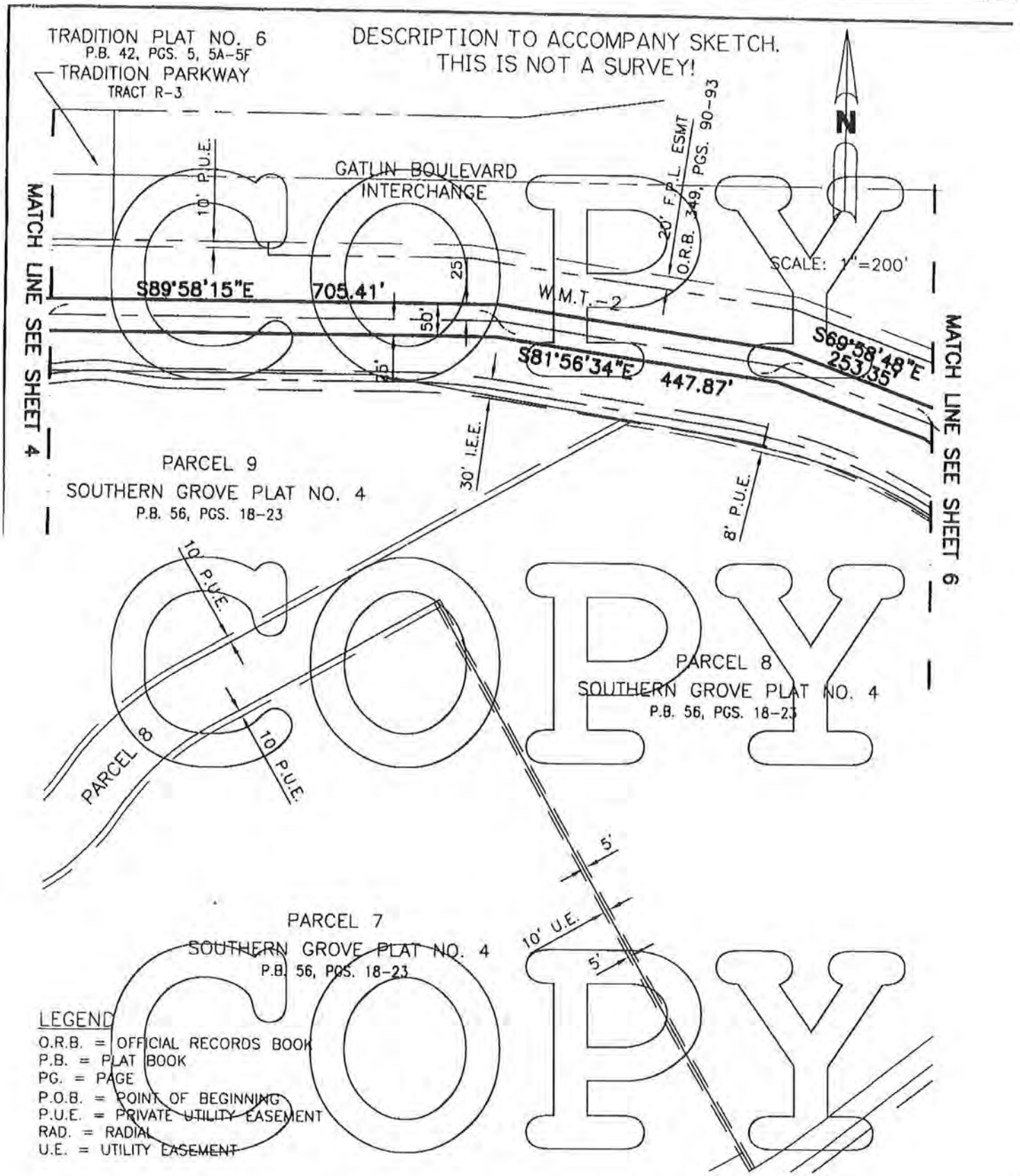
S US, INC. ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




LEGEND
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PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.U.E. = PRIVATE UTILITY EASEMENT
RAD. = RADIAL
U.E. = UTILITY EASEMENT

COPY

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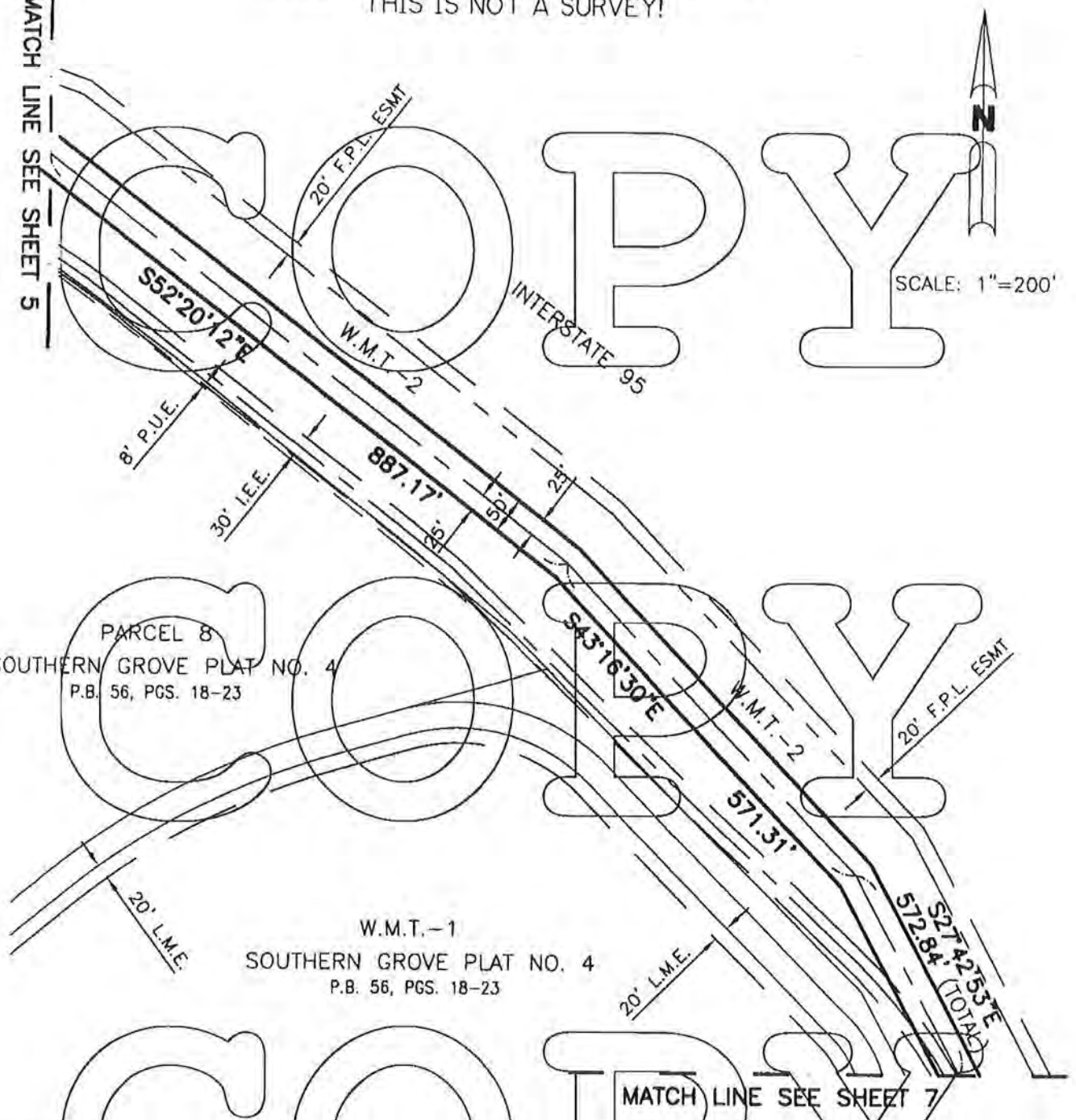
ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4 | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




COPY

LEGEND
O.R.B. = OFFICIAL RECORDS BOOK
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S US, INC. ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
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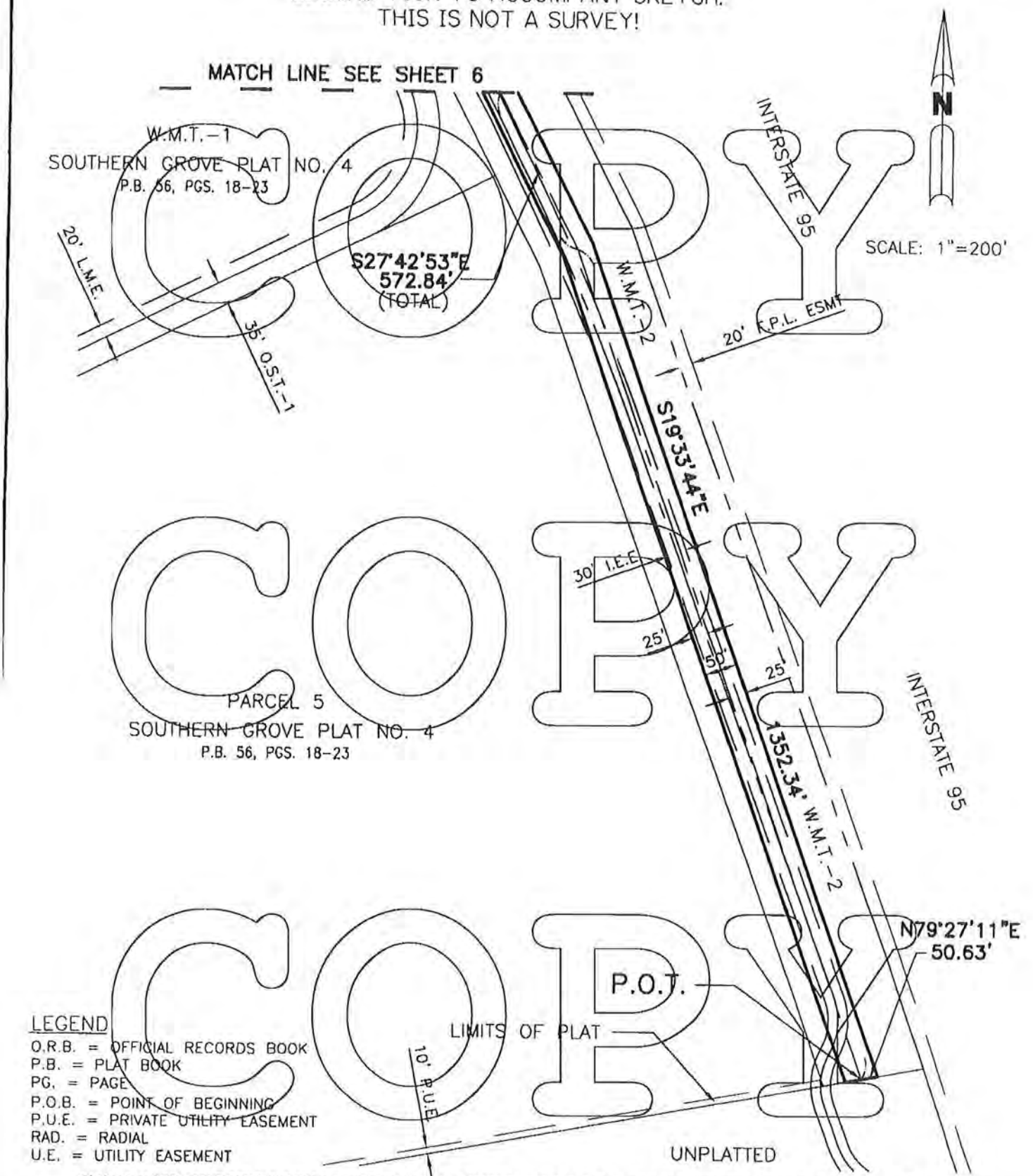
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




LEGEND
O.R.B. = OFFICIAL RECORDS BOOK
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PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.U.E. = PRIVATE UTILITY EASEMENT
RAD. = RADIAL
U.E. = UTILITY EASEMENT

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ARCADIS

| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
|---|---|---|---|
| SHEET TITLE FLOWAGE EASEMENT FOR | | DATE: | DRAWN BY |

SKETCH TO ACCOMPANY DESCRIPTION.
THIS IS NOT A SURVEY!

EXHIBIT
C

COPY

DESCRIPTION: 20' FLOWAGE EASEMENT FOR SOUTHERN GROVE PLAT NO. 4

BEING AN EASEMENT LYING OVER A PORTION OF PARCEL 2, SOUTHERN GROVE PLAT NO. 4, AS RECORDED IN PLAT BOOK 56, PAGES 18 THRU 23, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID PARCEL 2; THENCE SOUTH 00°02'55" EAST, ALONG THE WEST LINE OF SAID PARCEL 2, AS A BASIS OF BEARINGS, A DISTANCE OF 193.23 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 79°01'29" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 146.57 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE, CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 250.00 FEET (THE RADIUS POINT OF WHICH BEARS SOUTH 76°43'56" EAST); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 4°35'06", AN ARC DISTANCE OF 20.01 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS SOUTH 81°19'02" EAST); THENCE NORTH 79°01'29" WEST, ALONG SAID LINE, A DISTANCE OF 142.68 FEET TO REFERENCE POINT "A" (FOR FUTURE REFERENCE) AND A POINT OF INTERSECTION WITH SAID WEST LINE OF PARCEL 2; THENCE NORTH 00°02'55" WEST, ALONG SAID LINE, A DISTANCE OF 20.38 FEET TO TH POINT OF BEGINNING.

TOGETHER WITH:

COMMENCE AT SAID REFERENCE POINT "A"; THENCE TRAVERSING THE WEST LINE OF SAID PARCEL 2 BY THE FOLLOWING TWO (2) COURSES:

1. SOUTH 00°02'55" EAST, A DISTANCE OF 215.11 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1507.00 FEET;
2. SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 13°00'32", AN ARC DISTANCE OF 342.16 FEET TO THE POINT OF BEGINNING. SAID POINT ALSO BEING A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS NORTH 76°56'33" EAST);

THENCE NORTH 76°33'44" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 126.82 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIUS OF 1890.85 FEET (THE RADIUS POINT OF WHICH BEARS NORTH 79°46'42" EAST); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 0°36'25", AN ARC DISTANCE OF 20.03 FEET TO A POINT OF NON RADIAL INTERSECTION WITH A LINE (THE RADIUS POINT OF SAID CURVE BEARS NORTH 79°10'17" EAST) THENCE SOUTH 76°33'44" WEST, ALONG SAID LINE, A DISTANCE OF 125.80 FEET TO A POINT OF NON RADIAL INTERSECTION WITH THE WEST LINE OF SAID PARCEL 2. SAID POINT ALSO BEING A POINT OF NON RADIAL INTERSECTION WITH A CURVE HAVING A RADIUS OF 1507.00 FEET (THE RADIUS POINT OF WHICH BEARS NORTH 76°10'56" EAST); THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THRU A CENTRAL ANGLE OF 0°45'37", AN ARC DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

NOTE:
THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE:
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9-10-07

JULIAN D. MORRIS
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION NO. 4731

DATE OF SIGNATURE:

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ARCADIS

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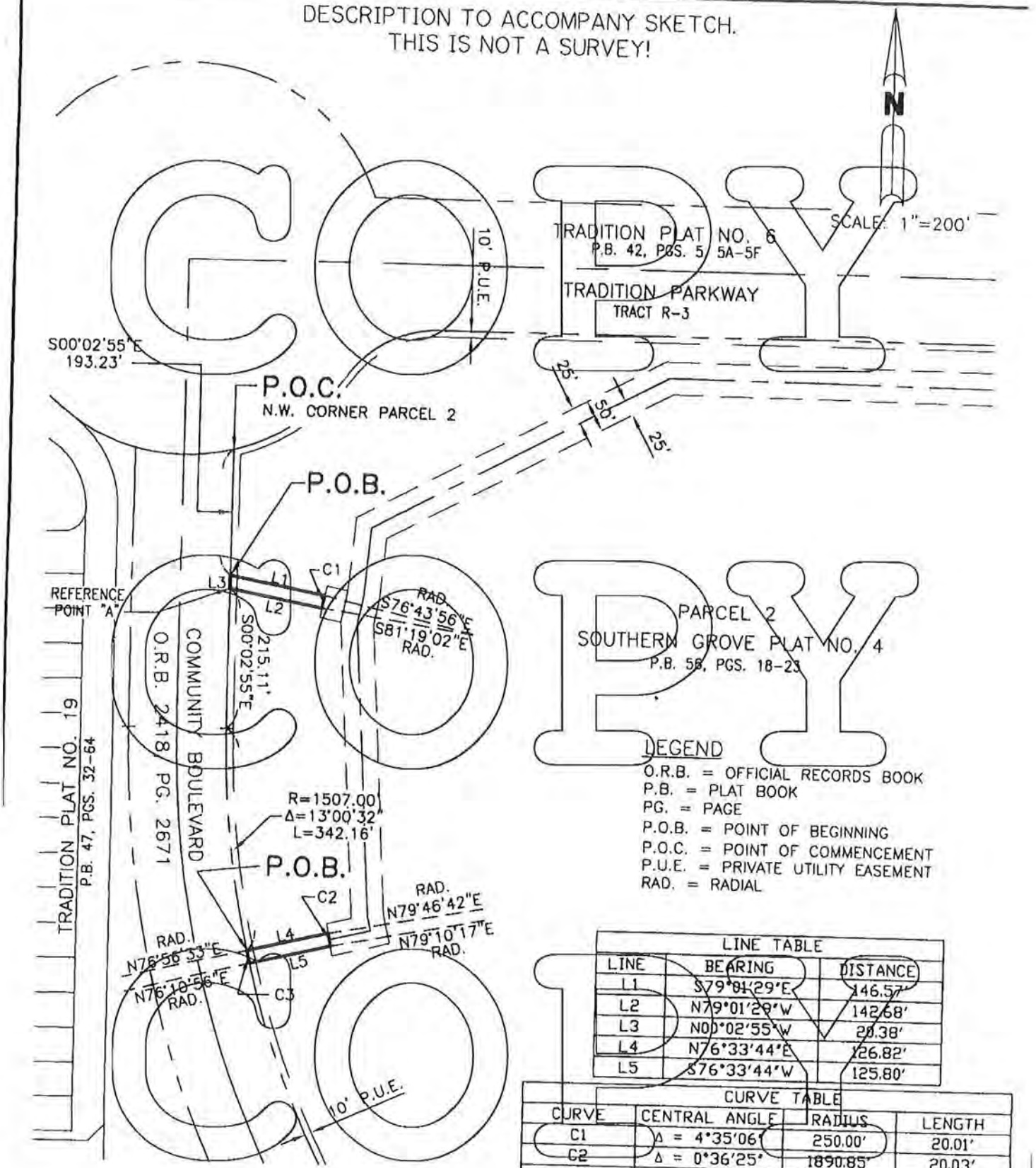
|---|---|---|---|
| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: N/A | CHECKED BY MTK |
| SHEET TITLE 20' FLOWAGE EASEMENT FOR S.G. PLAT NO. 4 | | DATE: 9-10-07 | DRAWN BY JDM |

DESCRIPTION TO ACCOMPANY SKETCH.
THIS IS NOT A SURVEY!




LEGEND

O.R.B. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.U.E. = PRIVATE UTILITY EASEMENT
RAD. = RADIAL

LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S79°01'29"E | 146.57' |
| L2 | N79°01'29"W | 142.68' |
| L3 | N00°02'55"W | 28.38' |
| L4 | N76°33'44"E | 126.82' |
| L5 | S76°33'44"W | 125.80' |

CURVE TABLE

| CURVE | CENTRAL ANGLE | RADIUS | LENGTH |
|---|---|---|---|
| C1 | Δ = 4°35'06" | 250.00' | 20.01' |
| C2 | Δ = 0°36'25" | 1890.85' | 20.03' |
| C3 | Δ = 0°45'37" | 1507.00' | 20.00' |

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ARCADIS

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|---|---|---|---|
| PROJECT MANAGER PROJMNGR | DEPARTMENT MANAGER DEPTMNGR | SCALE: 1"=200' | CHECKED BY MTK |
| SHEET TITLE 20' FLOWAGE EASEMENT FOR S.G. PLAT NO. 4 | | DATE: 9-10-07 | DRAWN BY |

## *THIS IS NOT A SURVEY*
## *EXHIBIT "A"*

EXHIBIT
B
to Ordinance

FLOWAGE EASEMENT (ABANDONMENT)

A PORTION OF A 50.00 FOOT WIDE FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, PAGE 1177. LYING WEST OF THE WEST RIGHT-OF-WAY LINE OF VILLAGE PARKWAY (A 150' WIDE RIGHT-OF-WAY) AND EAST OF THE WEST RIGHT-OF-WAY LINE OF VILLAGE POINT (AN 80' WIDE RIGHT-OF-WAY) ACCORDING TO THE PLAT OF SOUTHERN GROVE PLAT 11, AS RECORDED IN PLAT BOOK 70, PAGE 15-21 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE CENTERLINE OF VILLAGE COMMONS (A 50.00' WIDE RIGTH OF WAY) AND THE WEST RIGHT-OF-WAY LINE OF VILLAGE PARKWAY, ACCORDING TO THE PLAT OF SOUTHERN GROVE PLAT 11, AS RECORDED IN PLAT BOOK 70, PAGE 15-21 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA (A 150' WIDE RIGHT-OF-WAY). THENCE N00°00'00"E ALONG SAID WEST RIGHT-OF-WAY LINE A DISTANCE OF 17.74 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 50.00 FOOT WIDE FLOWAGE EASEMENT.

THE FOLLOWING 6 COURSES FOLLOW THE CENTERLINE OF THE 50.00, FOOT WIDE FLOWAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2902, PAGE 1177, ST. LUCIE COUNTY, FLORIDA.

FROM THE POINT OF BEGINNING:
THENCE S78°23'56"W ALONG SAID CENTERLINE A DISTANCE OF 20.43'; THENCE S06°28'51"W A DISTANCE OF 85.12'; THENCE S85°54'42"W A DISTANCE OF 471.86'; THENCE N32°47'05"W A DISTANCE OF 366.84'; THENCE N89°29'34"W A DISTANCE OF 337.31'; TO THE WEST RIGHT-OF-WAY LINE OF VILLAGE POINT (AN 80' WIDE RIGHT-OF-WAY AS SHOWN ON SAID PLAT OF SOUTHERN GROVE PLAT NO. 11 AS RECORDED IN PLAT BOOK 70, PAGE 15-21 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA), THENCE CONTINUE N89°29'34"W A DISTANCE OF 17.00' TO THE POINT OF TERMINATION.

CONTAINING +/-1.49 Acres, +/-64,894.57 Square Feet

MICHAEL T. OWEN
PROFESIONAL SURVEYOR AND MAPPER #5556

3-9-2016
DATED:

**SKETCH & DESCRIPTION**
*FLOWAGE EASEMENT*
PARTIAL ABANDONMENT OF ORB 2902, PAGE 1177
(IN SOUTHERNGROVE PLAT NO. 11)

PREPARED FOR:
*TRADITION LAND COMPANY LLC*

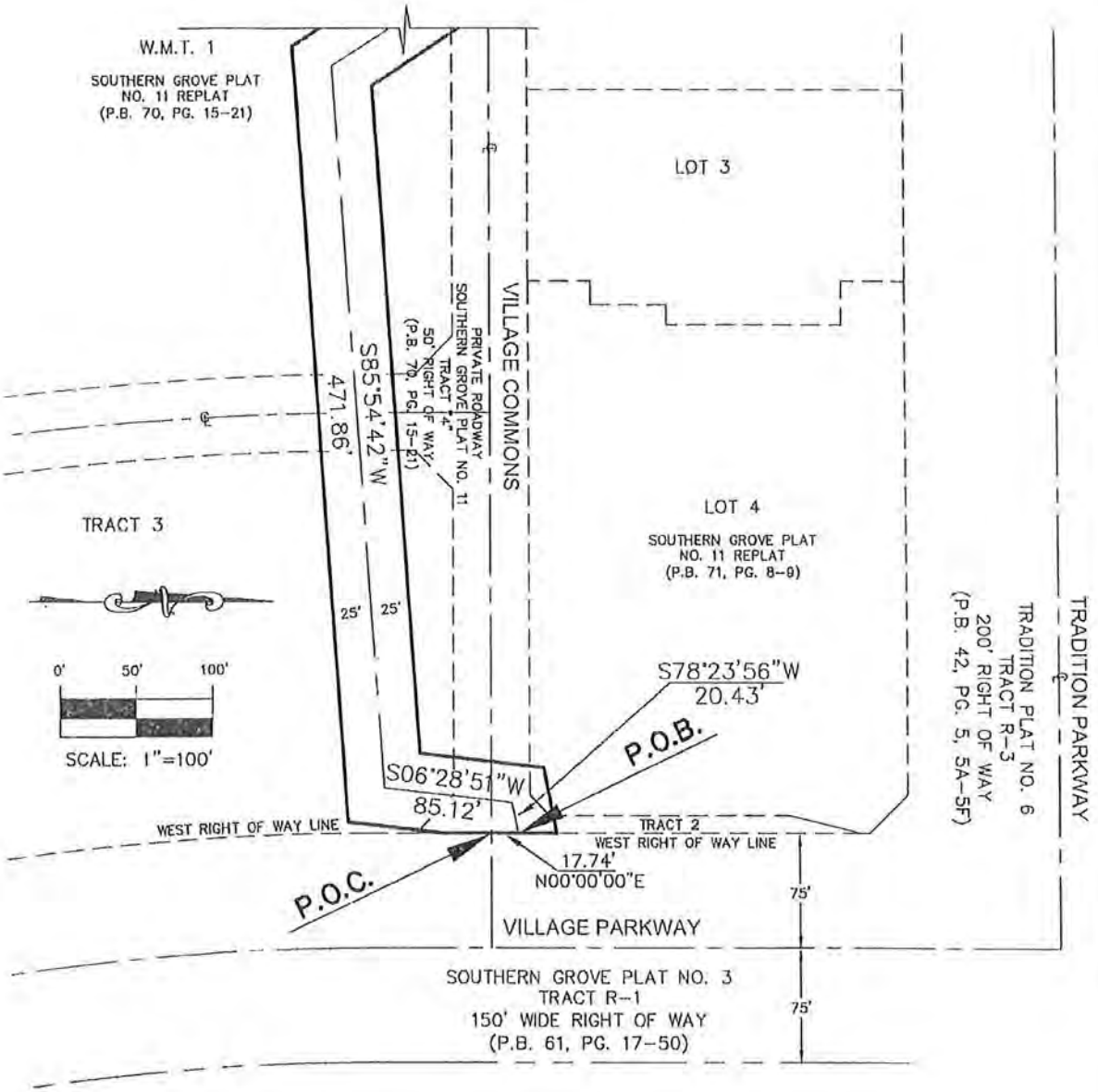
ENGINEERS & SURVEYORS

1934 TUCKER COURT
FT. PIERCE, FL 34950
phone: 772-462-2455
phone: 772-419-8383
fax: 772-462-2454
CERTIFICATE OF
AUTHORIZATION LB #8098

REVISIONS

JOB No. : 16-101 | DATE: 02/15/2016 | DRAWN BY: MBB | FIELD BOOK: | PAGE: | CHECKED BY: BCS | EFB FILE: | CADD FILE : 16-101 SD FE.dwg

# THIS IS NOT A SURVEY
# EXHIBIT "A"




## SKETCH & DESCRIPTION

FLOWAGE EASEMENT

PARTIAL ABANDONMENT OF ORB 2902, PAGE 1177
(IN SOUTHERNGROVE PLAT NO. 11)

PREPARED FOR:

TRADITION LAND COMPANY LLC

ENGINEERS & SURVEYORS

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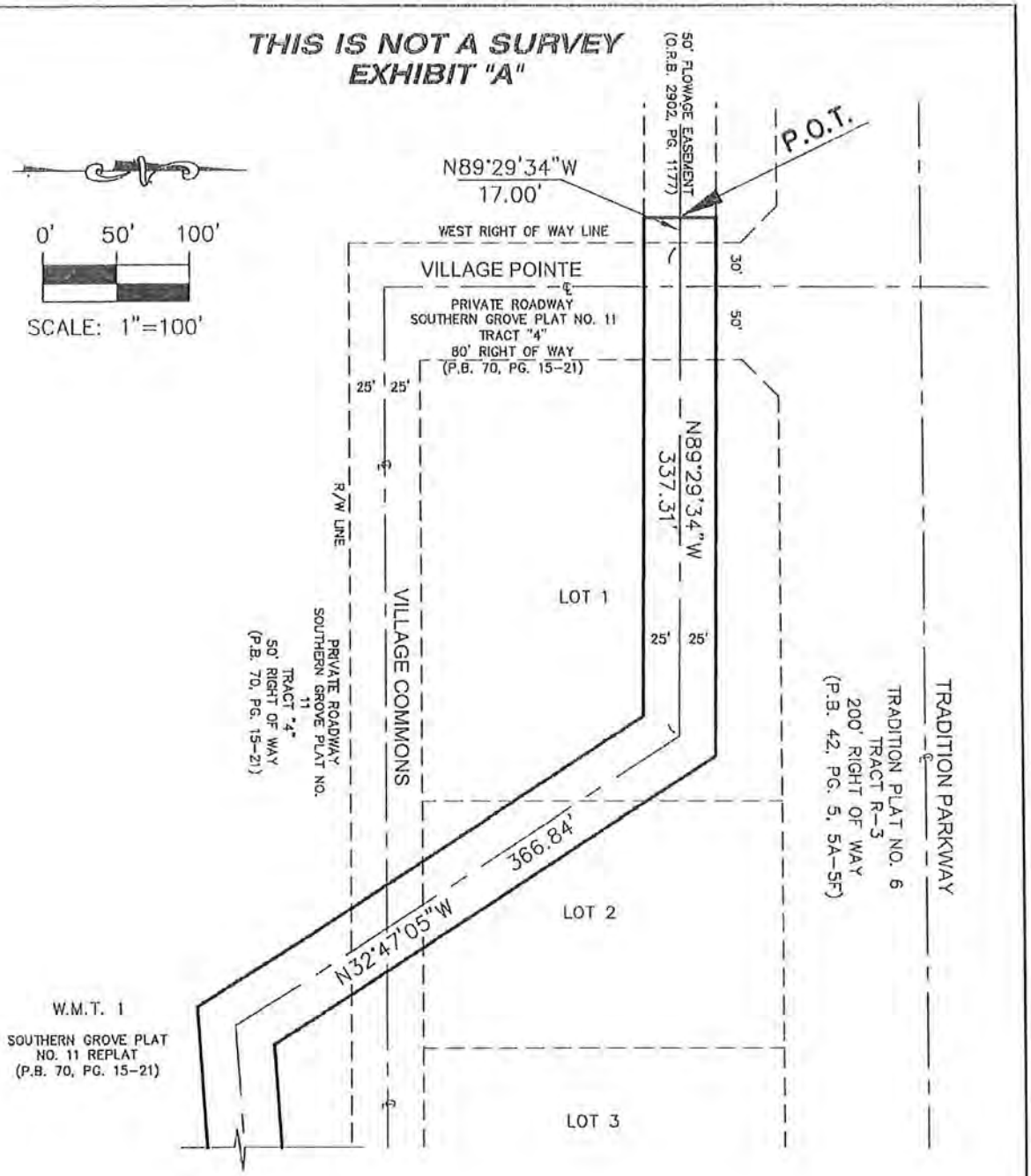
REVISIONS

JOB No. : 16-101 | DATE: 02/15/2016 | DRAWN BY: MDB | FIELD BOOK: | PAGE: | CHECKED BY: BCS | EFB FILE: | CADD FILE : 16-101 SD FE.dwg




## SKETCH & DESCRIPTION

FLOWAGE EASEMENT

PARTIAL ABANDONMENT OF ORB 2902, PAGE 1177
(IN SOUTHERNGROVE PLAT NO. 11)

PREPARED FOR:

TRADITION LAND COMPANY LLC

ENGINEERS & SURVEYORS

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REVISIONS

JOB No. : 16-101 DATE: 02/15/2016 DRAWN BY: MDB FIELD BOOK: PAGE: CHECKED BY: BCS EFB FILE: CADD FILE : 16-101 SD FE.dwg

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10E
Meeting Date: 9/12/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager JB
James E. Angstadt, P.E., Public Works Director JEA

FROM: Frank Knott, Project Manager

Agenda Item: Ordinance:
Abandonment of a Portion of a 50-foot Flowage Easement

Submittal Date: 9/7/2016 16.65

---

**STRATEGIC PLAN LINK:** N/A

**BACKGROUND:** Tradition Land Company, Inc. has requested the abandonment of a portion of a 50-foot flowage easement. The area that comprises the portion of flowage easement being abandoned has been re-platted and includes the necessary infrastructure improvements which provide connectivity of the drainage systems.

**ANALYSIS:** N/A

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: Reviewed by Ella Gilbert on September 7, 2016 and approved as to form.

**STAFF RECOMMENDATION**: The request has been recommended for approval by the Public Works Department.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** N/A

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT:** Village Point at Tradition located at the southwest corner of Tradition Parkway and Village Parkway

**ATTACHMENTS:** Ordinance and Location Map

RECEIVED
SEP 08 2016
CITY MANAGER'S OFFICE

COUNCIL ITEM 8H
DATE 9/26/16

~~COUNCIL ITEM 10F~~
~~DATE 9/12/16~~

# ORDINANCE 16-66

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A QUIT CLAIM DEED FROM THE CITY OF PORT ST. LUCIE TO TRADITION LAND COMPANY, AN IOWA LIMITED LIABILITY COMPANY, OF PREVIOUSLY CONVEYED UTILITY SITES 1, 4, 5, AND 6 AND ACCESS EASEMENTS, RECORDED IN SOUTHERN GROVE PLAT NUMBERS 3 AND 14; AND ROAD RIGHTS OF WAY FOR E/W 2, LESS WESTERN 75 FEET IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED OCTOBER 30, 2007 AND RECORDED ON NOVEMBER 1, 2007, IN OFFICIAL RECORDS BOOK 2899 AT PAGE 2933 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AND E/W 1 (DISCOVERY WAY) CUL-DE-SAC RIGHT-OF-WAY REMNANTS IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED MARCH 16, 2009 AND RECORDED ON MARCH 24, 2009, IN OFFICIAL RECORDS BOOK 3071 AT PAGE 2591 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

---

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That there is hereby authorized the conveyance of a quit claim deed ("Quit Claim Deed") from the City of Port St. Lucie to Tradition Land Company, LLC, an Iowa limited liability company ("Tradition Land Company") which shall serve to relinquish any ownership interest in Utility Sites 1, 4, 5 and 6 that were previously conveyed to the City by Tradition Land Company's predecessor in title pursuant to that certain Special Warranty Deed dated November 21, 2005 and recorded on November 22, 2005 in Official Records Book 2418 at Page 2705 of the Public Records of St. Lucie County, Florida and recorded in Southern Grove Plat Numbers 3 and 14. The City's relinquishment of title will allow for the relocation of said Utility Sites 1, 4, 5 and 6 to new locations that have been approved by the necessary departments of the City of Port St. Lucie. The conveyance of new locations for those utility sites will be accomplished via Special Warranty Deed and platting. The conveyance of the Quit Claim Deed is contingent upon the execution and recordation of an instrument that serves to first convey to the City new utility sites. The proposed Quit Claim Deed together with the exhibit of the legal descriptions of the new locations for Utility Sites 1, 4, 5 and 6 is attached hereto as Exhibit "A" of Quit Claim Deed and is authorized and approved in substantially the same form attached hereto. The Mayor and city officials are hereby authorized to execute any and all documents necessary to complete this proposed real estate transaction.

Section 2. That there is hereby authorized the conveyance of a Quit Claim Deed from the City of Port St. Lucie to Tradition Land Company of previously dedicated road rights of way for E/W 2, less western 75 feet in accordance with Annexation Agreement, Southern Grove

and Special Warranty Deed dated October 30, 2007 and recorded on November 1, 2007, in Official Records Book 2899 at Page 2933 of the Public Records of Port St. Lucie, Florida, AND E/W 1 (Discovery Way) cul-de-sac right-of-way remnants in accordance with Annexation Agreement, Southern Grove and Special Warranty Deed dated March 16, 2009 and recorded on March 24, 2009, in Official Records Book 3071 at Page 2591 of the Public Records of Port St. Lucie County, Florida. The City's relinquishment of title will allow for the relocation of said road rights-of-way and cul-de-sac right-of-way remnants to new locations that have been already approved by the necessary departments of the City of Port St. Lucie. The conveyance of new locations for those rights-of-way will be accomplished via Special Warranty Deed and platting. The conveyance of the Quit Claim Deed is contingent upon the execution and recordation of an instrument that serves to first convey to the City new rights-of-way. The proposed Quit Claim Deed together with the exhibit of the legal descriptions of the new locations for Road rights-of-way is attached hereto as Exhibit "B" of Quit Claim Deed and is authorized and approved in substantially the same form attached hereto. The Mayor and city officials are hereby authorized to execute any and all documents necessary to complete this proposed real estate transaction.

Section 3. That this Ordinance shall become effective ten days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, this ____ day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

_____
Karen A. Phillips, City Clerk

By:_____
Gregory J. Oravec, Mayor

APPROVED AS TO FORM:

By:_____
O. Reginald Osenton, City Attorney

## Ella Gilbert

**From:** Laney Southerly
**Sent:** Thursday, September 08, 2016 4:42 PM
**To:** Ella Gilbert
**Cc:** Jesus Merejo
**Subject:** FW: RE: 10.045: Community Blvd ROW and other lands
**Attachments:** QCD - City to TLC_EW1, EW2 & Utility 1, 4, 5, 6.pdf; SWD - TLC to City_Community, EW2, & Utility 1, 4, 5, 6.pdf

**Importance:** High

We are okay with the land swaps for Utility parcels 1, 4, 5 and 6. They are for future well sites.

**Laney Southerly, PE**
**Engineering Manager**
**City of Port St Lucie, Utility Systems Dept**
121 SW Port St Lucie Blvd.
Building B, 2nd Floor
Port St Lucie, FL 34984
**772-873-6442**

**From:** Wes McCurry [mailto:wmccurry@traditionfl.com]
**Sent:** Friday, August 26, 2016 11:15 AM
**To:** CityAttorney <CityAttorney@cityofpsl.com>
**Cc:** Roxanne Chesser <RoxanneC@cityofpsl.com>; Pete Krawetz <PeteK@cityofpsl.com>; Laney Southerly <LSoutherly@cityofpsl.com>; Kimberly Sala <KSala@cityofpsl.com>; 'Thomas Mullin' <TMullin@nasonyeager.com>; Judy Fischer-Persson <JFischer-Persson@nasonyeager.com>; Stephen.Snively@hklaw.com; Patti Tobin <PTobin@cityofpsl.com>; Anne Cox <AnneC@cityofpsl.com>
**Subject:** FW: RE: 10.045: Community Blvd ROW and other lands
**Importance:** High

Azlina,

Per the below emails from Roxanne Chesser and Pete Krawetz, Pete has reviewed and confirmed the latest versions of the legal descriptions for everything. To facilitate fast processing, I have attached the proposed conveyance documents with the latest legal description exhibits as pdfs. We are anxious to have these items placed on the City Council agenda for approval at the meetings of Sept 12th and 26th. We have two subdivision plats in review at the City that are dependent upon this schedule for the land swaps in order for us to meet our closing goals. Your assistance is most appreciated.

---

**From:** Roxanne Chesser [mailto:RoxanneC@cityofpsl.com]
**Sent:** Friday, August 26, 2016 8:55 AM
**To:** Tom Kiernan
**Cc:** Pete Krawetz; Wes McCurry
**Subject:** RE: RE: 10.045: Community Blvd ROW and other lands

Ok – sounds like all is good.

**From:** Pete Krawetz
**Sent:** Friday, August 26, 2016 8:07 AM
**To:** Roxanne Chesser <RoxanneC@cityofpsl.com>
**Subject:** RE: 10.045: Community Blvd ROW and other lands

Roxanne, please find attached the nine (9) files sent to me on August 25 from Tom Kiernan of Culpepper and Terpening. He revised three (3) that I had initially commented on and provided the remainder so as to constitute a full set. My review offered the following:

Note: The "File" indicated references the Culpepper and Terpening identification.

A. COMMUNITY BOULEVARD REALIGNMENT; File: 08-260wa62 s&d realign.dwg; Signature date: 7/1/16
   1. Descriptions for six (6) parcels close geometrically
   2. Sketches accurately reflects the descriptions
   3. Area calculated accurately

B. E/W 2 R/W; File: 15-030 s&d EW2.dwg; Signature date: 7/1/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

C. UTILITY SITE 1; File 15-030 s&d site1.dwg; Signature date: 8/25/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

D. UTILITY SITE 4; File 15-030 s&d site4.dwg; Signature date: 7/1/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

E. UTILITY SITE 5; File 15-030 s&d site5.dwg; Signature date 8/25/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

F. UTILITY SITE 6; File 15-030 s&d site6.dwg; Signature date 8/25/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

G. OLD E/W 1 R/W; File: 15-030s&d old e-w1A.dwg; Signature date 7/1/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

H. OLD E/W 1 R/W; File: 15-030s&d old e-w1B.dwg; Signature date 7/1/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

I. OLD E/W 2 R/W; File: 15-030s&d old e-w2.dwg; Signature date 7/1/16
   1. Description closes geometrically
   2. Sketch accurately reflects the description
   3. Area calculated accurately

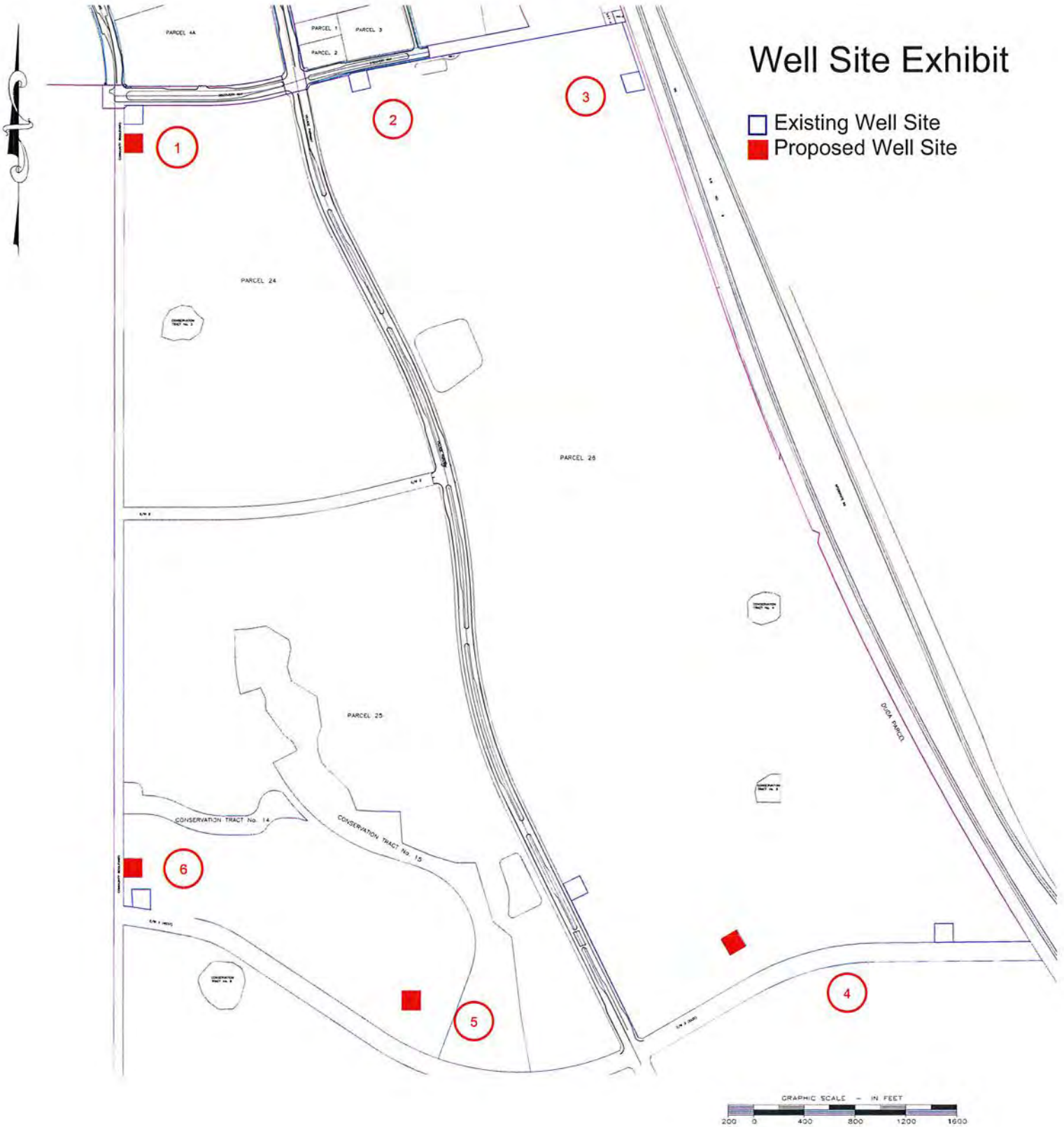
# General Location Map

# EXHIBIT

# "A"

# Well Site Exhibit

Existing Well Site
Proposed Well Site



# Ordinance with Quit Claim Deed

# EXHIBIT

# "B"

(Legal Description of the Property)

Prepared by and return to:
O. Reginal Osenton, City Attorney
CITY OF PORT ST. LUCIE
City Attorney's Office
121 S.W. Port St. Lucie Boulevard
Port St. Lucie, FL 34984

(Space above this line reserved for recording office use only)

# QUIT CLAIM DEED

**This Quit Claim Deed** made this day of , 2016, between **CITY OF PORT ST. LUCIE,** a Florida municipal corporation, whose mailing address is 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34984 ("Grantor"), and **TRADITION LAND COMPANY, LLC,** an Iowa limited liability company, whose mailing address is 10489 SW Meeting Street, Port St. Lucie, Florida 34987 ("Grantee").

(Whenever used herein the terms Grantor and Grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth,** that said Grantor, for and in consideration of the sum TEN AND N0/100 DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, convey and quitclaim unto the said Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land, situate, lying and being in St. Lucie County, Florida (the "Property").

*See Exhibits "A", "B," and "C" attached hereto and made a part hereof (the "Property")*

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

*[Signature page to follow]*

**In Witness Whereof,** the Grantor has signed and sealed this Quit Claim Deed the day and year first above written.

WITNESSES

GRANTOR:

**CITY OF PORT ST. LUCIE,** a Florida municipal corporation

_____

Witness Signature

_____

Print Name

By:_____

Gregory Oravec, Mayor

_____

Witness Signature

_____

Print Name

STATE OF FLORIDA )

) SS:

COUNTY OF ST. LUCIE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Gregory Oravec, as Mayor of CITY OF PORT ST. LUCIE, an Florida municipal corporation, on behalf of such corporation. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2016.

_____

Notary Public

_____

Typed, printed or stamped name of Notary Public

My Commission Expires:

# EXHIBIT "A"

Legal Description of the Property

"old" Utility Sites 1, 4, 5 and 6

Those certain parcels of land being known as Utility Sites 1, 5 and 6, Southern Grove Plat No. 3, as recorded in Plat Rook 61 at Page 17 of the Public Records of St. Lucie County, Florida; together with

That certain parcel of land known as Utility Site 4, Southern Grove Plat No. 14, as recorded in Plat Book 71 at Page 35 of the Public Records of St. Lucie County, Florida.

**EXHIBIT "B"**

Legal Description of the Property

"old" E/W No. 1 - Discovery Way right-of-way

[See: Attached Pages 5 Through 8, Inclusive]

# LEGAL DESCRIPTION

Being a parcel of land lying in a portion of Lot 2, according to the plat of SOUTHERN GROVE PLAT NO. 14, as recorded in Plat Book 71, Page 35, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Northwest corner of said Lot 2 thence North 79°27'11" East, along the Northerly line of said Lot 2, a distance of 115.69 feet to the POINT OF BEGINNING of the following described parcel;

Thence continue North 79°27'11" East, along the Northerly line of said Lot 2, a distance of 162.01 feet to the intersection with a non tangent curve concave to the north, having a radius of 90.00 feet, the chord of which bears South 75°58'29" West, 143.32 feet; thence westerly along the arc of said curve, a distance of 165.79 feet through a central angle of 105°32'43" to a point of reverse curve to the left having a radius of 25.00 feet and a central angle of 49°17'39"; thence westerly along the arc, a distance of 21.51 feet to the Northerly line of said Lot 2 and the POINT OF BEGINNING.

Containing 4,231 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

7/1/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

LEGAL DESCRIPTION

OLD E/W 1 R/W

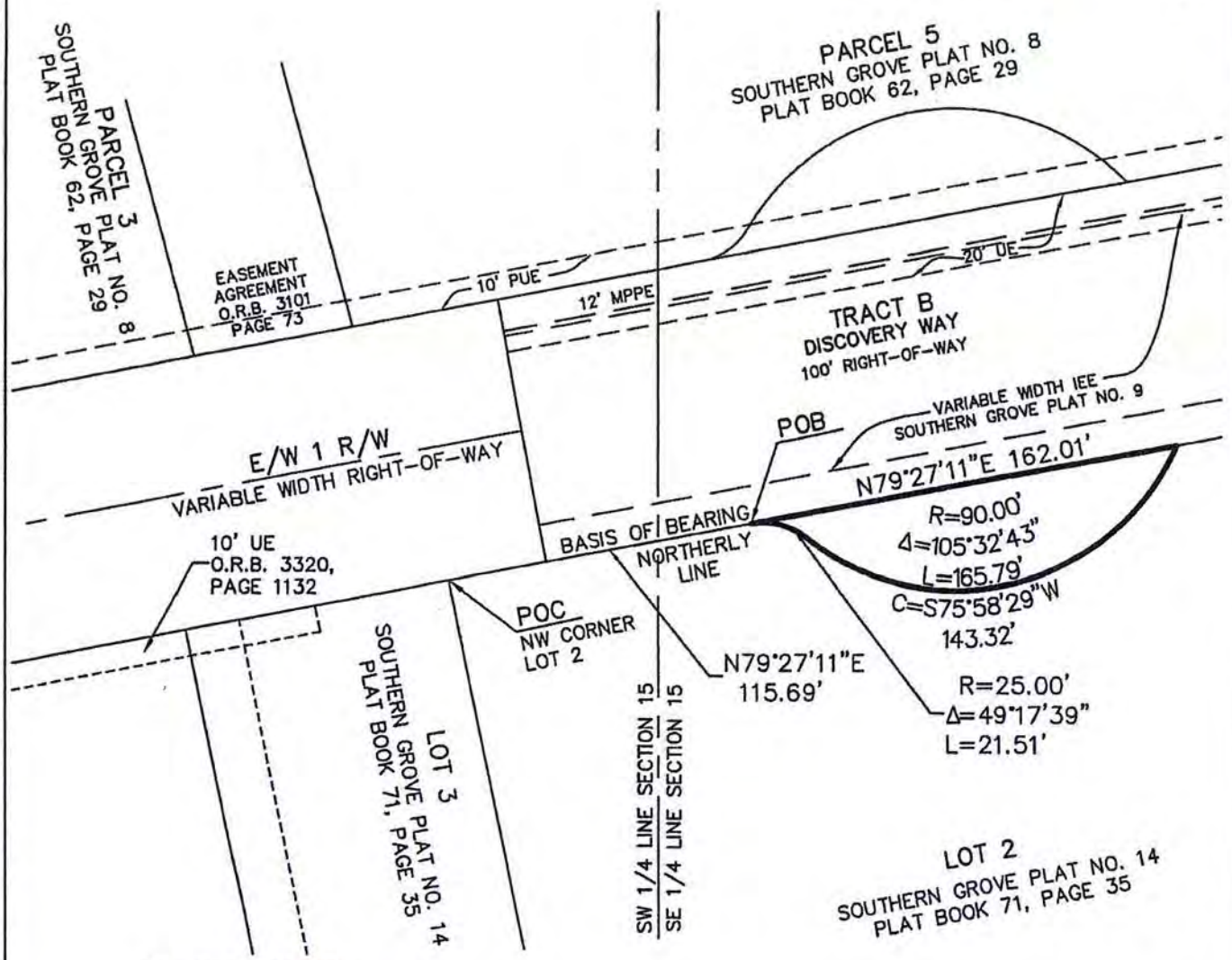
| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030s&d old e-w1A.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old ew1A.dwg, 6/22/2016 3:52:03 PM

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**

GRAPHIC SCALE
60 0 30 60
( IN FEET )
1 inch = 60 ft.




UE = UTILITY EASEMENT
MPPE = MULTI PURPOSE PATHWAY EASEMENT
PUE = PUBLIC UTILITY EASEMENT
C = CHORD BEARING & DISTANCE
Δ = DELTA
R = RADIUS
L = ARC LENGTH
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
O.R.B. = OFFICIAL RECORDS BOOK

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTHERLY LINE OF LOT 2 HAVING A BEARING OF N79°27'11"E



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
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STATE OF FLORIDA CERTIFICATION No. LB 4286

## SKETCH OF DESCRIPTION

### OLD E/W 1 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030s&d old e-w1A.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old ew1A.dwg, 6/22/2016 3:52:10 PM

# LEGAL DESCRIPTION

Being a parcel of land lying in a portion of Parcel 5, according to the plat of SOUTHERN GROVE PLAT NO. 8, as recorded in Plat Book 62, Page 29, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Southwest corner of said Parcel 5 thence North 79°27'11" East, along the Southerly line of said Parcel 5, a distance of 133.84 feet to the POINT OF BEGINNING of the following described parcel;

Thence continue North 79°27'11" East, along the Southerly line of said Parcel 5, a distance of 162.01 feet to the intersection with a non tangent curve concave to the south, having a radius of 90.00 feet, the chord of which bears South 82°55'53" West, 143.32 feet; thence westerly along the arc of said curve, a distance of 165.79 feet through a central angle of 105°32'43" to a point of reverse curve to the right having a radius of 25.00 feet and a central angle of 49°17'39"; thence southwesterly along the arc, a distance of 21.51 feet to the Southerly line of said Parcel 5 and the POINT OF BEGINNING.

Containing 4,231 square feet, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

7/1/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
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PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

LEGAL DESCRIPTION

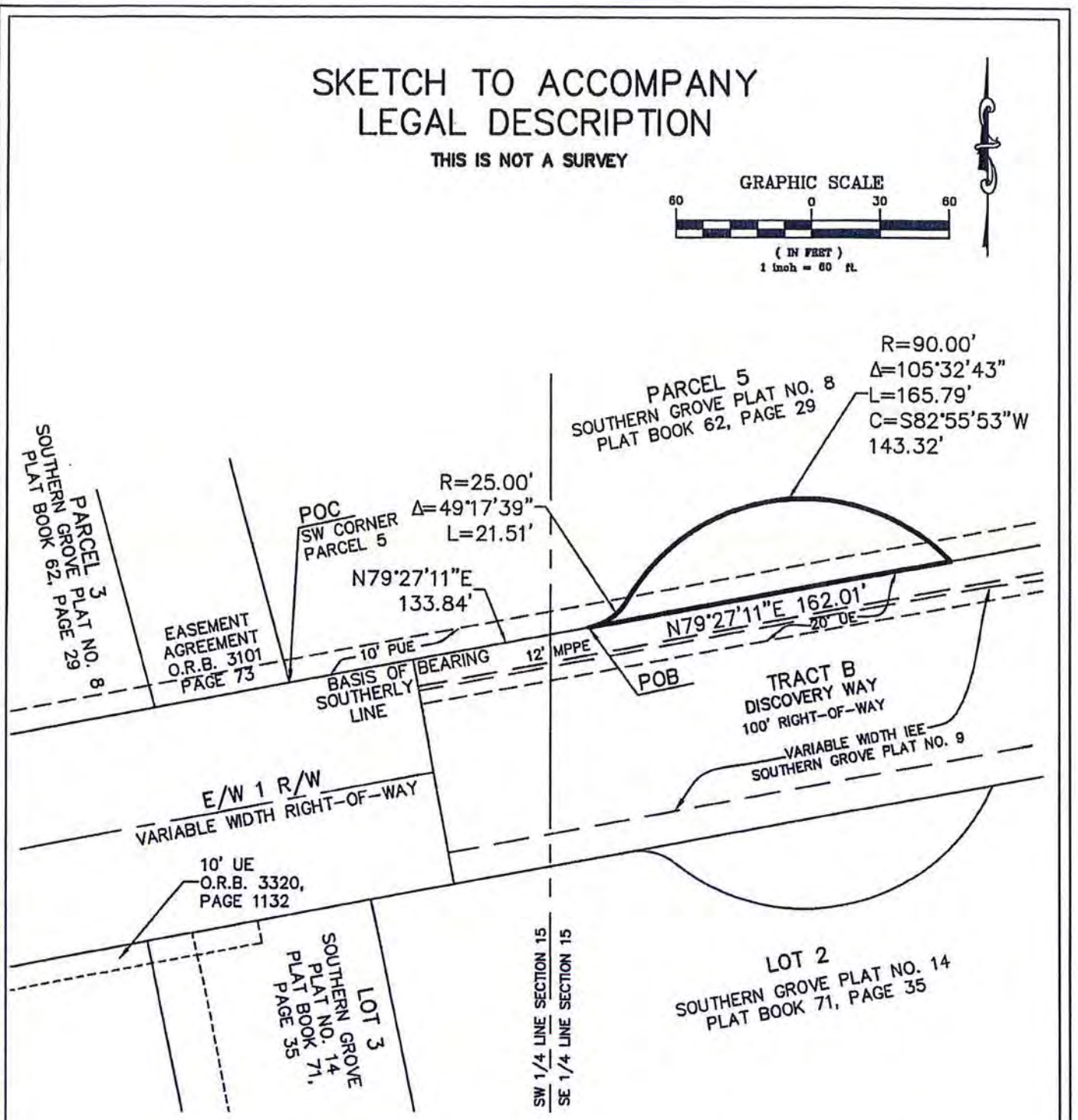
OLD E/W 1 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030s&d old e-w1B.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old ew1B.dwg, 6/22/2016 3:53:34 PM

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**




PUE = PUBLIC UTILITY EASEMENT
C = CHORD BEARING & DISTANCE
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UE = UTILITY EASEMENT
MPPE = MULTI PURPOSE PATHWAY EASEMENT
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
O.R.B. = OFFICIAL RECORDS BOOK

BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTHERLY LINE OF PARCEL 5 HAVING A BEARING OF N79°27'11"E



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

## SKETCH OF DESCRIPTION

OLD E/W 1 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030s&d old e-w1B.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old ew1B.dwg, 6/22/2016 3:53:42 PM

**EXHIBIT "C"**

Legal Description of the Property

"old" E/W No. 2 - right-of-way

[See: Attached Pages 10 Through 11, Inclusive]

# LEGAL DESCRIPTION

Being a 100.00 foot wide right-of-way lying in a portion of Section 22, Township 37 South, Range 39 East being more particularly described as follows;

Commence at the Southwest corner of Parcel 24 according to the plat of SOUTHERN GROVE PLAT NO. 3, as recorded in Plat Book 61, Page 17, Public Records of St. Lucie County, Florida; thence North 90°00'00" East, a distance of 75.00 feet to the POINT OF BEGINNING of the following described right-of-way;

Thence along the Southerly line of said Parcel 24 the following 3 courses and distances; thence continue North 90°00'00" East, a distance of 648.81 feet to a point of curve to the left having a radius of 4,950.00 feet, a central angle of 14°00'23"; thence easterly along the arc a distance of 1,210.08 feet; thence North 75°59'37" East, a distance of 561.12 feet to the Westerly right-of-way line of Village Parkway (a 150.00 foot wide right-of-way) and to an intersection with a non tangent curve concave to the west, having a radius of 4,925.00 feet, the chord of which bears South 14°00'24" East, 100.00 feet; thence southerly along the arc of said curve, and along the Westerly right-of-way of Village Parkway, a distance of 100.00 feet through a central angle of 01°09'48" to the Northerly line of Parcel 25 according to the plat of SOUTHERN GROVE PLAT NO. 3, as recorded in Plat Book 61, Page 17, Public Records of St. Lucie County, Florida; thence along the Northerly line of said Parcel 25 the following 3 courses and distances; thence South 75°59'37" West, a distance of 561.12 feet to a point of curve to the right having a radius of 5,050.00 feet, a central angle of 14°00'23"; thence westerly along the arc a distance of 1,234.52 feet; thence South 90°00'00" West, a distance of 648.97 feet; thence North 00°05'34" East, a distance of 100.00 feet to the POINT OF BEGINNING.

Containing 5.584 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

7/1/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

LEGAL DESCRIPTION

OLD E/W 2 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=200' |
| FILE: 15-030s&d old e-w2.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old e-w2.dwg, 6/22/2016 3:53:52 PM

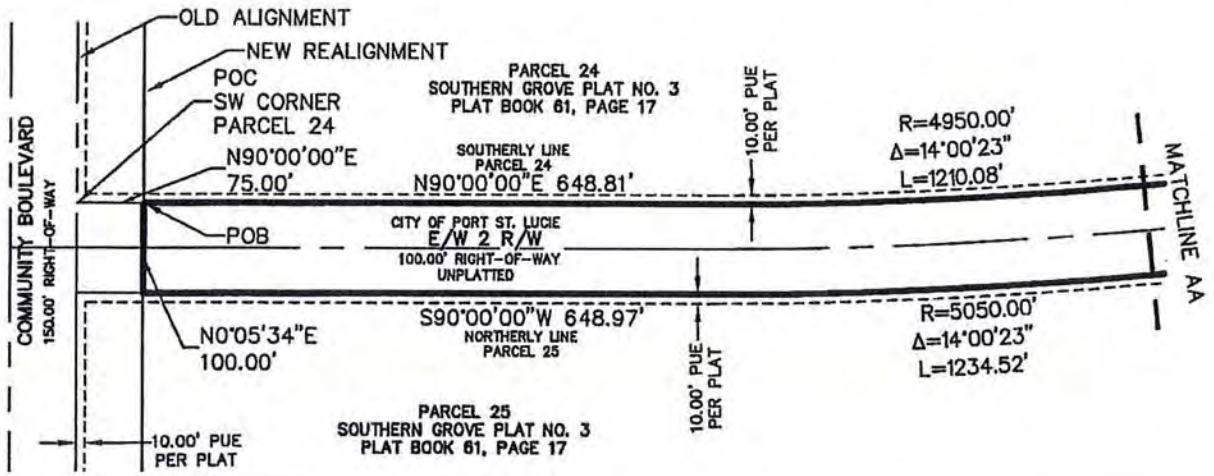
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

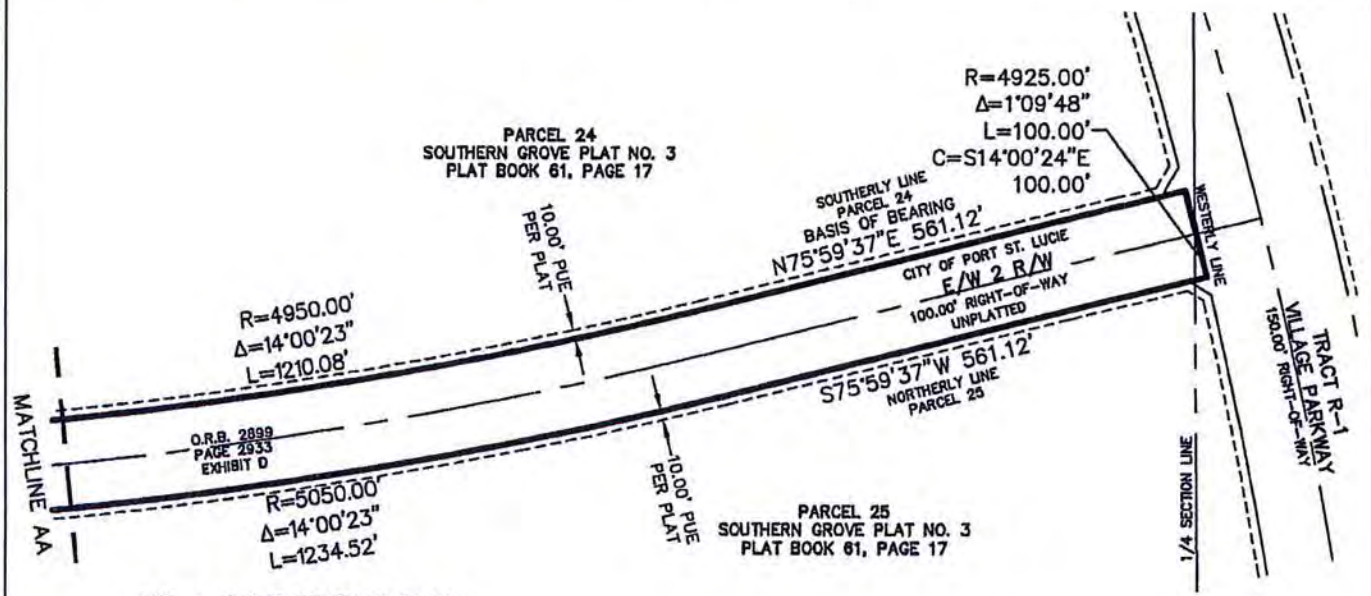
***THIS IS NOT A SURVEY***

GRAPHIC SCALE

200 0 100 200

( IN FEET )
1 inch = 200 ft.




PUE = PUBLIC UTILITY EASEMENT
C = CHORD BEARING & DISTANCE
Δ = DELTA
R = RADIUS
L = ARC LENGTH
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
O.R.B. = OFFICIAL RECORDS BOOK

BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTHERLY LINE OF PARCEL 24 HAVING A BEARING OF N79°59'37"E



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-cng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

## SKETCH OF DESCRIPTION

### OLD E/W 2 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=200' |
| FILE: 15-030a&d old e-w2.dwg | DATE: 5-05-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d old e-w2.dwg, 6/22/2016 3:53:59 PM

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10F
Meeting Date: 9/12/16

TO: MAYOR AND CITY COUNCIL

THRU: JEFF BREMER, CITY MANAGER on behalf of the City Manager

FROM: O. REGINALD OSENTON, CITY ATTORNEY

AGENDA ITEM: ORDINANCE: AUTHORIZING THE CONVEYANCE OF A QUIT CLAIM DEED FROM THE CITY OF PORT ST. LUCIE TO TRADITION LAND COMPANY, AN IOWA LIMITED LIABILITY COMPANY, OF PREVIOUSLY CONVEYED UTILITY SITES 1, 4, 5, AND 6 AND ACCESS EASEMENTS, RECORDED IN SOUTHERN GROVE PLAT NUMBERS 3 AND 14; AND ROAD RIGHTS OF WAY FOR E/W 2, LESS WESTERN 75 FEET IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED OCTOBER 30, 2007 AND RECORDED ON NOVEMBER 1, 2007, IN OFFICIAL RECORDS BOOK 2899 AT PAGE 2933 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AND E/W 1 (DISCOVERY WAY) CUL-DE-SAC RIGHT-OF-WAY REMNANTS IN ACCORDANCE WITH ANNEXATION AGREEMENT, SOUTHERN GROVE AND SPECIAL WARRANTY DEED DATED MARCH 16, 2009 AND RECORDED ON MARCH 24, 2009, IN OFFICIAL RECORDS BOOK 3071 AT PAGE 2591 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

SUBMITTAL DATE: 9/9/2016

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**STRATEGIC PLAN LINK:** Goal 3 – Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The Southern Grove Development of Regional Impact ("Southern Grove DRI") is a proposed mixed-use master planned community consisting of approximately 3.606 acres that spans from the I-95/Gatlin Interchange to the Becker Road Interchange with ready to build property. See the General Location Map attached hereto as Attachment "1." Tradition Land Company, LLC, an Iowa limited liability company ("Tradition Land Company") is the present owner/developer, as successor in interest to Tradition Development Company, LLC and Horizons St. Lucie Development, LLC, of the subject property.

As background, the City of Port St. Lucie ("City") annexed certain properties pursuant to an Annexation Agreement dated July 19, 2004 between Horizons Acquisition 5, LLC a Florida limited liability company ("Southern Grove"), Horizons Acquisition 2, LLC, a Florida limited liability company ("Kennedy Groves"), St. Lucie Associates II, LLP, a Florida limited liability partnership (collective "GL"), ACR Property, LLC, a Florida limited liability company and the City of Port St. Lucie. Tradition Land Company is the successor in interest to Southern Grove.

Section 8(a)(i) of the Annexation Agreement required the conveyance of six (6) utility sites to the City. Section 5(o)(i) of the Annexation Agreement also anticipated the need to relocate the road-rights-of-way and provided for the relocation upon the agreement of the City.

Conveyance of Utility Sites

As required by the Annexation Agreement, Southern Grove conveyed the six (6) utility sites to the City pursuant to that Special Warranty Deed dated November 21, 2005.

Utility Sites 2 and 3-A were relocated previously incidental to the approval of Southern Grove Plat No. 14. Upon the approval of Southern Grove Plat No. 14, Tradition Land Company agreed Utility Sites 1, 4, 5 and 6 would be relocated to within 500 feet of the permitted well locations at a future date.

The Port St. Lucie Utility Systems Department secured a permit for the planned well sites in the Southwest Annexation Area. However, the permitted well locations do not fall within the area of those sites conveyed to the City. The relocation of Utility Sites 1, 4, 5 and 6 is proposed so that they will be in closer proximity to the permitted well locations. Section 8(a)(x) of the Annexation Agreement anticipated the need to relocate the well sites and provided for the relocation of any such well sites upon the agreement of the City's Utility Systems Department.

Conveyance of Road Rights-of-Way

As required by the Annexation Agreement, Southern Grove conveyed road right-of-way for E/W No. 1 (Discovery Way) to the City pursuant to that Special Warranty Deed dated October 30, 2007.

On October 26, 2015, the City Council approved and adopted Resolution 15-R95, which amended and restated the DO for Southern Grove DRI and thus superseded and replaced Resolution 06-R90.

Additionally, as required by the Annexation Agreement, Southern Grove conveyed road right-of-way for E/W No. 1 (Discovery Way) to the City pursuant to that Special Warranty Deed dated March 16, 2009.

The original right-of-way for Discovery Way terminated in a cul-de-sac. The original construction of Discovery Way was included in the Southwest Annexation Special Assessment District No. 1 and was not built to include the full length of right-of-way as shown on the aforementioned Special Warranty Deed recorded on March 24, 2009. The right-of-way for Discovery Way was platted as Tract R-2 on Southern Grove Plat No. 8. Tract R-2 reflected the length of Discovery Way that was constructed by the Southwest Annexation Special Assessment District No. 1, which did not terminate in a cul-de-sac, and was dedicated to the City as public road right-of-way. The Discovery Way right-of-way was subsequently extended as shown on Southern Grove Plat No. 14 and dedicated to the Southern Grove Community Development District No. 5 as Tract B. Thus, there is no need for the City to retain the unused portions of the E/W No. 1 (Discovery Way) previously conveyed to the City pursuant to the aforementioned Special Warranty Deed recorded on March 24, 2009.

**ANALYSIS:** In accordance with an agreement with Tradition Land Company upon approval of Southern Grove Plat No. 14 and Condition 13 of Resolution 15-R95, the proposed Quit Claim Deed (the "Proposed Deed") re-conveying the above-listed utility sites and road-rights-of- way was prepared by O. Reginald Osenton and is attached as Exhibit "A" to the

Ordinance authorizing said conveyance. The Proposed Deed and legal description of the road-rights-of-way to be re-conveyed to Tradition Land Company have been reviewed and approved by the Public Works Department and the City Surveyor. The Proposed Deed shall be in substantially the same form as is attached and as may be authorized and approved by the City Manager.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: Approved by Staff Attorney Ella Gilbert as to form and sufficiency on 9/9/16.

**STAFF RECOMMENDATION**: The City Staff involved with Southern Grove DRI recommend approval.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** A brief presentation on this matter may be made by the Planning and Zoning Department, the Public Works Department, or the City Attorney's Office upon request.

**REQUESTED MEETING DATE:** 9/12/2016

**LOCATION OF PROJECT:** Southern Grove DRI

**ATTACHMENTS:** General Location Map and Authorizing Ordinance with attached Proposed Deed.

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10A
Meeting Dates: 9/26/16 & 10/10/16

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, AICP, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Ordinance: Rezoning Application for Coffee Port St. Lucie (P16-085) 1667 |
| Submittal Date: | 9/13/2016 |

---

**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The proposed request seeks to rezone four lots from RS-2 (Single Family Residential) to CG (General Commercial). This is consistent with the Comprehensive Plan and will allow for commercial development of the site.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** NA

**LEGAL INFORMATION:** The ordinance has been approved as to form by Attorney Thomas Mullin on September 14, 2016.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**PLANNING AND ZONING BOARD RECOMMENDATION:** The Planning and Zoning Board unanimously recommended approval of the rezoning application at their September 6, 2016 meeting.

**SPECIAL CONSIDERATION:** NA

**PRESENTATION INFORMATION:** Staff may provide a short presentation on the application.

**REQUESTED MEETING DATE:** 9/26/2016 & 10/10/2016

**LOCATION OF PROJECT:** The property is located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue, and west of Kail Street. See attached maps.

**ATTACHMENTS:** Ordinance, staff report, maps, application.

PT/kh

RECEIVED
SEP 16 2016
CITY MANAGER'S OFFICE

# ORDINANCE 16-67

**AN ORDINANCE TO REZONE 0.92 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF PORT ST. LUCIE BOULEVARD, EAST OF WAYNE STREET, SOUTH OF CHAPMAN AVENUE, AND WEST OF KAIL STREET; FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS COFFEE PORT ST. LUCIE, LLC (P16-085); PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, Coffee Port St. Lucie, LLC, hereinafter referred to as the Applicant, seeks to rezone 0.92 acres of property located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue, and west of Kail Street, and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to CG (General Commercial).

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on September 6, 2016, to consider the rezoning application (P16-085), notice of said hearing to adjoining property owners for a radius of seven hundred and fifty (750) feet having been given and advertising of public hearing having been made; and

**WHEREAS**, the City Council held a public hearing on October 10, 2016, to consider the rezoning application (P16-085), advertising of the public hearing having been made; and

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS**:

Section 1: That the property legally described as Lots 3, 4, 20, and 21, Block 703, Section 18, Port St. Lucie, be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to CG (General Commercial).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

**ORDINANCE 16-67**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this _____ day of October, 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
O. Reginald Osenton, City Attorney

# City of Port St. Lucie

Planning and Zoning Department Memorandum

***TO:*** **PLANNING AND ZONING BOARD- MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **KATHERINE H. HUNTRESS, PLANNER**

***RE:*** **COFFEE PORT ST. LUCIE, LLC**
**REZONING APPLICATION**
**P16-085**

***DATE:*** **AUGUST 23, 2016**

---

***NOTE:*** There was an error in the previous Notice to Property Owners which listed the dates of the public hearings incorrectly, therefore this project has been rescheduled for this public hearing.

***PROPOSED REQUEST:*** The proposed request seeks to rezone four lots from RS-2 (Single Family Residential) to CG (General Commercial).

***APPLICANT & OWNER:*** Coffee Port St. Lucie, LLC

***LOCATION:*** The property is located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue, and west of Kail Street.

***LEGAL DESCRIPTION:*** The property is legally described as Lots 3, 4, 20, and 21; Block 703; Port St. Lucie Section 18.

***SIZE:*** 0.92 acres

***EXISTING ZONING:*** RS-2 (Single Family Residential)

***EXISTING USE:*** Vacant land (3 lots) and a single family residence on lot 4.

***SURROUNDING USES:***

| | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | RL | RS-2 | Single family residence |
| S | CG | CG | Commercial development and vacant land |
| E | CG | RS-2 | Vacant land |
| W | CG | CG | Commercial development and single family residence |

***FUTURE LAND USE:*** CG (General Commercial)

***REQUESTED ZONING:*** CG (General Commercial)

---

***IMPACTS AND FINDINGS:***

***Land Use Consistency:*** The requested zoning change is justified and supported by the Comprehensive Plan and the Conversion Manual; specifically the subject application is supported and justified by Objective 1.1.4: Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map; and Policy 1.1.4.13: CG (General Commercial) zoning district is compatible with the CG (General Commercial) land use.

***Sewer/Water Service:*** Port St. Lucie's Utility Systems is the provider of water and sewer.

***Environmental:*** An environmental assessment is required with the site plan application.

***Compliance With Conversion Area Requirements:***

1. Conversion area: 5
2. The property is totally within the conversion area: Yes
3. Minimum frontage: Yes
4. Minimum depth: Yes
5. Does the request isolate lots: No
6. Has a unity of title been submitted: The unity of title has been submitted to the legal department.
7. Buffer required: A landscape buffer and wall is required on the north side of the property which is adjacent to residential land use.

---

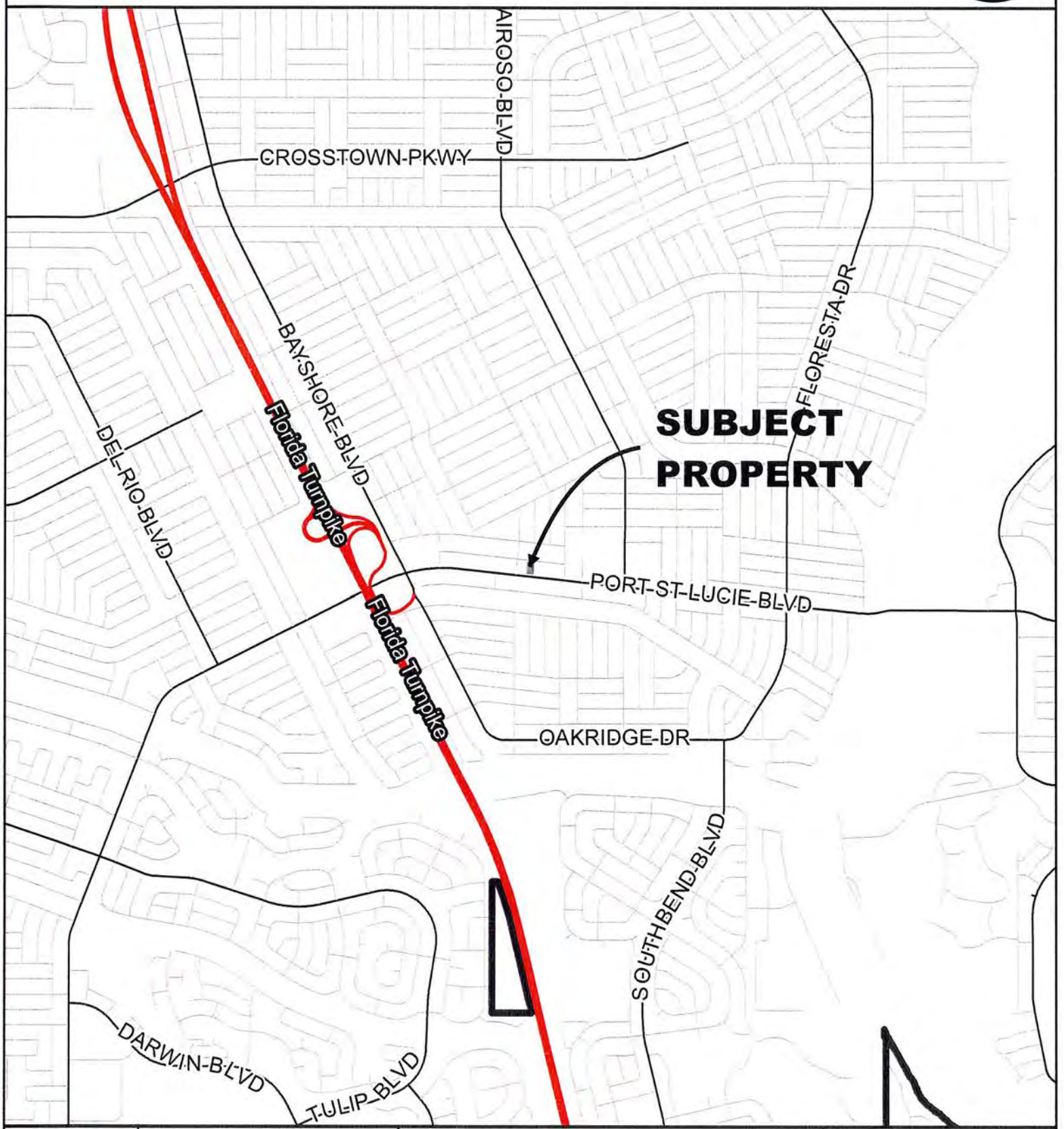
***STAFF RECOMMENDATION:*** The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval based on the analysis and findings as noted in the staff report.

***Planning and Zoning Board Action Options:***

- Motion to recommend approval
- Motion to recommend denial

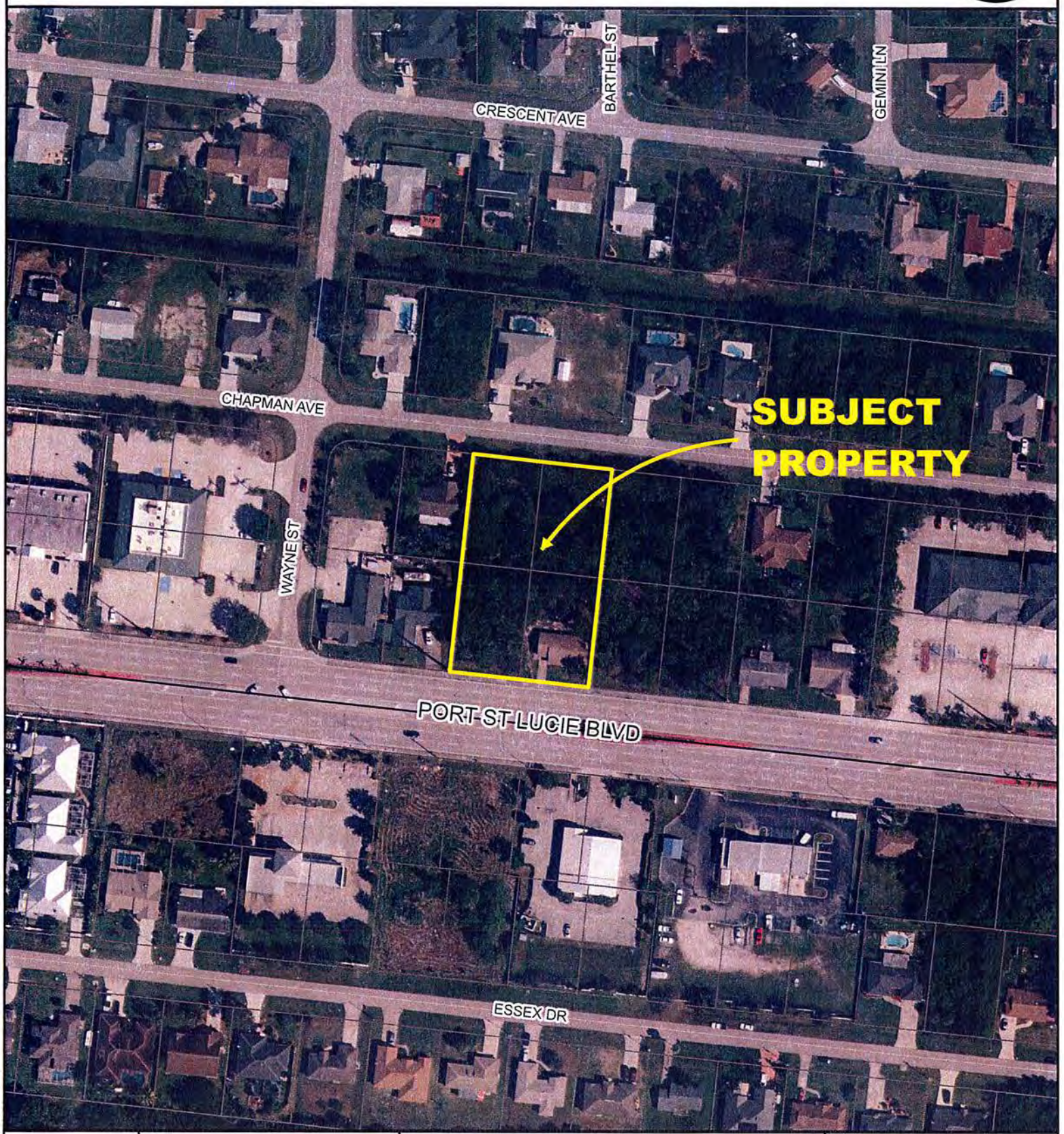
Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.

# GENERAL LOCATION



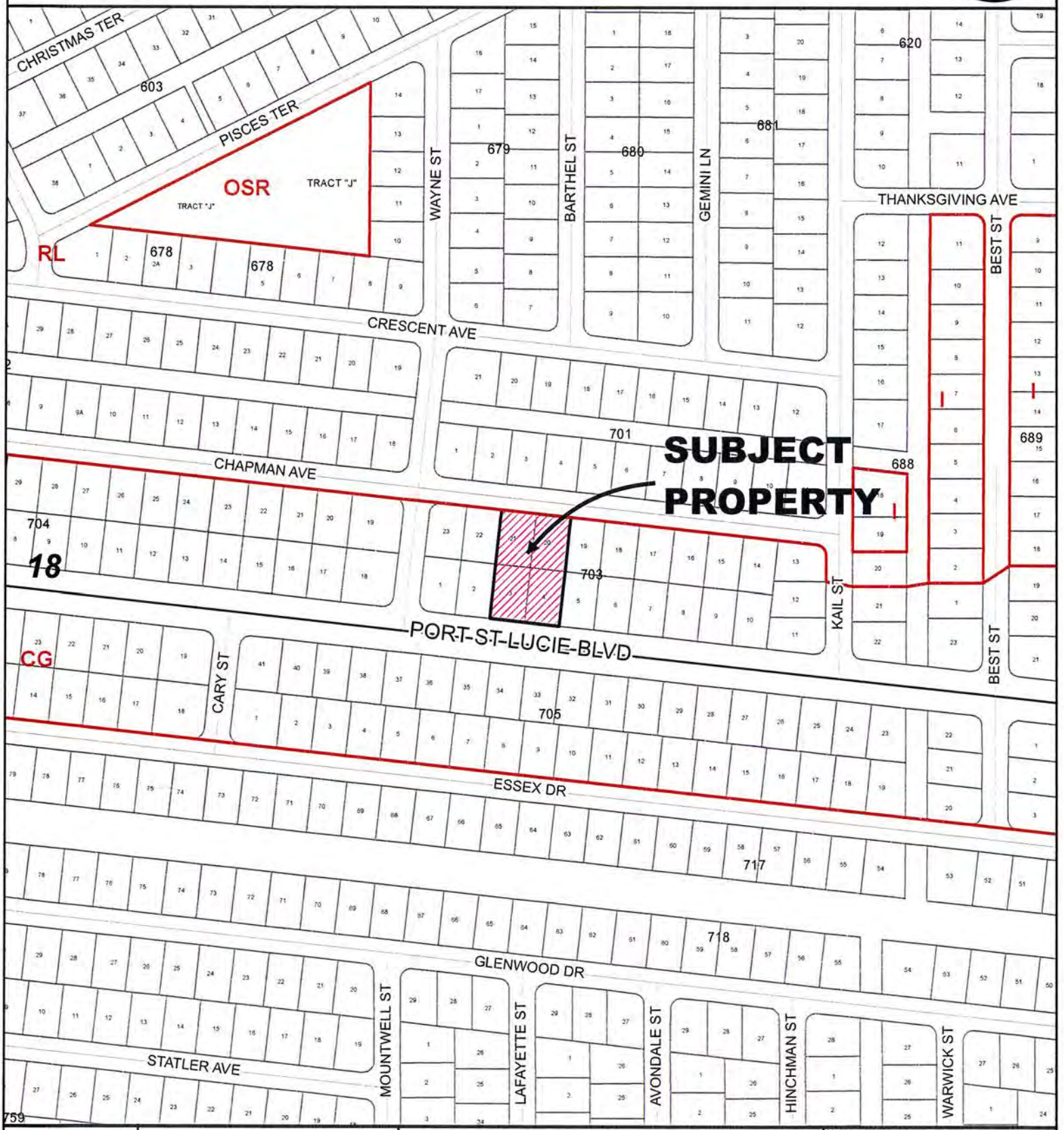

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONING<br>COFFEE PORT ST. LUCIE, LLC<br>SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21 | DATE: 7/11/2016<br>APPLICATION NUMBER: P16-085<br>USER: patricias<br>SCALE: 1 in = 0.5 miles | |

# AERIAL




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | REZONING<br>COFFEE PORT ST. LUCIE, LLC<br>SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21<br>AERIAL DATE 2014 | DATE: 7/11/2016<br>APPLICATION NUMBER: P16-085<br>USER: patricias<br>SCALE: 1 in = 150 ft | |

# FUTURE LAND USE

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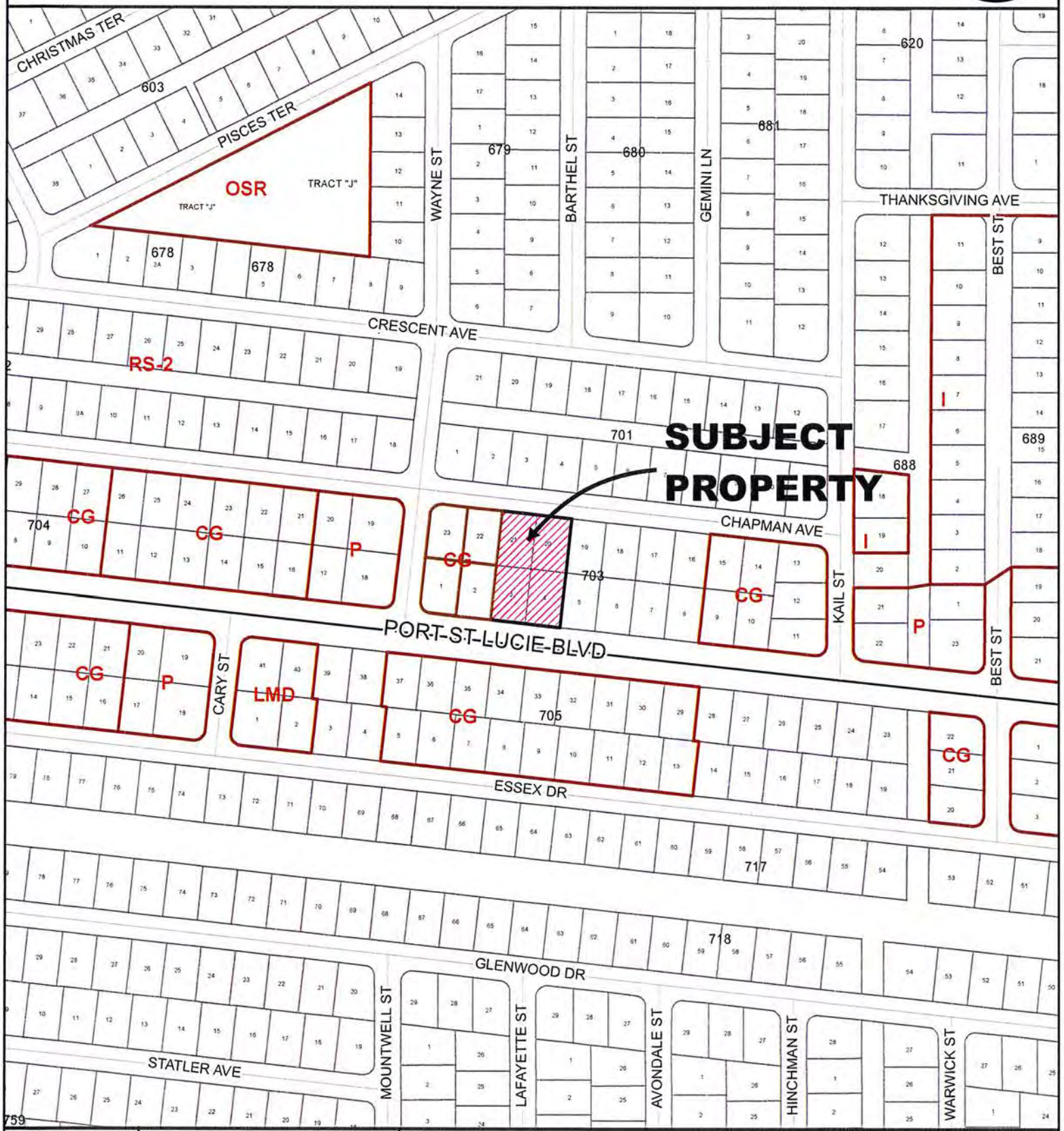
|---|---|---|---|
| CITY of PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONING<br>COFFEE PORT ST. LUCIE, LLC<br>SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21 | DATE: 7/11/2016<br>APPLICATION NUMBER: P16-085<br>USER: patricias<br>SCALE: 1 in = 300 ft |

# EXISTING ZONING




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | REZONING<br>COFFEE PORT ST. LUCIE, LLC<br>SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21 | DATE: 8/23/2016<br>APPLICATION NUMBER: P16-085<br>USER: patricias<br>SCALE: 1 in = 300 ft | |

THOMAS ENGINEERING GROUP
125 W. INDIANTOWN RD, STE. 206
JUPITER, FL 33458
P: 561-203-7503
F: 561-203-7721

May 31, 2016

RECEIVED
JUL 19 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

City of Port St. Lucie
Planning and Zoning Department
City Hall
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

**Rezoning Approval Request - Starbucks 179-183 Port St. Lucie Boulevard**

Dear City Staff:

These parcels are currently zoned RS-2 and have a Future Land Use Designation of Commercial. We are requesting in our attached rezoning application to change the zoning of these parcels to CG consistent with the Port St Lucie Boulevard corridor.

It is planned to for a 2,200 square foot Starbucks with drive-thru facility to be constructed on the premises.

We respectfully request approval of this application. Please call (561)-203-7503 with any questions.

Sincerely,

**THOMAS ENGINEERING GROUP, LLC**

Jason M. Gunther, P.E.

# REZONING APPLICATION

**CITY OF PORT ST. LUCIE**
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX:(772) 871-5124

RECEIVED
JUL 19 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

**FOR OFFICE USE ONLY**

Planning Dept. P16-085
Fee (Nonrefundable)$ 2,155.00
Receipt # 96448

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. **All** items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** jgunther@thomaseg.com

**PROPERTY OWNER:**

Name: Coffee Port St Lucie, LLC

Address: 6300 NE 1ST AVENUE, 300 FORT LAUDERDALE, FL 33307-3

Telephone No.: (954) 776-7900 FAX No.: 954-776-7918

**AGENT OF OWNER** (if any)

Name: John Doyle

Address: 1314 East Las Olas Boulevard, Fort Lauderdale, FL 33301

Telephone No.: 954-336-9933 FAX No: 954-776-7918

**PROPERTY INFORMATION**

Legal Description: SEE ATTACHED EXHIBIT "A"
(Include Plat Book and Page)

Parcel I.D. Number: SEE ATTACHED EXHIBIT "A"

Current Zoning: RS2

Proposed Zoning: CG

Future Land Use Designation: CG Acreage of Property: SEE EXHIBIT "A"

Reason for Rezoning Request:

TO ALLOW COMMERCIAL DEVELOPMENT ON PARCELS ADJACENT TO PORT ST. LUCIE PURSUANT TO LAND USE CONVERSION POLICIES

| *Signature of Owner | ROBERT ROSCHMAN<br>Hand Print Name | 7/19/16<br>Date |
|---|---|---|

***If signature is not that of the owner, a letter of authorization from the owner is needed.**

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

# EXHIBIT "A"

## Property Owners and Propety Information

RECEIVED
JUL 19 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

**Parcel ID: 3420-585-1174-000-4**

**Lot 3, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida (OR 518-344)**

**Current Zoning:** RS-2
**Proposed Zoning:** CG
**Future Land Use Designation:** CG **Acreage of Property: .23 Acres**

**********

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

**Parcel ID: 3420-585-1175-000-1**

**Lot 4, Block 703, Port St Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, Page(s) 17, 17A through 17K, inclusive, of the Public Records of St. Lucie County, Florida (OR 3173-2651).**

**Current Zoning:** RS-2
**Proposed Zoning:** CG
**Future Land Use Designation:** CG **Acreage of Property: .23 Acres**

**********

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

**Parcel ID: 3420-585-1191-000-9**

**Lots 20 and 21, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida (OR 752-355; 3300-2480).**

**Current Zoning:** RS-2
**Proposed Zoning:** CG
**Future Land Use Designation:** CG **Acreage of Property: .46 Acres**

Prepared by and return to:
Terence P. McCarthy, Esq.
**McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A.**
2400 SE Federal Highway, 4th Floor
Stuart, Florida 34994
772-286-1700
File Number: 12764.05
Parcel Identification No.: 3420-585-1174-000-4
Will Call No.: 50

RECEIVED
JUL - 8 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

_____ (space above this line for recording data) _____

# Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

***THIS WARRANTY DEED***, made this 7 day of July, 2016, by **Nancy C. Brown, an unmarried widow and surviving tenant by the entireties with the late James L. Brown, who were continuously married from the date they took title until the date of his death**, whose post office address is 157 W Queens Drive, Williamsburg, Virginia 23185 ("Grantor"), to **COFFEE PORT ST LUCIE, LLC, a Florida limited liability company**, whose post office address is 6300 NE 1st Avenue #300, Fort Lauderdale, Florida 33307 ("Grantee"*):

***Witnesseth*** that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Lucie, Florida, to-wit:

> Lot 3, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida.
>
> Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Holley Willett
Witness printed name: Holley Willett

Nancy C Brown
Nancy C. Brown

Jessica M. Deach
Witness printed name: Jessica M. Deach

State of Virginia
County of James City

The foregoing instrument was acknowledged before me this 6th day of July, 2016, by Nancy C. Brown, who { } is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

JESSICA M. DEACH
NOTARY PUBLIC
REG # 320519
MY COMMISSION EXPIRES
8/31/2017
COMMONWEALTH OF VIRGINIA

Jessica M. Deach
Notary Public

Printed Name: Jessica M. Deach

My Commission Expires: 8/31/17

Prepared by and return to:
Terence P. McCarthy, Esq.
**McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A.**
2400 SE Federal Highway, 4th Floor
Stuart, Florida 34994
772-286-1700
File Number: 12764.07
Parcel Identification No.: 3420-585-1175-000-1
Will Call No.: 50

RECEIVED
JUL - 8 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

(space above this line for recording data)

# Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

***THIS WARRANTY DEED***, made this 7 day of July, 2016, by **Javier Suarez**, whose post office address is 3074 SE East Blackwell Drive, Port Saint Lucie, Florida 34952 ("Grantor"), to **COFFEE PORT ST LUCIE, LLC, a Florida limited liability company**, whose post office address is 6300 NE 1st Avenue #300, Fort Lauderdale, Florida 33307 ("Grantee"*):

***Witnesseth*** that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Lucie, Florida, to-wit:

> Lot 4, Block 703, Port St Lucie-Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, page(s) 17, 17A through 17K, inclusive, of the Public Records of St. Lucie County, Florida.
>
> THIS IS NOT NOR IS IT CONTIGUOUS TO THE HOMESTEAD PROPERTY OF THE GRANTOR, NOR ANY MEMBER OF HIS IMMEDIATE FAMILY. GRANTOR'S RESIDENCE ADDRESS IS AS STATED ABOVE.
>
> Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Donna Dempsey
Witness printed name: DONNA DEMPSEY

Javier Suarez

Witness printed name: Deborah D. Haas

State of Florida
County of Martin

The foregoing instrument was acknowledged before me this 7 day of July, 2016, by Javier Suarez, who { } is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

Notary Public

Printed Name: _____

My Commission Expires: _____

DEBORAH D. HAAS
Notary Public - State of Florida
My Comm. Expires Jun 14, 2017
Commission # FF 006250
Bonded Through National Notary Assn.

Prepared by and return to:
Terence P. McCarthy, Esq.
**McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A.**
2400 SE Federal Highway, 4th Floor
Stuart, Florida 34994
772-286-1700
File Number: 12764.06
Parcel Identification No.: 3420-585-1191-000-9
Will Call No.: 50

RECEIVED
JUL - 8 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

(space above this line for recording data)

# Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

***THIS WARRANTY DEED***, made this 7 day of July, 2016, by **Nicole Nolin, Billy Nolin and Kimberlee Hughes**, whose post office address is 2141 NE 68th Street #103, Fort Lauderdale, FL 33308 ("Grantor"), to **COFFEE PORT ST LUCIE, LLC a Florida limited liability company**, whose post office address is 6300 NE 1st Avenue, #300, Fort Lauderdale, Florida 33307 ("Grantee"*):

***Witnesseth*** that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Lucie, Florida, to-wit:

> Lots 20 and 21, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida.
>
> THIS IS NOT NOR IS IT CONTIGUOUS TO THE HOMESTEAD RESIDENCE OF ANY OF THE GRANTORS AND IS VACANT LAND.
>
> Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness printed name: NANCY L. MANGUAN

Nicole Nolin

Witness printed name: CAROL DAUM

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 7 day of July, 2016, by Nicole Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

ERNST COISSY
MY COMMISSION # FF 128218
EXPIRES: June 2, 2018
Bonded Thru Notary Public Underwriters

Notary Public

Witness printed name: _____

Billy Nolin

Witness printed name: _____

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of July, 2016, by Billy Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

Notary Public

Signed, sealed and delivered in our presence:

_____ _____

Witness printed name: _____ Nicole Nolin

_____

Witness printed name: _____

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of July, 2016, by Nicole Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal} _____
Notary Public

Witness printed name: Robert Stem

Billy Nolin

Witness printed name: Cindie Nolin

State of Tennessee
County of Bedford

The foregoing instrument was acknowledged before me this 6 day of July, 2016, by Billy Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal} TABITHA R. STEM STATE OF TENNESSEE NOTARY PUBLIC BEDFORD COUNTY

Tabitha R. Stem
Notary Public

Witness printed name: James Hughes

Witness printed name: Lindsey Ann Green

Kimberlee Hughes

State of South Carolina
County of Beaufort

The foregoing instrument was acknowledged before me this 5 day of July, 2016, by Kimberlee Hughes, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

MYCHELLE EVANS
NOTARY PUBLIC
My Comm. Exp. June 16, 2026
STATE OF SOUTH CAROLINA

Notary Public

# Coffee Port St Lucie, LLC

RECEIVED

JUL 19 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

July 19, 2016

City of Port St. Lucie
Planning & Zoning
Department 121 SW
Port St Lucie Blvd Port
St Lucie, FL 34987

RE: Coffee Port St Lucie, LLC Application

To Whom It May Concern:

Please use this letter as my authorization for Jason Gunther of Thomas Engineering Group to file all submittals for our site at 179-183 SW Port St Lucie Blvd.

If you have any questions please contact John Doyle at 954-336-9933.

Thank you.

Very truly yours,

Robert Roschman
Managing Member

6300 NE 1st Avenue, Suite 300, Fort Lauderdale, Florida 33301 • Phone: 954.776.7900 • Fax: 954.843.7261

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10B
Meeting Date: September 26, 2016
October 10, 2016

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

THRU: Daniel Holbrook, Assistant City Manager – Community Development Director

FROM: Patricia A. Tobin, AICP, Director of Planning and Zoning

Agenda Item: Ordinance: Gatlin Dialysis – Rezoning Application (P16-124)

16.68

Submittal Date: 9/12/2016

---

**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The rezoning application is to change the zoning for seven lots from Limited Mixed Use (LMD) to Professional (P) to allow development consistent with the P zoning.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board unanimously recommended approval of this rezoning application on September 6, 2016.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATES:** 9/26/2016 & 10/10/16

**LOCATION OF PROJECT:** This property is located on the north side of Gatlin Boulevard, between Bougainvillea Avenue and Import Drive.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF



RECEIVED
SEP 16 2016
CITY MANAGER'S OFFICE

# ORDINANCE 16-68

**AN ORDINANCE TO REZONE 1.61 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GATLIN BOULEVARD BETWEEN BOUGAINVILLEA AVENUE AND IMPORT DRIVE FROM LIMITED MIXED USE (LMD) TO PROFESSIONAL (P) FOR A PROJECT KNOWN AS GATLIN DIALYSIS (P16-124); PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, EKVM Properties Limited Partnership seeks to rezone 1.61 acres of property located on the north side of Gatlin Boulevard, between Bougainvillea Avenue and Import Drive and within the City of Port St. Lucie, from the zoning designation of LMD (Limited Mixed Use) to P (Professional); and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on the September 6, 2016, to consider the rezoning application (P16-124), notice of said hearing to adjoining property owners for a radius of seven hundred and fifty (750) feet having been given and advertising of public hearing having been made; and

**WHEREAS**, the City Council held a public hearing on October 10, 2016, to consider the rezoning application (P16-124), advertising of the public hearing having been made; and

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS**:

Section 1: That the property described as Port St. Lucie Section 31, Block 1663, Lots 8 through 14, Port St. Lucie be rezoned from the Zoning Classification of LMD (Limited Mixed Use) to P (Professional).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

**ORDINANCE 16-68**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____ 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
O. Reginald Osenton, City Attorney

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

---

***TO:*** **PLANNING AND ZONING BOARD - MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **JOHN FINIZIO, PLANNER**

***RE:*** **GATLIN DIALYSIS**
**REZONING APPLICATION**
**PROJECT NO. P16-124**

***DATE:*** **AUGUST 24, 2016**

---

***PROPOSED USE:*** The rezoning application is to change the zoning for these seven lots from Limited Mixed Use (LMD) to Professional (P) to allow development consistent with the P zoning.

***APPLICANT:*** Stephen Cooper, SCPE (Stephen Cooper, P.E. & Associates, Inc). The authorization letter is attached to the staff report.

***OWNER:*** EKVM Properties Limited Partnership.

***LOCATION:*** This property is located on the north side of Gatlin Boulevard, between Bougainvillea Avenue and Import Drive.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 31, Block 1663, Lots 8 through 14.

***SIZE:*** This site is approximately 1.61 acres.

***EXISTING ZONING:*** Limited Mixed Use (LMD).

***EXISTING USE:*** Vacant.

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | RL | RS-2 | Vacant Land |
| S | OSR | RS-2 | Vacant Land |
| E | ROI | P | Existing office building |
| W | ROI | P | Existing office building |

***REQUESTED ZONING:*** Professional (P).

***FUTURE LAND USE:*** Residential, Office and Institutional (ROI).

---

***IMPACTS AND FINDINGS:***

***Land Use Consistency:*** This property is located within the City's conversion area. In 1984, the City adopted The City of Port St. Lucie Conversion Manual to accommodate the shortage of land available for both commercial and institutional facilities. With the adoption of the Conversion Manual, the City processed land use amendments to change the land use along designated segments of roadways. Within these conversion areas, single-family lots can be assembled to create larger parcels for suitable development.

The rezoning of this property is consistent with the direction and policies of the City's Comprehensive Plan. In particular, Policy 1.1.4.13 which identifies the Professional Zoning District as compatible with the ROI (Residential Office, and Institutional) future land use.

***Compliance With Conversion Area Requirements:***

Planning Area location per conversion manual: 2
The property is totally within planning area: Yes
Minimum Frontage: Yes
Minimum Depth: Yes
Does the request isolate lots: No

Has a Unity of Title been submitted: Yes, a request to unify these lots was submitted to the Legal Department on August 17, 2016.

Buffer required: A landscaped buffer and wall is required: Yes, this site is adjacent to residential land use and is required to provide a landscape buffer wall.

***Sewer/Water Service:*** The City of Port St. Lucie Utility Systems Department will provide water and sewer service for this project. A developer's agreement with the City Utility Systems Department, that is consistent with the adopted level of service, is required prior to issuance of building permits.

***Environmental:*** All environmental issues will be addressed during site plan review. As part of a future site plan application, an environmental study will be required to be submitted and reviewed as required per §157.24.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirement, and protect or mitigate for the removal of any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identify each tree's dbh.

***School Concurrency:*** Not applicable as this is for a commercial project.

***Other:*** As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abut residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Since this property abuts residential property to the north, rezoning to Professional would require an architectural wall in the landscape buffer strip along the northern property line. As defined in §153.04 (G) (1) (b), this architectural wall shall be at least six (6) feet in height measured from the finished floor elevation of the primary structure, not to exceed eight (8) feet. This required wall installation must be completed prior to the issuance of any foundation permits for the building.

This site sits between two developed parcels that also have architectural walls for buffering the residential property to the north; if possible, the architectural wall for this property should tie in with these existing architectural walls to ensure continuous buffering to the neighborhood to the north. If it is not possible to tie in with these existing walls, than at the least, this wall should line up with the existing walls.

Currently these six lots have not been unified. A request to unify these properties was submitted to the City's Legal Department on August 15, 2016 to prepare and record a unity of title for these lots. This unity of title will need to be approved prior to the application being reviewed by City Council.

---

***STAFF RECOMMENDATION:***

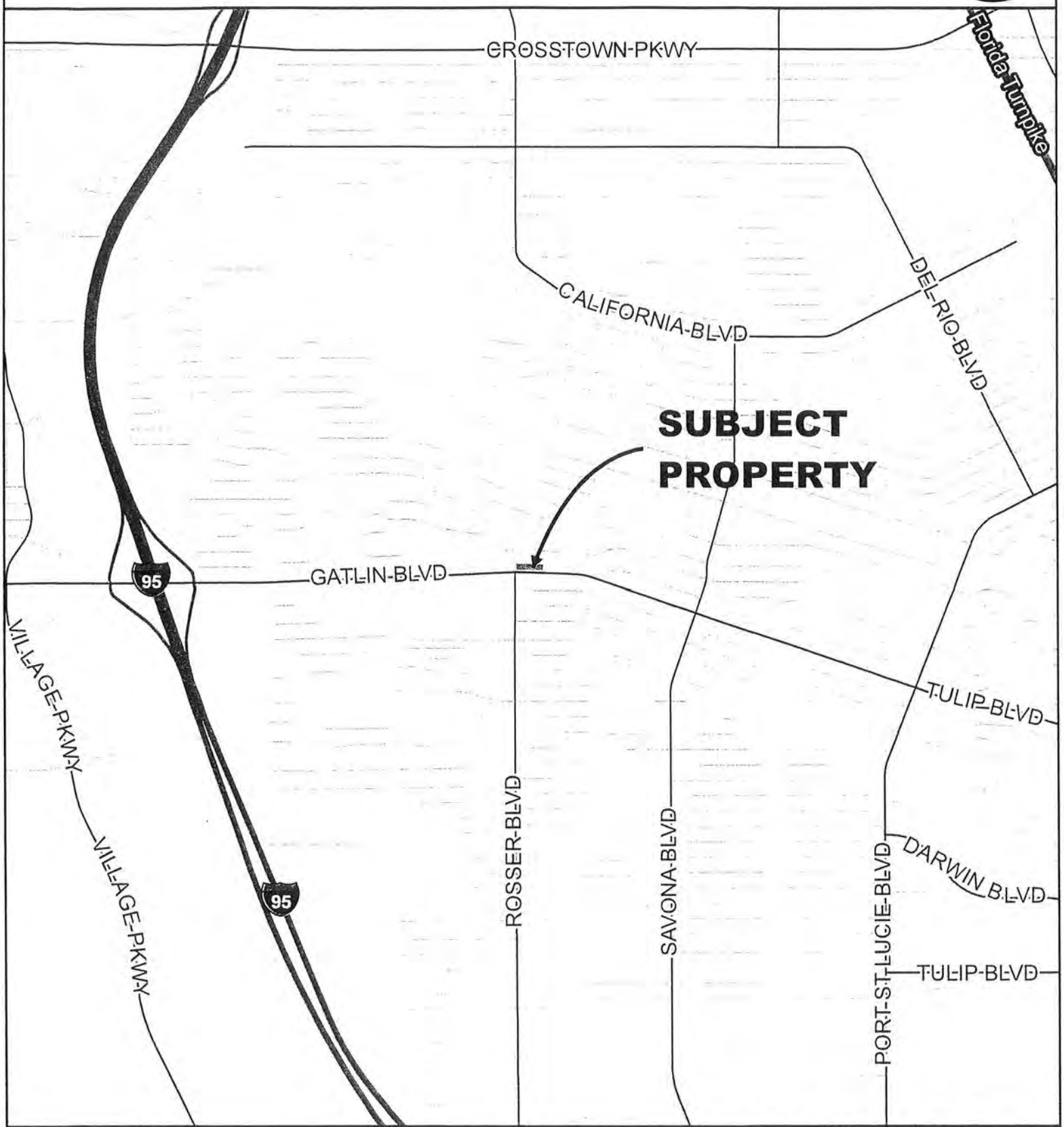
The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend denial to the City Council

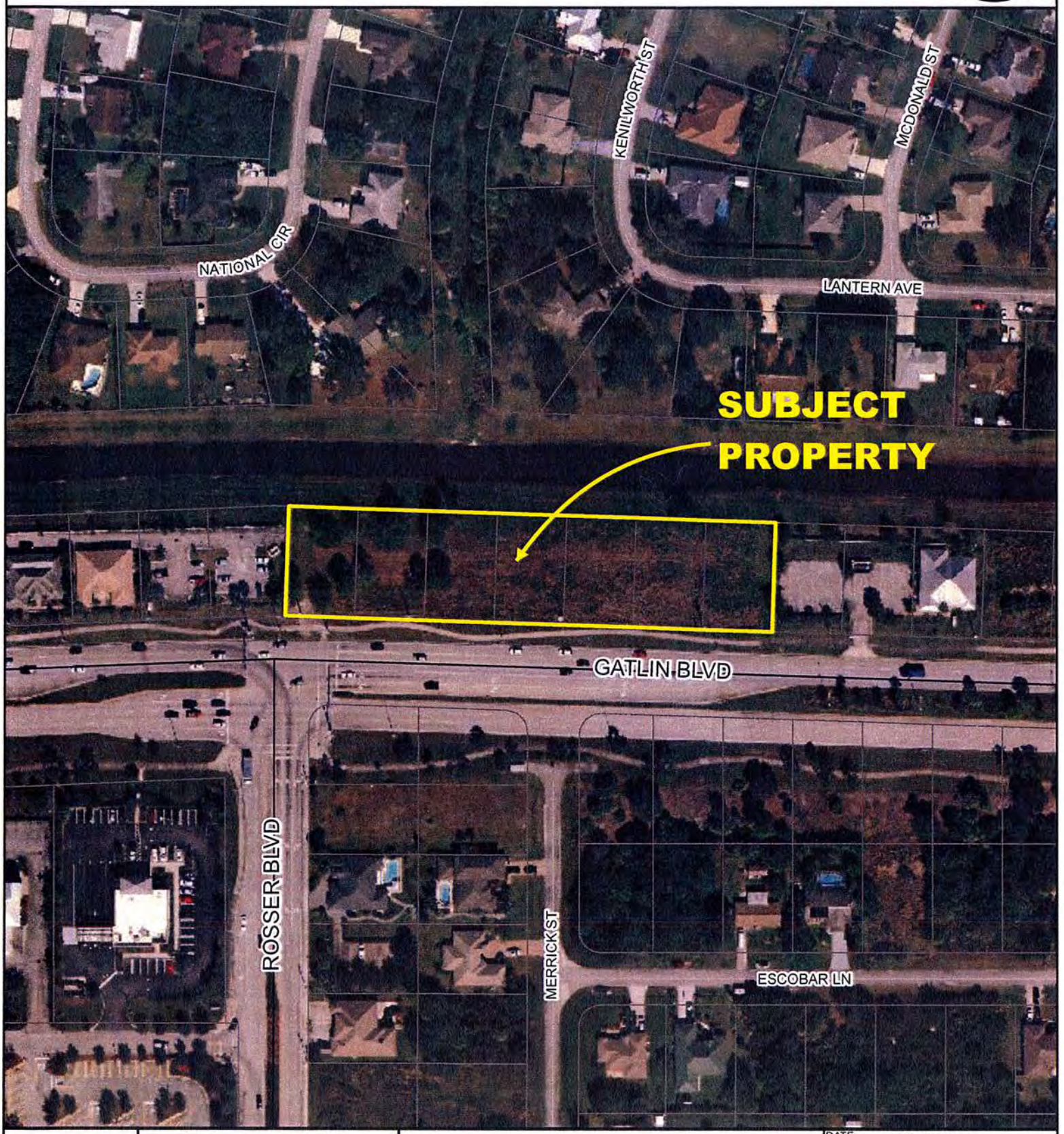
Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

# GENERAL LOCATION



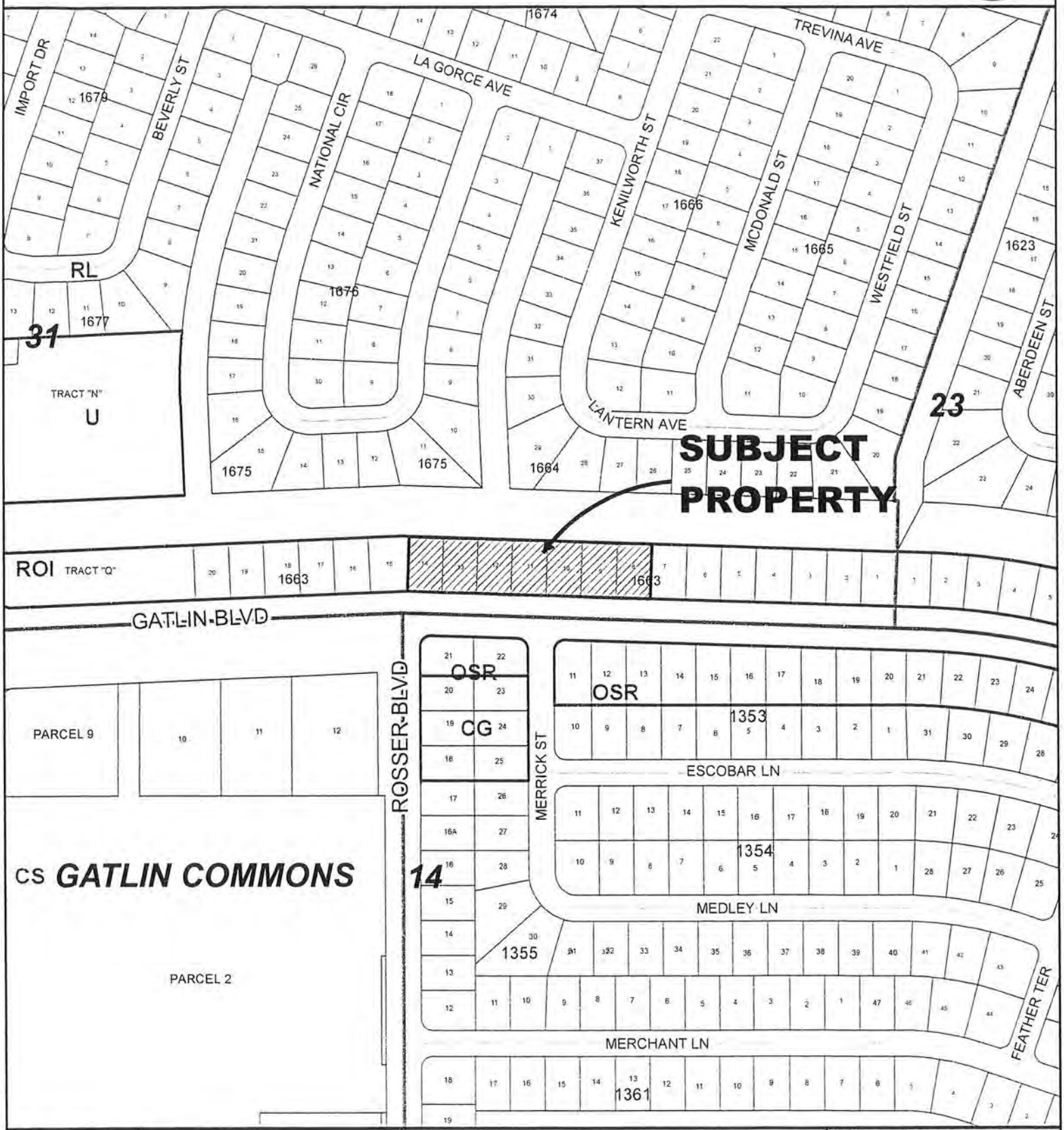

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONING<br>GATLIN DIALYSIS<br>SECTION 31, BLOCK 1663, LOTS 8-14 | DATE: 8/3/2016<br>APPLICATION NUMBER: P16-124<br>USER: patricias<br>SCALE: 1 in = 0.5 miles |

# AERIAL



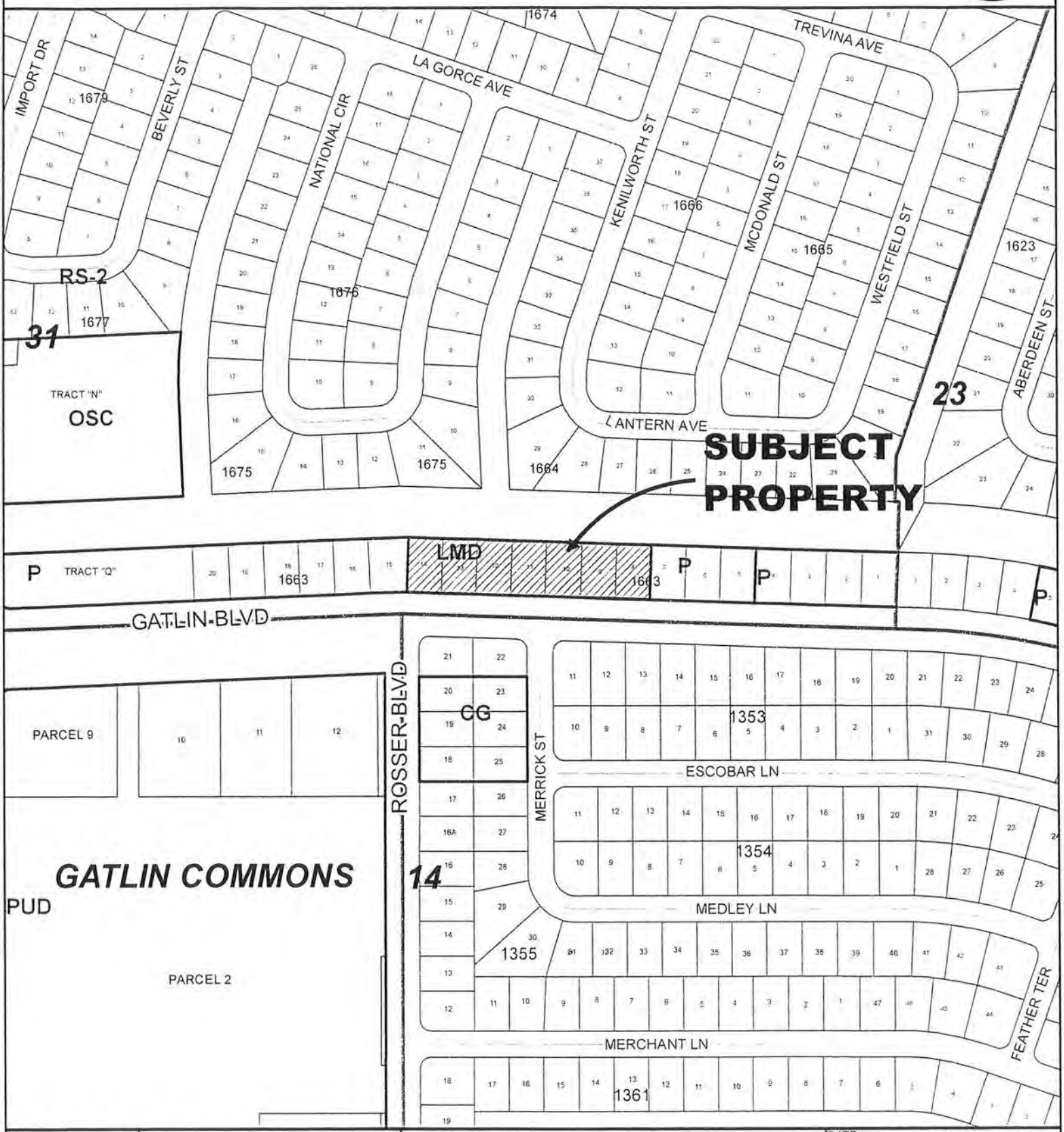

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | REZONING<br>GATLIN DIALYSIS<br>SECTION 31, BLOCK 1663, LOTS 8-14<br>AERIAL DATE 2014 | DATE: 8/3/2016<br>APPLICATION NUMBER: P16-124<br>USER: patricias<br>SCALE: 1 in = 150 ft | |

# FUTURE LAND USE




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONING<br>GATLIN DIALYSIS<br>SECTION 31, BLOCK 1663, LOTS 8-14 | DATE: 8/3/2016<br>APPLICATION NUMBER: P16-124<br>USER: patricias<br>SCALE: 1 in = 300 ft |

# EXISTING ZONING




| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONING<br>GATLIN DIALYSIS<br>SECTION 31, BLOCK 1663, LOTS 8-14 | DATE: 8/3/2016<br>APPLICATION NUMBER: P16-124<br>USER: patricias<br>SCALE: 1 in = 300 ft |

# REZONING APPLICATION

RECEIVED

JUL 26 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

**CITY OF PORT ST. LUCIE**
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX:(772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept. P16-124
Fee (Nonrefundable)$ 2,179.40
Receipt # 104212

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. **All** items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** scooper@ruddjones.com

**PROPERTY OWNER:**

Name: EKVM Properties Limited Partnership

Address: 1414 SW Bluebird Cove, Port St. Lucie, FL 34986

Telephone No.: 772-812-5500 FAX No.:

**AGENT OF OWNER** (if any)

Name: Stephen Cooper, SCPE (Stephen Cooper, P.E. & Associates, Inc.)

Address: 7450 South Federal Highway, Port St. Lucie, FL 34952

Telephone No.: (772) 336-2933 FAX No: (844) 273-5465

**PROPERTY INFORMATION**

Legal Description: (Include Plat Book and Page) Lots 8-14, Block 1663, Port St. Lucie Section Thirty One, Plat Book 14, Page 22, 22A-22G, SLC

Parcel I.D. Number: 3420-650-0018-000-5 (MAP 43/12S)(OR 3676-1215)

Current Zoning: LMD (Expired)

Proposed Zoning: P (Professional Zoning District- As Originally Zoned before the Expired LMD)

Future Land Use Designation: ROI Acreage of Property: 1.61 Acres

Reason for Rezoning Request:

The site was originally zoned P and rezoned to LMD in 2013. The LMD zoning has expired and we wish to zone the site to the original P District to allow a proposed Medical Office/Kidney Dialysis Center use which will be processed concurrently with the zoning action.

| *Signature of Owner | Hand Print Name | Date |
|---|---|---|
| | SILVIANO MATAMOROS | 7-19-16 |

***If signature is not that of the owner, a letter of authorization from the owner is needed.**

**NOTE**: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

RECEIVED
AUG 17 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

EKVM Properties Limited Partnership
1414 SW Bluebird Cove
Port St Lucie, FL 34986

City of Port St Lucie
121 SW Port St Lucie Blvd
Port St Lucie, FL 34984

RE: Proposed Gatlin Medical Center Agent Authorization for:

- Forrest R Smith, Southern Standard Builders, LLC
- Stephen Cooper, PE

To Whom It May Concern:

EKVM Properties Limited Partnership is the owner the proposed Gatlin Medical Center and the land it will be built on. The land consists of (7) parcels with the following St Lucie County, Florida Parcel Id #: 3420-650-0018-000-5. Legal Description is: PORT ST LUCIE-SECTION 31- BLK 1663 LOTS 8 THRU 14 (1.61 AC - 70,000 SF) (MAP 43/12S) (OR 3676-1215).

EKVM Properties Limited Partnership hereby designates and authorizes the agents listed above to act on our behalf in the processing of the Site Plan Approval Application and all related documents, information, and submittals as may be required to complete this entire process, including any Utilities Department and Zoning submissions. EKVM Properties Limited Partnership understands that knowingly making any false statement or representation in this application process is a violation of Section 373.430, F.S. and 18U.S.C. Section 101.

Respectfully,

Silviano Matamoros, President
MVK Holding Corp
General Partner

The forgoing instrument was acknowledged before me this 16th day of August, 2016, by Silviano Matamoros, who is personally known to me or who has produced _____ as identification and who did take an oath.

NOTARY PUBLIC

NOTARY PUBLIC STAMP OR SEAL:

LENARD MUROFF
MY COMMISSION # FF 180730
EXPIRES: April 3, 2019
Bonded Thru Notary Public Underwriters

**Prepared By and Return To:**
Diane Ally
Ally Parker Brown Title Insurance Agency
1599 SE Port St. Lucie Blvd., #D
Port St. Lucie, FL 34952

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3999579 09/30/2014 at 03:58 PM
OR BOOK 3676 PAGE 1215 - 1216 Doc Type: DEED
RECORDING: $18.50
D DOC STAMP COLLECTION: $2905.00

**Property Appraiser's Parcel I.D. (folio) Number(s)**
3420-650-0018-000/5

**File No.** APB20148216

# WARRANTY DEED

THIS WARRANTY DEED dated this 11th day of September, 2014, by Gatlin Dentai, LLC, a Florida Limited Liability Company, having its principal place of business at 9051 Plantation Lakes Drive, Port St. Lucie, FL 34986, hereinafter called the grantor, to FKVM Properties Limited Partnership, a Florida Limited Partnership, whose post office address is 1414 SW Bluebird Cove, Port St. Lucie, FL 34986, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in St. Lucie County, Florida, viz:

**Lots 8, 9, 10, 11, 12, 13 and 14, Block 1663, of Port St. Lucie Section Thirty-One, according to the Plat thereof, as recorded in Plat Book 14, Pages 22, 22A through 22G, of the Public Records of St. Lucie County, Florida.**

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.
TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes for the year 2014 and all subsequent years.

WARRANTY DEED
(Continued)

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Diane L. Ally

Witness Print Name

Witness Signature

Peter Taylor

Witness Print Name

Gatlin Dental, LLC, A Florida Limited Liability Company

Suzanne S. Williams-Manager

State of Florida

County of St. Lucie

The foregoing instrument was acknowledged before me this 11th day of September, 2014, by Suzanne S. Williams, who is/are personally known to me ____ OR produced identification ✓ : Type of identification produced ____
Drivers License

Notary Signature

Diane L. Ally

Notary Print Name

(NOTARY SEAL OR STAMP)

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10C
Meeting Date: September 26, 2016
2nd Reading

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Ordinance: Public Hearing: Florida Recreation and Investments – Small Scale Comprehensive Plan Amendment (P14-037) |
| Submittal Date: | 9/12/2016 |

16.69

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is requesting to change the future land use of six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor could be considered. This public input was considered as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton on August 9, 2016.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**BACKGROUND:** City Council considered this comprehensive plan amendment at its first reading on August 22, 2016, and directed it be to be sent back to the Planning and Zoning Board for their review, recommendation and direction.

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, unanimously, recommended to recommend approval of this small scale comprehensive plan amendment on September 6, 2016.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF

RECEIVED
SEP 1 6 2016
CITY MANAGER'S OFFICE

ORDINANCE 16 -69

**AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS,** the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, as subsequently amended; and

**WHEREAS**, pursuant to Subsection 163.3187(1), Florida Statutes, the proposed amendment constitutes a City of Port St. Lucie permitted small scale amendment to the City of Port St. Lucie Comprehensive Plan; and

**WHEREAS,** the City of Port St. Lucie has received an application from Florida Recreation and Investments, Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24, located on the northwest corner of Darwin Boulevard and Becker Road, for a small scale amendment to change the Future Land Use Map of the City of Port St. Lucie Comprehensive Plan, in accordance with Section 163.3187 (1) (c), Florida Statutes, to change approximately 1.57 acres from the future land use designation of RL (Low Density Residential) to the future land use designation of CG (General Commercial); and

**WHEREAS,** the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174 et. seq., Florida

Statutes, and having held a public hearing thereon, has considered this proposed amendment (P14-037) to the Comprehensive Plan and submitted its recommendations thereon to the City Council; and

**WHEREAS**, the City Council held a public hearing on September 26, 2016 to consider the proposed small scale amendment, advertising of the public hearing having been made; and;

**WHEREAS,** having considered the recommendations of the Planning and Zoning Board, The Port St. Lucie City Council desires to hereby formally adopt this amendment (P14-037) to the City's Comprehensive Plan as a Small Scale Amendment in accordance with Section 163.3187, Florida Statutes.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

(a) The Future Land Use Map is hereby amended to designate approximately 1.57 acres of land in Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24 by changing the future land use designation from RL (Low Density Residential) to the future land use designation of CG (General Commercial).

Section 2. The provisions of the Ordinance are severable and, if any section, sentence, clause or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or

portions.

Section 3. The effective date of this plan amendment shall be thirty-one (31) days after the adoption, pursuant to Section 163.3187(3) (c), Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this_____ day of _____, 2016.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
O. Reginald Osenton, City Attorney

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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***TO:*** **PLANNING AND ZONING BOARD - MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **JOHN FINIZIO, PLANNER** jf

***RE:*** **FLORIDA RECREATION & INVESTMENTS**
**SMALL SCALE – COMPREHENSIVE PLAN AMENDMENT**
**PROJECT NO. P14-037**

***DATE:*** **AUGUST 24, 2016**

---

***PROPOSED PROJECT:*** The applicant is requesting to change the future land use of six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

This comprehensive plan amendment application was reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the Becker Road corridor can be considered. This public input was included as part of the neighborhood planning effort for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** Vacant.

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | RL | RS-2 | Residential Lots - Vacant |
| S | RL | RS-2 | Residential Lots – Existing SF Home |
| E | RL | RS-2 | Residential Lots - Vacant |
| W | RL | RS-2 | Residential Lots - Vacant |

***EXISTING LAND USE DESIGNATION:*** RL (Low Density Residential).

***REQUESTED LAND USE DESIGNATION:*** CG (General Commercial).

---

***IMPACTS AND FINDINGS:***

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development.

| Existing Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **RL (Low Density Residential** | 1.57 | 5 du/ac | 1,963 | 1,668 |

The total water demand for the existing land use is estimated at 1,963 gpd, with an estimated wastewater generation of 1,668 gpd.

| Proposed Future Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **CG (General Commercial)** | 1.57 | 20,517 sq ft | 2,565 | 2,180 |

| Land Use | Water (gpd) | Wastewater (gpd) |
|---|---|---|
| Existing: RL | 1,963 | 1,668 |
| Proposed: CG | 2,565 | 2,180 |
| Difference between land uses | +602 | +512 |

With the proposed land use change, there is an overall increase in water demand for this property; the proposed land use will have a water demand of 2,565 gpd, with a total wastewater generation of 2,180 gpd. Both potable water distribution and sanitary sewer collection systems are available for this property.

***Transportation:*** The number of vehicle trip ends projected to be generated from the existing land use is 100 (ITE, Land Use Code 210). The number of vehicle trip ends projected to be generated from the proposed future land use change is approximately 915. (ITE, Land Use Code 814 (Specialty Retail Center)). Trip projections are calculated by using the Institute of Transportation Engineers (ITE) "Trip Generation Manual, 8th Edition". This represents a net increase of 815 vehicle trip ends.

| **Existing Use Traffic Analysis** | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use - Residential** | **Coverage** | **Weekday Avg. Trip Ends** |
| **210** | Single Family Residence | 5 du/ac | 100 |
| **Total** | | | 100 |

| **Proposed Use Traffic Analysis – High Turnover Restaurant** | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use – General Commercial** | **Coverage** | **Weekday Avg. Trip Ends** |
| **814** | Specialty Retail Center | 20,517 | 915 |
| **Total** | | | 915 |

This project is located on the northwest corner of Darwin Boulevard and Becker Road and the additional vehicle trips could have an impact on traffic on this corner. Becker Road is currently operating at a Level of Service of C. There is a traffic light at this intersection.

***Parks/Open Space:*** Not applicable as this is a commercial project.

***Schools:*** Not applicable as this is a commercial project.

***Storm Water:*** The project will be required to provide paving and drainage plans that are in compliance with adopted level of service standards.

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available to accommodate this project.

***Environmental:*** As identified in the Environmental Assessment for this property, the site "shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits." The report also indicates that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirements as outlined in the City's Landscape Code (Chapter 154), and the applicant will be required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identity each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Flood Zone:*** The following site is found in Panel Number 12111C0405J, zone X and is considered to be outside the 500 year flood plain.

***Police:*** The department's response time is approximately 6-10 minutes for emergency calls. This proposed comprehensive plan is not expected to adversely impact that response time.

***Fire/EMS:*** The nearest fire station is No. 13 which is located at 201 SE Becker Road. The St. Lucie County Fire District does not list response times for each individual station because of the necessity of responding with another station. This project will not impact adequate service delivery.

***Compatibility Analysis:*** Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporating more non-residential and multi-family uses. It is important to note that none of these studies were ever approved, adopted or implemented.

On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that focused on the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council on how to proceed with development on the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, the presentation was pulled by Councilwoman Martin due to the lack of input from local stakeholders. Shortly after this workshop a solicitation

request for a neighborhood planning RFP was approved for the Planning and Zoning Department. This RFP was for the creation of a neighborhood plan that would cover six (6) planning areas in the City.

At the conclusion of the RFP process, Tindale Oliver, a planning, design, and engineering organization, was contracted to complete the neighborhood plans for six planning areas, which included planning areas 1, 3, 4N, 4S, 6, and 7. In addition to these basic neighborhood plans, the RFP also required Tindale Oliver to focus on the Becker Road corridor, which was being rolled up into the neighborhood planning project and required to be completed with the neighborhood plan for Planning Area 4S.

There was quite a bit of public outreach involved in the overall planning process. This included citywide focus groups, public workshops, as well as a focus group specifically for the Becker Road property owners. Even though the subject of Becker Road was discussed at all the workshops for Planning Area 4S, the Becker Road Focus Group provided us with the clearest picture of what the shareholders want to see developed along the Becker Road corridor, and this information was included in the neighborhood plan for Planning area 4S.

The main topics that were discussed during the Becker Road Focus Group included:

1. Discussing lot requirements, such as sizes, depth and other setbacks,
2. Identifying potential commercial and mixed use areas along the corridor,
3. Discussing the appropriate building scale and orientation,
4. Possible neighborhood services for the area,
5. Importance of public parks and recreation centers,
6. Location and importance of gateway and entry signage.

All this information was assimilated and included in the Planning Area 4S Neighborhood Action Plan in Becker Road Overlay District.

After meeting with the local stakeholders, it was quickly evident that most wanted to see more commercial opportunities along the Becker Road corridor. With the lack of commercial space within Planning Area 4S, this sentiment was easy to understand. Therefore, as it relates to this comprehensive plan amendment, the information included in the Becker Road Overlay District is simple: "develop commercial and mixed-use nodes at primary intersections along Becker Road to anchor the corridor and create local destinations and create transitional areas between the three nodes and the single-family homes."

The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016 meeting. After a short presentation from staff, and some discussion from Council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously.

Planning and Zoning Staff is preparing a corridor wide comprehensive plan amendment, which will help direct growth on Becker Road as it is identified in the neighborhood plan. However, since this application was submitted, and subsequently tabled by City Council on May 27, 2014, it was determined to bring this comprehensive plan amendment back to City Council prior to the corridor wide comprehensive plan amendment staff will be submitting.

***Justification/Mitigation*:** The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. After the approval of the Planning Area 4 South Neighborhood Action Plan, it is clearly evident that the City is beginning to see the Becker Road corridor as something other than a residential corridor, and as such commercial development is the next logical step in the development of the Becker Road corridor. However, as outlined in the neighborhood plan, this commercial development should be limited to areas that identified the Becker Road Overlay District, Section Seven (7) of the Planning Area 4 South Neighborhood Action Plan.

Section 7 limits commercial development to the major transportation nodes on Becker Road. These nodes include: Port St. Lucie Boulevard and Becker, Savona Boulevard and Becker, and Darwin Boulevard and Becker. Since the property in question is located on the northwest corner of Darwin Boulevard and Becker Road, which is identified as a major transportation node, commercial development at this location is justified by the approval of the Planning Area 4 South Neighborhood Action Plan.

Please note: Staff is also recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented. This overlay district should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements as outlined in the approved neighborhood plan.

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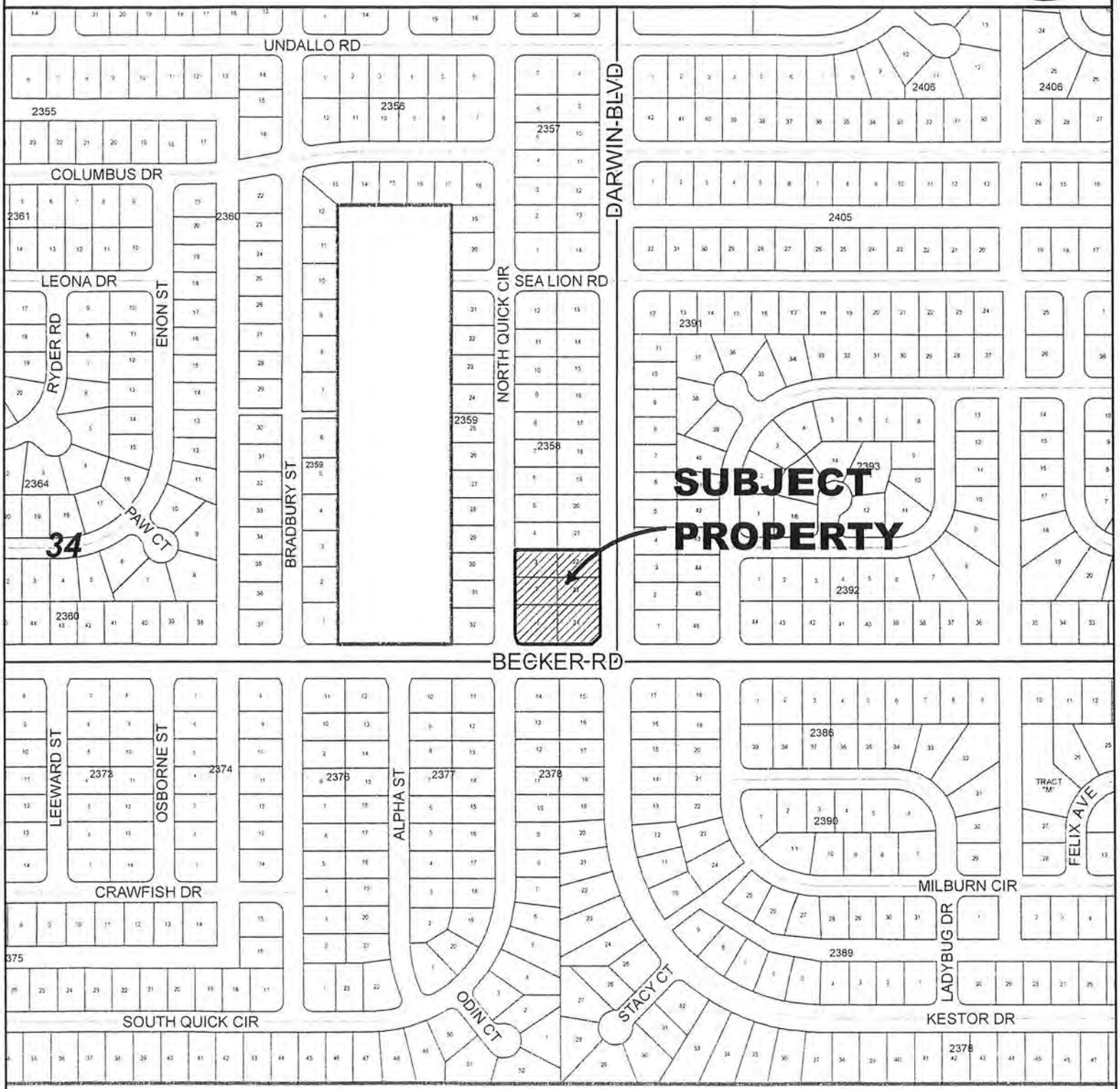
## ***STAFF RECOMMENDATION:***

With the subsequent approval of the Planning Area 4 South Neighborhood Action Plan by City Council, The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval of the proposed amendment based on the analysis and findings as noted in the staff report.

The following exhibits are added in the following order to provide additional information on this comprehensive plan amendment application:

A- Original Staff Report
B- Minutes from the May 27, 2014 City Council meeting
C- Minutes from the May 6, 2014 Planning and Zoning Board meeting

# SITE LOCATION

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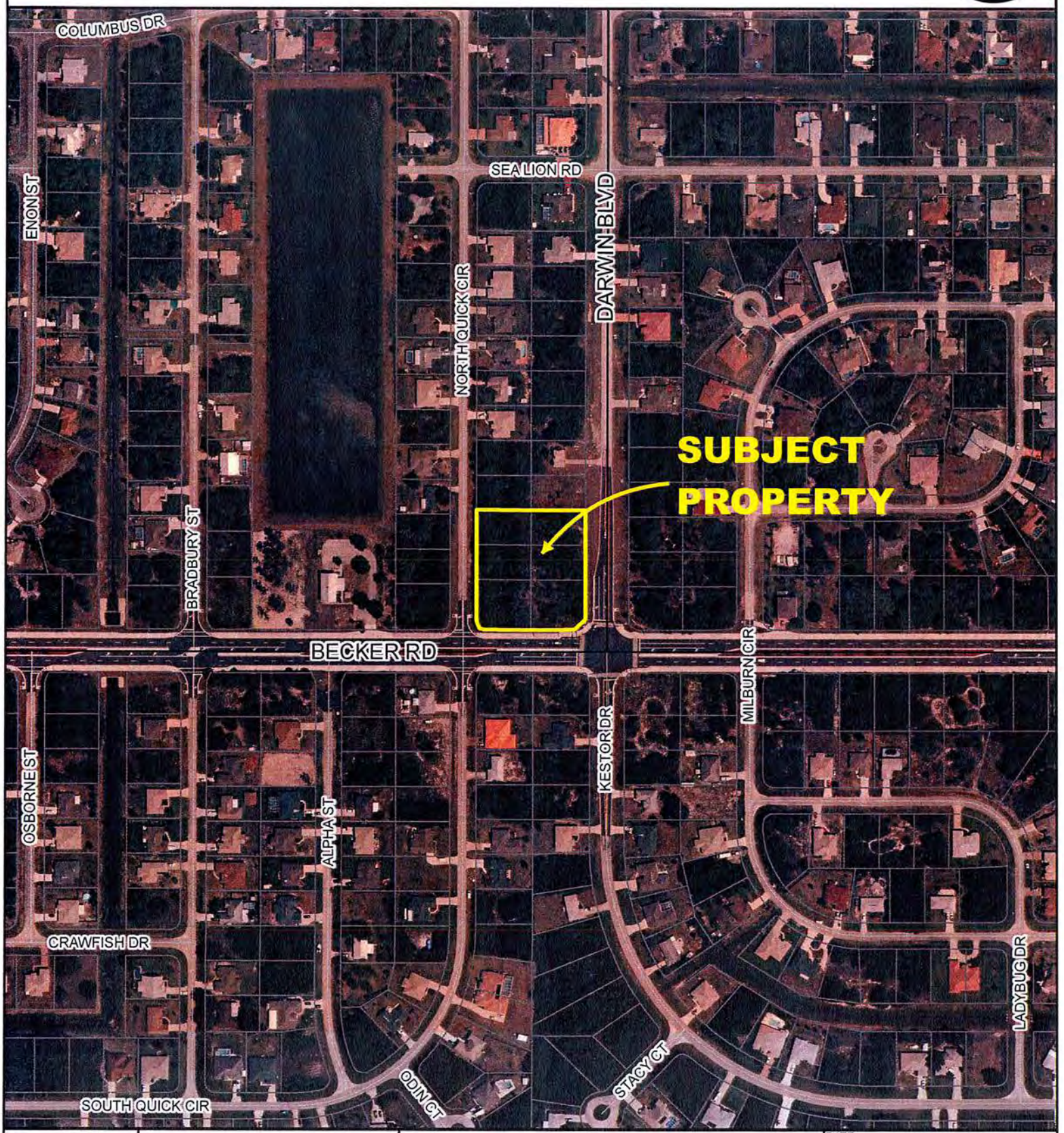
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 400 ft | |

# SITE LOCATION

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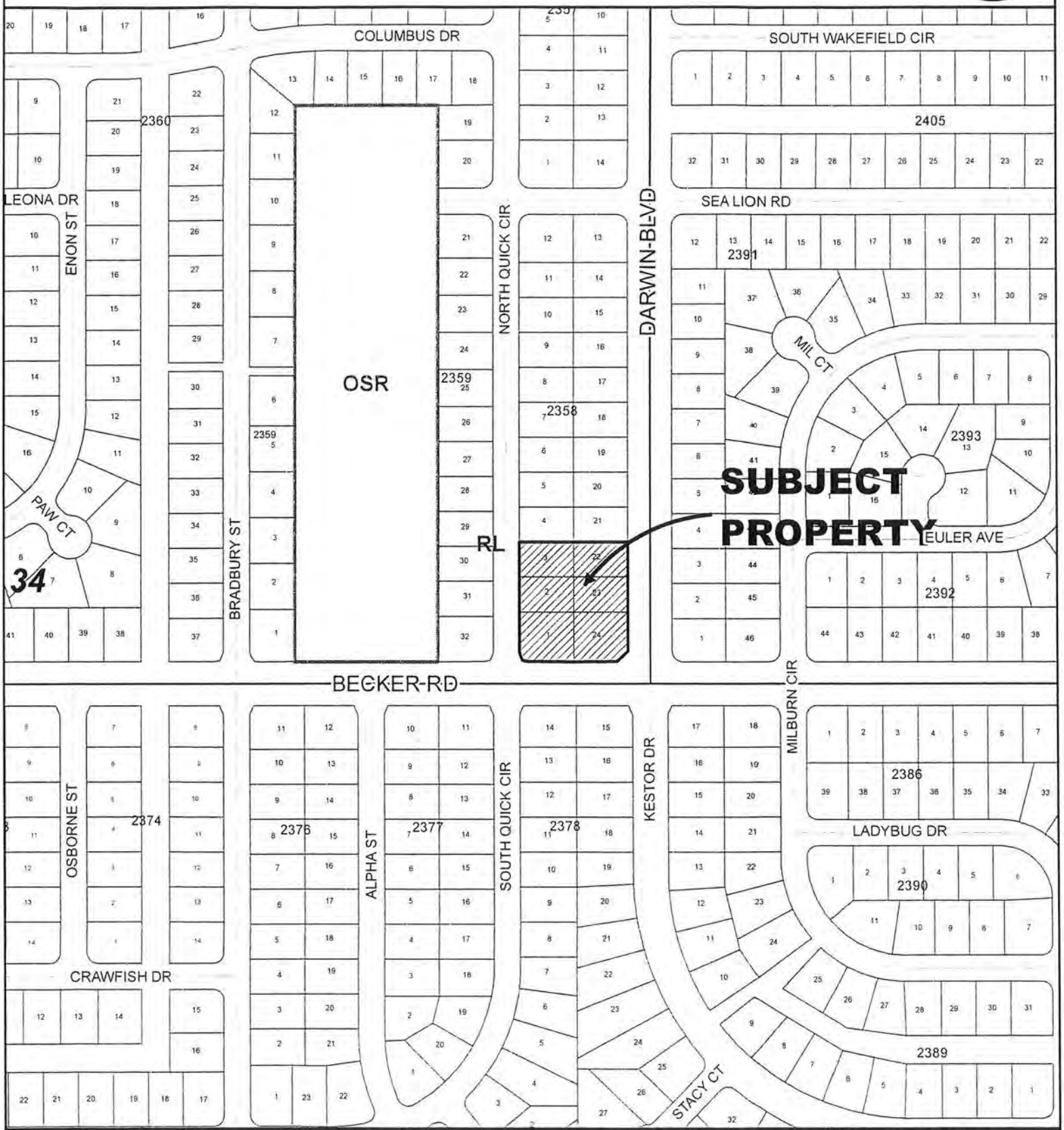
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24<br>AERIAL DATE 4/2012 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft | |

# EXISTING LAND USE




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

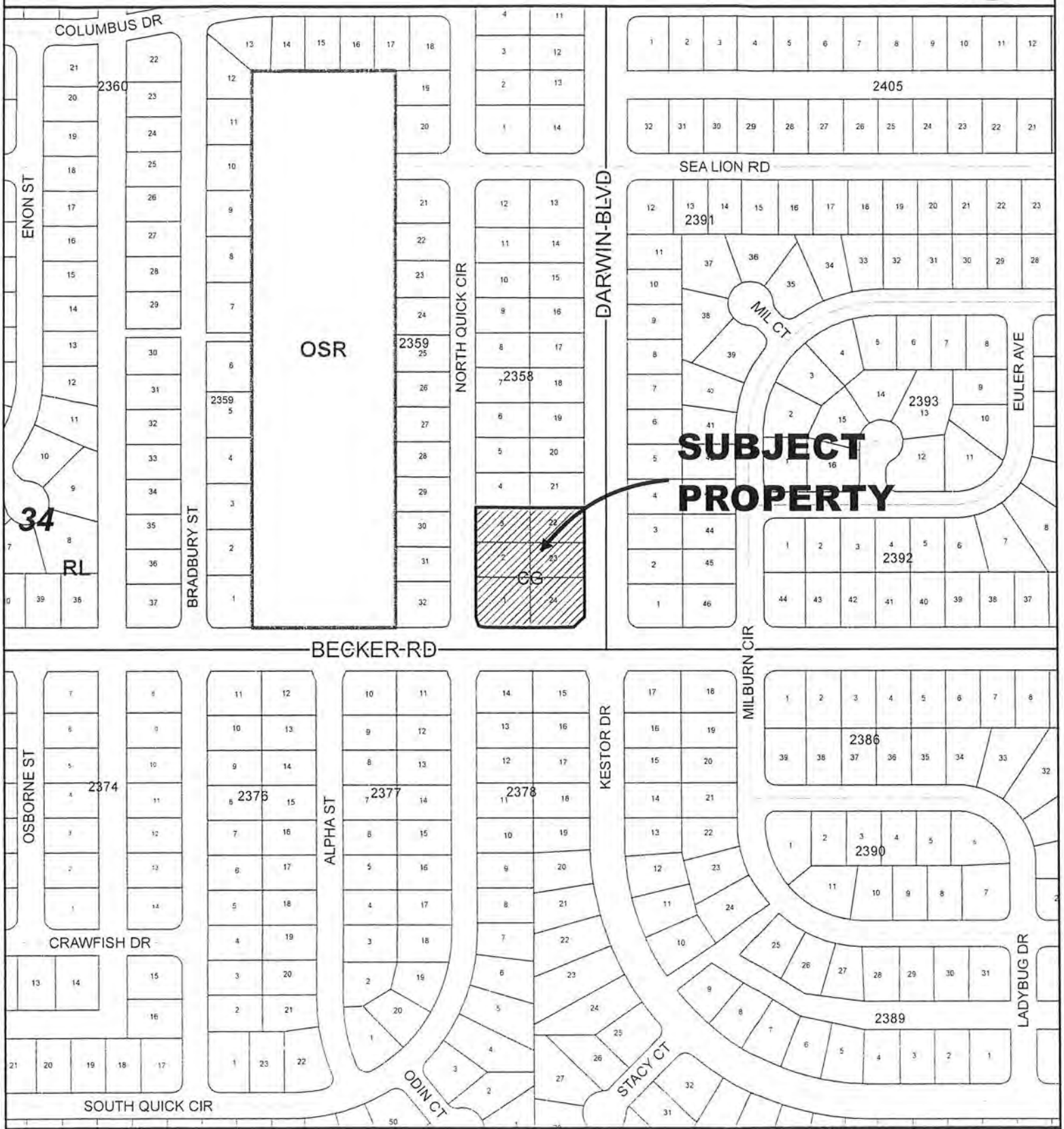
COMPREHENSIVE PLAN AMENDMENT

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/20/2014 |
| APPLICATION NUMBER: | P14-037 |
| USER: | PatriciaS |
| SCALE: | 1 in = 300 ft |

# PROPOSED LAND USE

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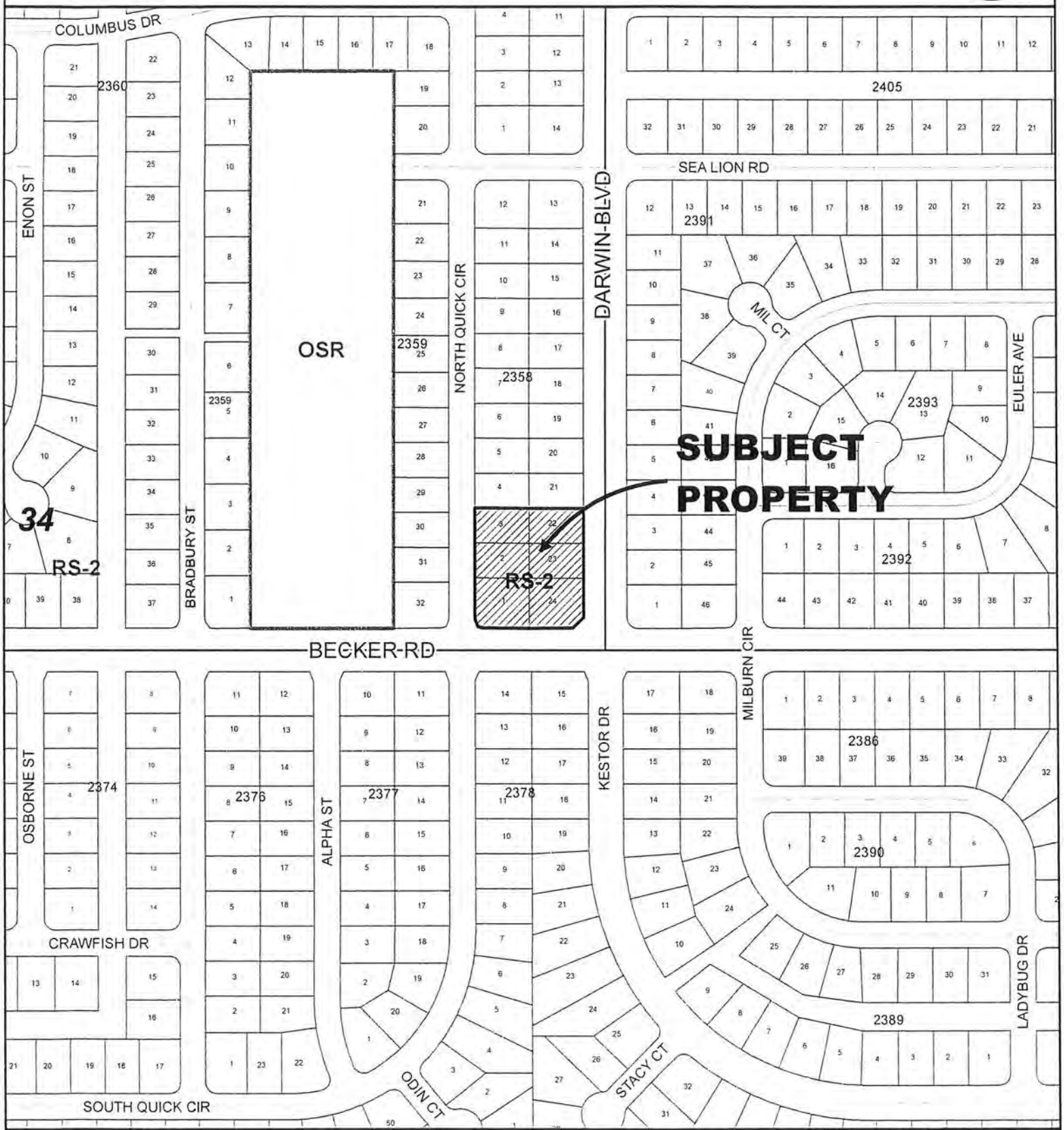
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/20/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft |

# EXISTING ZONING

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|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | COMPREHENSIVE PLAN AMENDMENT<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-037<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft |

# APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

**CITY OF PORT ST. LUCIE**
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX (772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept P14-037
Fee (Nonrefundable)$ 4,022.80
Receipt # 1020

Refer to "Fee Schedule" for application fee. Make checks payable to the 'City of Port St. Lucie.' Fee is nonrefundable unless application is withdrawn prior to advertising for the Planning and Zoning Board meeting. **All** items on this application should be addressed, otherwise it can not be processed. Attach proof of ownership; two copies of deed. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** rodkennedy@edc-inc.com

## PROPERTY OWNER

Name: Florida Recreation and Investments
Address: 2278 Olympic Club Ter
Palm City, Florida 34990
Telephone No.: 772-873-3232 Fax No.: 772-871-9095

**IF PROPERTY IS IN MULTIPLE OR CORPORATE OWNERSHIP, PLEASE PROVIDE ONE CONTACT PERSON.**

Name:
Address:
Telephone No.: Fax No.:

## AGENT OF OWNER (if any)

Name: Rod Kennedy, Engineering Design & Construction
Address: 1934 Tucker Court
Fort Pierce, Florida 34950
Telephone No.: 772-462-2455 Fax No.: 772-462-2454

RECEIVED
FEB 28 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

## PROPERTY INFORMATION

Boundary Description (attach map) Port St. Lucie, Section 34, Blk 2358 Lots 1 -3 and 22-24.
Property Tax I.D. Number 3420-665-0808-000-6
Current Land Use RL (Residential Low) Proposed Land Use Commercial General (CG)
Current Zoning RS-2 (Residential Single Family) Acreage of Property 1.57 Acres

Reason for Comprehensive Plan Amendment:
The Becker Road area is expected to transition from a residential corridor to a more commercial corridor. Please see the attached Justification Statement for additional reasons.

*Signature of Owner — FLORIDA RECREATION & INV. PROP. LLC by ALFRED NETZEL MANAGING MEMBER (Hand Print Name) — 2-27-2014 (Date)

*If signature is not that of owner, a letter of authorization from the owner is needed.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3197670 OR BOOK ' '4 PAGE 2744, Recorded 04/23/20 at 11:51 AM
Doc Tax: $1400.00

Courthouse Box SLW #39

**Prepared By and Return To:**
Diane Ally
Fast Title Inc.
698 SW Port St. Lucie Blvd., #104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel/I.D. (folio) Number(s)**

3420-665-0786-000/5
3420-665-0787-000/2
3420-665-0788-000/9
3420-665-0808-000/6
3420-665-0809-000/3

**File No.** FT20081998

# WARRANTY DEED

THIS WARRANTY DEED dated this 10th day of April, 2008, by SHIRLEY CHERVENY, CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, DANA BROWN, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, ED SEIDNER, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY AND MICHAEL O'JEA, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY hereinafter called the grantors, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A LIMITED LIABILITY COMPANY, whose post office address is 2278 OLYMPIC CLUB TERRACE, PALM CITY, FLORIDA 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in ST. LUCIE County, Florida, viz:

**LOTS 1, 2, 3, 23, AND 24, BLOCK 2358, OF PORT ST. LUCIE, SECTION 34, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.**

**The above described property is not nor has it ever been the homestead of the Grantors. Subject property is vacant land.**

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

COPY COPY COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

DIANE L. ALLY
Witness Print Name

Witness Signature

Michelle S. Dias
Witness Print Name

SHIRLEY CHERVENY

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared SHIRLEY CHERVENY, who is personally known to me or who produced a driver license as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 15th day of April, 2008.

Notary Signature

DIANE L. ALLY
Notary Print Name

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
#DD 638169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC
STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires: 04/30/11

COPY

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

David Passaty
Witness Signature

David Passaty
Witness Print Name

Delfin Parrot
Witness Signature

Delfin - Parrot
Witness Print Name

Michael O'Jea
MICHAEL O'JEA-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

Michael O'Jea
MICHAEL O'JEA-MANAGING MEMBER

State of Texas
County of Walker

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared MICHAEL O'JEA both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced Florida Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 14 day of April, 2008.

MARY DUNSEITH
MY COMMISSION EXPIRES
November 8, 2011

Mary Dunseith
Notary Signature

Mary Dunseith
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 11-8-11

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Print Name

Witness Signature

REGINE GRAY
Witness Print Name

ED SEIDNER-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

ED SEIDNER-MANAGING MEMBER

State of FLORIDA

County of BROWARD

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared ED SEIDNER both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced DRIVER License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 11 day of April, 2008.

JYOTI V. PATEL
Notary Public - State of Florida
My Commission Expires Jun 16, 2010
Commission # DD 559479
Bonded By National Notary Assn.

Notary Signature

JYOTI V. PATEL
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6/16/2010

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Danielle Farmer
Witness Signature

Danielle Farmer
Witness Print Name

Burim Furka
Witness Signature

BURIM FURKA
Witness Print Name

DANA BROWN-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

DANA BROWN-MANAGING MEMBER

State of Florida

County of Indian River

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared DANA BROWN both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced FL Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

NOTARY PUBLIC STATE OF FLORIDA
JOYCE FIGAROLA
NOTARY PUBLIC, STATE OF FLORIDA
MY COMM. EXP. AUGUST 14, 2011
COMMISSION DD 701059

Joyce Figarola
Notary Signature

Joyce Figarola
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 8-14-11

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Annette Mallin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

R & L FLANZBAUM,
A/K/A RICHARD FLANZBAUM AND
LOUISE FLANZBAUM

RICHARD FLANZBAUM

LOUSIE FLANZBAUM

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, who is personally known to me or who produced Florida Dr. Lic. as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires: 6/15/08

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

CREATIVE REALTY MANAGEMENT, INC.
A FLORIDA CORPORATION

Witness Signature

LOUISE PINE, PRESIDENT

Annette Mullin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared LOUISE PINE, THE PRESIDENT OF CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, who is personally known to me or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires: 6-15-08

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3223739 OR BOOK ' '7 PAGE 2247, Recorded 06/23/2( at 04:34 PM
Doc Tax: $206.50

**Courthouse Box SLW #39**

**Prepared By and Return To:**

Diane L. Ally
Fast Title, Inc.
698 S.W. Port St. Lucie Boulevard, Ste. 104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0807-000/9

**File No.** 20082025

COPY

# SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED dated this 10th day of June, 2008, by RYAN ANDREW, A SINGLE MAN INDIVIDUALLY AND AS TRUSTEE whose post office address is 4521 PGA Boulevard #201, Palm Beach Gardens, Fl 33418 hereinafter called the grantor, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY whose post office address is: 2278 Olympic Club Terrace, Palm City, Florida 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged and conveyed to the said grantee, and grantee's heirs, executors, administrators and assigns forever, the following described land, situate, lying and being in ST. LUCIE County Florida, to-wit:

LOT 22, BLOCK 2358, OF PORT ST. LUCIE SECTION THIRTY-FOUR, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AN FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.

And Grantor covenants with Grantee that except as noted, at time of the delivery of this deed:

1. The premises is free from all encumbrances made by Grantor, except as follows: (NONE)
2. Grantor will warrant and defend against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

COPY

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

RYAN ANDREW- INDIVIDUALLY

Diane L. Ally

Witness Print Name

Witness Signature

RYAN ANDREW-TRUSTEE

J. Upham

Witness Print Name

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared RYAN ANDREW who is/are personally known to me or ___who produced his/her/their Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10th day of June, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
DD 638169
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

Notary Signature

Notary Print Name Diane L. Ally

My Commission Expires: 4/30/11

**Florida Recreation & Investment Properties, LLC**
**2278 Olympic Club Terrace**
**Palm City, Florida 349990**

## AGENT CONSENT FORM

---

Project Name: Becker & Darwin CPA & Rezone

BEFORE ME THIS DAY PERSONALLY APPEARED ALFRED WETZEL, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

> I hereby give CONSENT to Engineering Design & Construction, Inc./Roderick J. Kennedy, P.E. to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to, Northwest Corner of Becker and Darwin Comprehensive Plan Amendment (CPA) and Rezone Applicaiton, for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 26th day of February, 2014, by Alfred Wetzel (Name of Person Acknowledging) who is personally known to me or who has produced FDL W324016404030 (Type of identification) as identification and who did (did not) take an oath.

Jaana D. Jennings
(Signature of Person Taking Acknowledgement)

JAANA D. JENNINGS
(Name of Acknowledger Typed, Printed or Stamped)

Notary Public
(Title or Rank)

County: St. Lucie
(Serial Number, if any)

Notary's Seal
Notary Public State of Florida
Jaana D Jennings
My Commission EE 857042
Expires 12/09/2016

Owner's Signature

ALFRED WETZEL
Owner's Name (Print)

2600 S. KANNER HWY Y-1
Street Address

STUART FL 34994
City, State, Zip Code

(772) 240 4669
Telephone

# Detail by Entity Name

## Florida Limited Liability Company

FLORIDA RECREATION & INVESTMENT PROPERITIES, LLC

## Filing Information

| | |
|---|---|
| **Document Number** | L04000049924 |
| **FEI/EIN Number** | 861112163 |
| **Date Filed** | 07/06/2004 |
| **State** | FL |
| **Status** | ACTIVE |

## Principal Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Mailing Address

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

## Registered Agent Name & Address

ALFRED, WETZEL R
2600 S. KANNER HIGHWAY
APT. Y-1
STUART, FL 34994

Address Changed: 01/07/2006

## Authorized Person(s) Detail

**Name & Address**

Title MGR

WETZEL, ALFRED R
2600 KANNER HIGHWAY APT Y-1
STUART, FL 34994

Title MGR

CHERVENY, SHIRLEY
2278 OLYMPIC CLUB TERRACE

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State of Florida, Department of State

## Annual Reports

| Report Year | Filed Date |
|---|---|
| 2012 | 01/16/2012 |
| 2013 | 01/08/2013 |
| 2014 | 01/08/2014 |

## Document Images

| | |
|---|---|
| 01/08/2014 -- ANNUAL REPORT | View image in PDF format |
| 01/08/2013 -- ANNUAL REPORT | View image in PDF format |
| 01/16/2012 -- ANNUAL REPORT | View image in PDF format |
| 02/15/2011 -- ANNUAL REPORT | View image in PDF format |
| 01/06/2010 -- ANNUAL REPORT | View image in PDF format |
| 01/20/2009 -- ANNUAL REPORT | View image in PDF format |
| 01/09/2008 -- ANNUAL REPORT | View image in PDF format |
| 01/13/2007 -- ANNUAL REPORT | View image in PDF format |
| 01/07/2006 -- ANNUAL REPORT | View image in PDF format |
| 01/18/2005 -- ANNUAL REPORT | View image in PDF format |
| 07/06/2004 -- Florida Limited Liability | View image in PDF format |

## Justification for Land Use Amendment

**Request**

*The purpose of this application is to request a Future Land Use change. The subject property is located on the northwest corner of Becker Road and Darwin Boulevard. The applicant is proposing to amend the Future Land Use designations of the +/- 1.57 acre property from Residential Low (RL) to Commercial General (CG). This amendment will contribute to an orderly development pattern along Becker Road.*

**Property History and Site Characteristics**

Along with this Comprehensive Plan Amendment Application, the applicant is submitting a concurrent rezoning application to rezone the subject property to General Commercial (CG). The subject property is located within the Urban Service Area of the City of Port St. Lucie. The City will provide water and sewer services to the future development occurring on the property.

The subject property currently has a Future Land Use designation of Residential Low (RL). The property is identified by the following parcel control numbers.

| Parcel ID | Acreage |
|---|---|
| 3420-665-0809-000-3 | .32 Acres |
| 3420-665-0807-000-9 | .23 Acres |
| 3420-665-0786-000-5 | .33 Acres |
| 3420-665-0787-000-2 | .23 Acres |
| 3420-665-0808-000-6 | .23 Acres |
| 3420-665-0788-000-9 | .23 Acres |
| **Total** | **1.57 Acres** |

This request is one of the first to change the Future Land Use designation of a parcel along Becker Road. The existing commercial land uses along the corridor occur at the intersection of Port St. Lucie Boulevard a small property located on the south side of Becker Road at Lassiter Terrace. Over the last several years there have been significant improvements to Becker Road. The roadway is now constructed to a four lane roadway.

In addition to the roadway widening, two new interchanges were also constructed. One was constructed at the Florida Turnpike and more recently the second one was constructed at I-95. Becker Road is the only roadway in the City of Port St. Lucie that has an interchange on both the Florida Turnpike and I-95.

The applicant believes the future of Becker Road in more commercial in character. Especially at the intersections that have traffic signals. There are five traffic signals along Becker. It would appear that commercial development at these intersections would allow residents to obtain goods and services within a short drive of their homes. Today, many residents must drive several miles to obtain goods and services.

There are no wetlands on the subject property. Due to the size, the applicant did not provide a market study.

The applicant understands that the historical policy of the City is keep Becker Road a residential road. The applicant believes that keeping Becker Road residential, would be a lost opportunity for providing a mixture of uses along one of the Cities major roadways.

RECEIVED

APR 24 2014

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

**From:** Edward Bowers <bromley01@aol.com>
**To:** beckerroad.rezoene <beckerroad.rezoene@gmail.com>
**Subject:** the tax poor city of PSL
**Date:** Mon, Apr 21, 2014 12:01 pm

---

Dear who ever you are,

I find it strange that a concerned citizen would not sign his name nor give a return address.

BUT as a home owner living near Becker Rd. I do NOT want Becker Rd to become either Port St Lucie Blvd nor
Prima Vista Blvd. Neither add to the value of surrounding properties and the traffic is terrible on both roads. I presume
that Becker was widened because of existing traffic at that time not to turn my neighborhood into a sad definition of "progress".

I also am aware of the empty store fronts in Veranda Falls shopping center and on Port St Lucie Blvd, Prima Vista where they have
erected buildings without businesses. I would propose these vacancies be filled before any more building.

I find Cross Town Parkway a lovely road to represent a "Green City" Perhaps we should have more roads like that.

I will send this letter and a copy of your letter to both the city council and the zoning board of Port St Lucie. With some
planning for the future, Port St Lucie could be a nice town to live in.

Thank you but I do not, repeat not, want Becker Rd. rezoned.

Suzanne Bowers

Suzanne Bowers

Dear Fellow Port St Lucie Property Owners

The Port St Lucie City Council is in the process of planning for the future development of the Becker Road corridor from the TURNPIKE TO I-95.

The City has four laned Becker Road and added all the Utilities necessary for development.

Currently Becker Road is being taxed as Residential property with the city losing thousands of dollars in tax revenue, after spending millions of tax payers' money for all the improvements that have been completed

The City has approved and has issued permits for 360 homes as part of a 2000 acre sub division on Becker Road. The logical development for Becker Road is to provide the conveniences our neighborhood needs.

The only logical development for Becker Road is commercial. We need your help to achieve this.

**We are asking for your help. Please E mail us your support and we will present the E mails to the City Council. If you have any questions on this E mail us and we will get back to you.**

beckerroad.rezone@gmail.com

Exhibit A

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

---

*TO:* **PLANNING & ZONING BOARD - MEETING OF MAY 6, 2014**

*FROM:* **JOHN FINIZIO, PLANNER**

*RE:* **COMPREHENSIVE PLAN AMENDMENT APPLICATION – SMALL SCALE**
**PROJECT NO. P14-037**
**FLORIDA RECREATION & INVESTMENTS**

*DATE:* **APRIL 21, 2014**

---

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Boulevard. and Becker Road.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***EXISTING LAND USE DESIGNATION:*** RL (Low Density Residential).

***REQUESTED LAND USE DESIGNATION:*** CG (General Commercial).

***PROPOSED PROJECT:*** The applicant is requesting this comprehensive plan amendment to change the future land use of these six (6) lots from RL (Low Density Residential) to CG (General Commercial) in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor.

---

***IMPACTS AND FINDINGS:***

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development.

| Existing Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **RL (Low Density Residential** | 1.57 | 5 du/ac | 1,963 | 1,668 |

The total water demand for the existing land use is estimated at 1,963 gpd, with an estimated wastewater generation of 1,668 gpd.

| Proposed Future Land Use – Water and Wastewater | | | | |
|---|---|---|---|---|
| | | | | |
| **Land Use** | **Acreage** | **Coverage** | **Projected Water (gpd)** | **Projected Wastewater (gpd)** |
| **CG (General Commercial)** | 1.57 | 20,517 sq ft | 2,565 | 2,180 |

| Land Use | Water (gpd) | Wastewater (gpd) |
|---|---|---|
| Existing: RL | 1,963 | 1,668 |
| Proposed: CG | 2,565 | 2,180 |
| Difference between land uses | 602 | 512 |

With the proposed land use change, there is an overall increase in water demand for this property; the proposed land use will have a water demand of 2,565 gpd, with a total wastewater generation of 2,180 gpd. Both potable water distribution and sanitary sewer collection systems are available for this property.

***Transportation:*** The number of vehicle trip ends projected to be generated from the existing land use is 100 (ITE, Land Use Code 210). The number of vehicle trip ends projected to be generated from the proposed future land use change is approximately 915. (ITE, Land Use Code 814 (Specialty Retail Center)). Trip projections are

calculated by using the Institute of Transportation Engineers (ITE) "Trip Generation Manual, 8th Edition". This represents a net increase of 815 vehicle trip ends.

| Existing Use Traffic Analysis | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use - Residential** | **Coverage** | **Weekday Avg. Trip Ends** |
| **210** | Single Family Residence | 5 du/ac | 100 |
| **Total** | | | 100 |

| Proposed Use Traffic Analysis – High Turnover Restaurant | | | |
|---|---|---|---|
| **Land Use Code** | **Land Use – General Commercial** | **Coverage** | **Weekday Avg. Trip Ends** |
| **814** | Specialty Retail Center | 20,517 | 915 |
| **Total** | | | 915 |

This project is located on the northwest corner of Darwin Boulevard and Becker Road and the additional vehicle trips could have an impact on traffic on this corner. Becker Road is currently operating at a Level of Service of C. There is a traffic light at this intersection.

***Parks/Open Space:*** Not applicable as this is for a commercial project.

***Schools:*** Not applicable as this is for a commercial project.

***Storm Water:*** The project will be required to provide paving and drainage plans that are in compliance with adopted level of service standards (document other drainage issues if needed).

***Solid Waste:*** Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available to accommodate this project.

***Environmental:*** As identified in the Environmental Assessment for this property, the site "shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits." The report also indicates that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's

Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identity each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Flood Zone:*** The following site is found in Panel Number 12111C0405J, zone X and is considered to be outside the 500 year flood plain.

***Police:*** The department's response time is approximately 6-10 minutes for emergency calls. This proposed comprehensive plan is not expected to adversely impact that response time.

***Fire/EMS:*** The nearest fire station is No. 13 which is located at 201 SE Becker Road. The St. Lucie County Fire District does not list response times for each individual station because of the necessity of responding with another station. This project will not impact adequate service delivery.

***Compatibility Analysis:*** The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4 of the Future Land Use Element of the City's Comprehensive Plan states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities." Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting residential land use would not be consistent with sound planning principles and could possibly adversely impact the character of the adjacent residential neighborhood.

Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporate more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on the Becker Road corridor, and every one looked at the entire Becker Road corridor. Therefore any changes made to the Becker Road land use and zoning designation should not be looked at being done piecemeal, but as a collective whole.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council where to proceed with the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin because she felt that meeting with the stakeholders is appropriate prior to making any land use changes along the Becker Road corridor. Therefore, until there is a land use policy change for Becker Road, any comprehensive plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a comprehensive plan has been approved for the Becker Road area.

The future land use map identifies this area as low density residential (RL), in fact most of the Becker Road Corridor has this future land use designation, and converting these six (6) lots to General Commercial could have a negative impact on the Darwin Blvd., Becker Road. intersection and the surrounding residential neighborhoods.

***Justification/Mitigation***: The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from The Planning and Zoning Board and City Council on the future character of the Becker Road corridor. With the existing 99,000 square foot Veranda Falls shopping center approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor not just go lot by lot, or site by site. Until City Council makes a determination on how they would like the Becker Road corridor to mature, staff believes that any comprehensive plan approvals for this area are premature.

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***STAFF RECOMMENDATION***:

The Planning and Zoning Department staff finds the petition to be inconsistent with the intent and direction of the City's Comprehensive Plan and recommends denial of the proposed amendment based on the analysis and findings as noted in the staff report.

Additionally, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual comprehensive plan amendment approvals.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

65.02, COUNCIL FINDINGS; SECTION 65.03, DEFINITIONS; AMENDING SECTION 65.04, APPLICABILITY OF CHAPTER; AMENDING SECTION 65.05, AUTHORIZATION OF CITY MANAGER; AMENDING SECTION 65.06, WATER USE RESTRICTIONS; AMENDING SECTION 65.07, PENALTIES; ENFORCEMENT; AMENDING SECTION 65.08, GENERAL PROVISIONS; AMENDING SECTION 65.09, CONTROL OF BACKFLOW AND CROSS CONNECTIONS; AMENDING SECTION 65.10, INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-30 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 14-30. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-30. The **motion passed unanimously** by roll call vote.

**f) ORDINANCE 14-31,** AMENDING CHAPTER 53, WELLFIELD PROTECTION; CREATING CHAPTER 67, WELLFIELD PROTECTION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-31 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Bowen **moved** to approve Ordinance 14-31. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-31. The **motion passed unanimously** by roll call vote.

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled under this item.

10. **FIRST READING OF ORDINANCES**

**a) ORDINANCE 14-32,** AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND PORT ST. LUCIE LITTLE LEAGUE, INC.

The City Clerk read Ordinance 14-32 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 14-32. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-32. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 14-33,** 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 RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD 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 14-33 aloud by title only. Councilwoman Martin said, "I would like to ask the Council to table this item. We have been having this discussion about Becker Road and where we are going to go with it. I noticed that staff has recommended denial based on the fact that it is inconsistent with our Comprehensive Plan. On both sides of this issue, we have requests for development for rezoning and requests to leave certain areas alone. I have had feedback on possibly doing something along the lines of pocket parks. If we go forward with this tonight, we will be piece-mealing Becker Road. I have spoke to the City Manager and the Assistant City Manager, Daniel Holbrook, who oversees the Planning and Zoning Department, to come back to us at the June Workshop and look at a corridor approach, and possibly fit it in with our future Neighborhood Planning to see what it will look like. There have been charrettes that occurred in 2008, and here we are six years later and nothing was done with the corridor because of the economy, because Becker Road was being widened. I'm not saying that I'm not for development, as I am in certain areas. I just want to make sure that when we have an opportunity to deal with Becker Road, we can look at the whole four miles together in one plan, as opposed to piece-mealing it and putting the City in a situation where we are making it a corridor that we don't want. I would like to table it, but I don't want to put it off indefinitely. I realize people have property rights and want to be able to make changes, and everyone should be afforded the opportunity to come forward with those applications. I want to do it as a whole plan and look at it together, as opposed to piecing it together." Mayor Faiella clarified, "So you want to table it to the next Workshop." Councilwoman Martin stated, "I would like to table the item for now, and discuss it in further depth at the Workshop. That area needs to be looked at, as far as being a gateway to the City. There will be more information at the Workshop, and we can see how we want to go from there."

Councilwoman Berger said, "I support that. With this project, there are some consistencies with what we wanted back then. It was the right types of developments in the right areas, and

specific corners make sense. The large Port St. Lucie Boulevard and Becker, and Darwin and Becker areas; those corners are ripe for commercial development, if it is done the right way. Part of what the conversation was back then was if they are going to develop it, we want them to come forward with a package of land. We didn't want them to bring one or two lots forward to develop into commercial property, because it is not consistent with the plan. Options like this one where they have taken six lots and created something that would work for the large amount of people that live there that don't have a lot of options without driving too far. I support tabling it, so we can get some consistency. I hope we don't have to get into another year to two years worth of discussion and charrettees, because it costs money as well. We can take what we have learned and what we like, and leave what we don't." Councilwoman Martin commented, "I agree." Mayor Faiella suggested, "I would like some community input also." Councilwoman Martin remarked, "It will come forward at that time."

The City Clerk read Ordinance 14-33 aloud by title only. Councilman Bowen **moved** to table Ordinance 14-33. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for table of Ordinance 14-33. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 14-34**, AMENDING THE 2013-14 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2013-14 BUDGET AMENDMENT NO. 2. 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 14-34 aloud by title only. Councilman Bowen **moved** to approve Ordinance 14-34. Councilwoman Martin **seconded** the motion.

Councilwoman Berger said, "I'm not going to be supporting this because of one particular part. I have questions on other portions of it. If I could have the City Manager get back to me regarding the portion on the FTE count for the City Council Office being increased to 1.63. It is one of the programs that I don't agree with. Many things that are happening out of the City Manager's Office are amazing, but this is one that we just don't agree on. I think that there is an opportunity to solve a problem perhaps, and I appreciate the City Manager's Office looking into to trying to solve that problem. My personal feeling is that it is a problem that could be solved amongst the

Development Director, "Can you give us some direction? We have an issue with the 42 foot lots. How do we approach this?" The Assistant City Manager/Community Development Director stated, "This is one of those interesting cases where you have a PUD Amendment and it is not a black and white issue. Staff shared our concerns and the applicant has stated that they believe those concerns are mitigated by the design they've provided. Your recommendation needs to include any conditions that you believe would be appropriate. If you believe that what they've shared is sufficient, you can recommend approval. If you feel that conditions need be attached to guarantee a certain level of architecture, you can include that. If you're completely opposed to the concept, you have the right to recommend denial. It's an interesting situation. As far as the public's concerns go, the Board will make a recommendation. This will then go on to the City Council as an Ordinance. Ordinances require two readings before the City Council. The first reading is a standard one, and the second one is the Public Hearing. Mr. Finizio noted that there were other issues that needed to be addressed before this goes to the City Council." Vice Chair Ojito stated, "I think that Verano is a commercial venture and the developer is going to create something that is cohesive to the area he is developing in. My opinion is to approve with no conditions." Vice Chair Ojito **moved** to approve P14-032, Verano PUD 1 - PUD Amendment No. 8 & Concept Plan, with no conditions. Chair Kurek stated, "The only condition that was offered by staff was Ambros Way, which is already under construction, so it is not relevant whether we have it in there or not. If we approve it with no conditions, it means we're approving it as presented. It would include the 42 foot lots, which would be reviewed again by the Board and the Site Plan Review Committee." The Assistant City Manager/Community Development Director stated, "All plats that create more than two lots are required to be reviewed by the Site Plan Review Committee, then this Board will make a recommendation and ultimately the City Council has the right to approve." Chair Kurek stated, "So that issue could come up at a later date anyway." The Assistant City Manager/Community Development Director responded in the affirmative. Mr. Martin **seconded** the motion, which **passed unanimously** by roll call vote.

**E. P14-037 FLORIDA RECREATION & INVESTMENTS - COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Chair Kurek stated, "We have two Items that are concerning Becker Road and Darwin Boulevard. I would ask Mr. Holbrook to explain the status of this area of land." The Assistant City Manager/Community Development Director replied, "The topic of Becker Road has been before this Board and before the City

Council. It's been a topic at a number of Workshops and public charrettes over the past several decades. We're still having this discussion with City Council. They had a Workshop in April, and there were some concerns with this subject that were raised. A petition had been submitted to the City Council, so they recommended that we take up this topic, and try to get more public feedback before we make any additional proposals to the Council. Council discussed a four-mile stretch of undeveloped land between I-95 and the Turnpike. It's undeveloped on the north side and the south side, so the question is whether the land use and zoning be changed, because right now, it would essentially only accommodate single-family residential. It's very obvious that there is no market for it at this time. The current policy is low-density residential and single-family residential zoning on that entire corridor, except for a few intersections, which are primarily on Port St. Lucie Boulevard. We're in the midst of that conversation, and I'm sharing that with the Board to let you know that a policy has been established through the City's Comprehensive Plan, Land Development Regulations, and the Zoning Code. The next two applications are a request to change that policy. Council has had numerous discussions, and has yet to provide direct policy change, but they have asked for additional information. City staff is preparing an RFP, and we'll take this back to a future Council Workshop, hopefully, the one in June. We will confer with Council at that time to see if they wish to hire a consultant to assist us with this matter. Last month, the applicant for these two items requested that these applications be postponed, due to the conversations the City Council was going to have at the Workshop. We'll need to have Public Hearings on these applications, and I'd be happy to answer any questions."

Mr. Finizio stated, "P14-037 is a small scale Comprehensive Plan Amendment application. The owner of the property is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road. The approximate size of these lots are 1.57 acres, or 68,285 square feet. The existing zoning is RS-2 (Single-Family Residential), and the existing Land Use is RL (Low Density Residential). The requested land use designation is CG (General Commercial). The applicant is requesting to change the future land use of these six lots from RL (Low Density Residential) to CG (General Commercial), in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor. The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4

of the Future Land Use Element of the City's Comprehensive Plan states, 'Future growth, development, and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with sound planning principles including: the prevention of sprawl; energy efficiency; natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.' Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting this residential land use would not be consistent with sound planning principles, and could possibly adversely impact the character of the adjacent residential neighborhood."

Mr. Finizio continued, "Over the years, there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential, and incorporating more non-residential and multi-family uses, because the City was beginning to notice that Becker Road may be well suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted, or implemented. Except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on Becker Road, where everyone looked at the entire Becker Road corridor. Therefore, any changes made to the Becker Road land use and zoning designation should not be looked at by piecemeal, but as a collective whole. On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from the City Council, the Planning and Zoning staff made a brief presentation that discussed the current status of Becker Road and the major studies that were completed on Becker Road. It was agreed that the topic of Becker Road would be discussed further at a future City Council Workshop. This City Council Workshop took place on April 11, 2014. After a brief introduction, this presentation was pulled because it was felt that meeting with the stakeholders was appropriate prior to making any land use changes on Becker Road. Therefore, until there is a land use policy change for Becker Road, any Comprehensive Plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a Comprehensive Plan has been approved for the entire Becker Road area. The Future Land Use Map identifies this area as low density residential (RL), and converting these six lots to General Commercial could have a negative impact on the Darwin Boulevard and Becker Road intersection, not to mention the surrounding residential

neighborhoods. The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from the Planning and Zoning Board and the City Council on the future character of the Becker Road corridor. Additionally, with the existing 99,000 square-foot Veranda Falls Shopping Center, approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor, not just lot by lot, or site by site. Until the City Council makes a determination on how they would like the Becker Road corridor to grow, staff believes that any Comprehensive Plan approval for this area is premature. That being said, the Planning and Zoning Department staff finds the petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report. Also, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual Comprehensive Plan amendment approvals." Chair Kurek asked if there were any questions.

Ms. White asked, "Mr. Finizio, has there been an interest in commercial ventures along the Becker Road corridor?" Mr. Finizio responded, "There have been four commercial plans submitted in the past, but all of them have expired. There was a proposed CVS on the corner of Port St. Lucie Boulevard and Becker Road. There was a Commercial PUD on the northwest corner of Port St. Lucie Boulevard and Becker Road. There were also two minor Site Plans further to the east, but nothing has ever materialized." Ms. White asked the Assistant City Manager/Community Development Director, "Have the Planning and Zoning Board and the City Council ever come together for a Workshop?" The Assistant City Manager/Community Development Director responded in the affirmative and added, "This is a very appropriate topic for a Workshop. We know that there is interest in this topic, but we don't have a policy change. It is very beneficial for the City Council to hear the Board's opinions on Becker Road. We know what there could be under the current policy. There are approximately four houses in a four mile stretch, and everything else is vacant. I think many people love the green area, but there are property owners who could build houses up and down the entire length, if they chose to. I ask people if they'd want to live there, because a lot of times those properties become rental properties. There are a lot of things that should be considered when we look at changing a policy. At this point,

staff believes this to be premature. If the Board requests a meeting with the City Council, we can put that request forward." Vice Chair Ojito asked the Assistant City Manager/Community Development Director, "Does Planning and Zoning have an up to date vision of how Becker Road should look, based on the research over the years?" The Assistant City Manager/Community Development Director replied, "Planning and Zoning has a variety of studies and visions that have been processed, reviewed, and prepared by City staff or consultants. None of those have received a recommendation of approval. There are a variety of concepts, and they've been presented to the City Council, but none of them have had traction." Vice Chair Ojito stated, "You've submitted a document, which lists homeowners that approve rezoning Becker Road. Does this represent a consensus? How many homeowners are in agreement?" The Assistant City Manager/Community Development Director stated, "I can't give you numbers and statistics, but I'd say that the property owners up and down Becker Road favor change."

Mr. Martin stated, "I'm more familiar with the conversion areas in the City. Can you draw a correlation between what we hope to do with Becker Road versus what we have done with Bayshore Boulevard or Port St. Lucie Boulevard? I would suggest that the latter two are dysfunctional, from a planning perspective." The Assistant City Manager/Community Development Director responded, "City staff, the public, and the elected officials have seen the effects of conversion areas. There is concern that we don't want to duplicate that on Becker Road, or anywhere else in the City. A lot of the sites are too small, and there are conflicting uses when the sites abut residential areas. The question is, do we want change on Becker Road, and if so, what does it look like? There are repercussions sometimes either way, so we need to explore it further. We know what the conversion areas look like, and can learn lessons from them. We can change land uses among certain parcels, while leaving the ones next to them unchanged." Mr. Martin said, "Right now, in our conversion areas, you can build a commercial building on a minimum 20,000 square-foot lot. If we looked at that kind of policy, going forward, we could have many two to three lot conversion packages, which I feel is not in the best interest of the City." The Assistant City Manager/Community Development Director stated, "In the past, we've have presentations regarding lessons we've learned from conversion areas. We've learned that you need more land to adequately accommodate commercial development. Some people choose to build houses, as you can see, on Port St. Lucie Boulevard. There has been new construction in the past decade, even though they are in a conversion area. There are a lot of things that need to be discussed, and the public has a lot of

input on what they'd like to see." Mr. Martin asked, "If we're to help establish a policy, could that policy include minimum lot requirements and buffering? Some of these people who bought property on Becker Road did not expect to be living next to commercial developments. If we make recommendations to the City Council, can we address those types of things?" The Assistant City Manager/Community Development Director replied, "It could definitely be considered." Ms. White stated, "I think Mr. Martin is addressing the bigger issues. This Board should sit down with all the stakeholders and the City Council to develop a grand vision for Becker Road. I'd like to hear from the applicant." Mr. Finizio added, "Brad Currie is acting as the agent for this Item."

**BRAD CURRIE**, Red Tail Design Group stated, "I'm representing the EDC and Rod Kennedy for the two applications. There is a Comprehensive Plan Amendment to change the land use of the property, and a rezone application as well. We are asking for a Comprehensive Plan Amendment to change the land use from Residential Low to General Commercial, and a Rezoning application to go from RS-2 to CG. Rod Kennedy, and I, and the two property owners that are here today believe that the Becker Road corridor should begin to take on a more commercial character. It is a major roadway in the overall scheme of the City. I will present a few aerial pictures of the property in question." (**Clerk's Note**: Mr. Currie presented aerial views of the property.) Mr. Currie continued, "While there is residential land use and zoning surrounding the property, there are no actual structures abutting the subject property. Darwin Boulevard is a lit intersection. There are two lanes in either direction, and turning lanes at the major intersections. The reason we are here today is because of the past studies. The Assistant City Manager/Community Development Director mentioned that none of the studies were ever adopted by the Board. There are a total of five different studies, and it was discussed in February and April of this year. There has been a lot of discussion about Becker Road, but unfortunately, there hasn't been a lot of action as far as setting a policy. No direction has been given as to what the future will be for that area. The Assistant City Manager/Community Development Director mentioned an RFP to do another study, and I think it's interesting that we would spend time and money on a study when we've done five in the past, and haven't adopted anything. What we're proposing is six lots at a lit intersection. Six lots of land at a major lit intersection is a good commercial corner. Whatever happens in the future, I think this corner will be commercial in the future. I do not believe that moving forward with an application today is premature, because I believe this corner will be a

commercial corner in the future. I believe this is the only section along Becker Road where six lots are under one ownership, except for the intersection of Port St. Lucie Boulevard and Becker Road. There are five major lit intersections along Becker Road. I think that's important, because they are major intersections. Even though the land uses and zonings are residential, it is not a residential roadway. I think the roadway is the most significant change, which has changed the character of the area. Addressing the Southwest Annexation area, Becker Road is proposed to go from I-95 to Range Line Road, which is an existing road. There are supposed to be a total of four roadways that run north and south. One roadway is built now, Village Drive, and the remaining three will go to Gatlin. That will be the only other interchange that all of these residents will use. This area has been annexed into the City, and has received a Comprehensive Plan approval. We are only waiting for the zoning. Becker Road is the only roadway in the entire City that has interchanges on I-95 and the Florida Turnpike. If the future residents want to get to the Turnpike, they're going to take Becker Road. Becker Road from the Turnpike to the Southwest Annexation area will be seeing an increase of trips over time, and is not a street where you would want to build a house."

Mr. Currie continued, "There was a recent article in the paper that stated that Divosta was going to build 358 new homes east of Becker Road. These residents would have to take Becker Road to get to I-95. Becker Road was increased because the City saw that there would be a need to move people from the east part of the City to the west part, and vice versa. The proposed development would have an impact on the future of Becker Road. There was some previous discussion about Becker Road, Port St. Lucie Boulevard, and Bayshore Boulevard. Those are different, in the sense that there were a lot of residential homes before they began to transition. Becker Road is different because there aren't any residential homes; the Assistant City Manager/Community Development Director stated that there were only four homes. As far as General Commercial not being compatible with Residential Low Density, there are many times in the City where these two land uses abut each other. From my experience, it happens a lot. What we're requesting on this property is no different from what happens throughout the City. Mr. Finizio mentioned sprawl in his presentation. I'm a planner, and it is my opinion that having additional commercial along some of the stretch of Becker Road would reduce sprawl. I was speaking to someone who lives on Becker Road, and they mentioned that it would be nice if they didn't have to drive so far to go to a Dunkin Donuts, or a convenience store. Those local uses

close to their home would shorten drive times and reduce the amount of trips on the roadway. Again, Becker Road is the only road that has both and I-95 and a Turnpike interchange. It's a four-lane divided highway, and is not a residential-friendly road. The property we are proposing today has six lots. Regardless of the future, I believe this piece will be commercial. Why hold my client up because of another study? If you were telling me I could move forward after one study, that would be okay, but history says five studies have been done, and no action has been taken. My clients are seeing people come to them asking about commercial development on this property. They've lost several potential tenants because of the lack of not being able to use it for commercial. My client sent out 500 notices to people within a quarter of a mile. She got a 10% return back, which is about 50 people. The majority of those people were in support of the change to commercial. What are we telling the property owners on Becker Road? Are we telling them to develop it as residential? I hope not, because that's not the right move. Are we telling them to develop it as commercial? No, we've said we won't allow commercial. I'd like for you to put yourself in the position of a property owner on Becker Road. Let's say you want to do something with your property, and you're not getting any direction from the City. One such person will speak now."

**SHIRLEY CHEVIGNY** stated, "I'm one of the property owners. I've been here since 1978, so I've seen a lot of change. There were 11,000 people here when I moved here; there are 170,000 people here now. I was the first person to build an office building west of the Turnpike. I was the first person to build a gas station on Gatlin Boulevard. I'm now looking to do something with this property. This is very unique, in that it is an isolated piece of property. It is bordered on three sides with streets, and has a traffic light. No one is going to build a house on this property. We've waited since 2008 to have the City do something, and they've chosen to do nothing. I'm here asking you for General Commercial so that we can develop it." Chair Kurek opened the Public Hearing.

**LARRY BANNISTER** stated, "I live at 215 Liseron Way in St. Lucie West, but I also jointly own a piece of property at 211 Quick Street, which is adjacent to the area being discussed today. When they showed these properties, they numbered them one through six. I'm adjacent to number four. I have two grandchildren that live there, and they walk down Darwin Boulevard to get to the bus. There are no sidewalks. There have been a series of children walking to their bus stop and getting struck. Children who live less than two miles from a school are not eligible to ride on a bus. Other than the obvious problems, there is a bigger danger. The small area of

Becker Road, when you get off of I-95, is pretty, so leave it that way. There are plenty of commercial areas to be developed. Why would you take a residential neighborhood and start turning it into another commercial road for the benefit of a few investors? Previous Boards have voted down commercialization. I'd like to see this Board do the same, and keep this as a residential neighborhood."

**MICHAEL CONCHLIN** stated, "I live at 4671 S.W. Alpha Street, about five houses south of Becker Road. I moved here in 1977. I've also seen a lot of the construction that is going on, and one of the people who used to work for the City a long time ago said, 'If you do what you did, you get what you got.' That was something that stuck in the back of my mind ever since then. I learned a lot from listening and getting involved with the charrette that was held by the Treasure Coast Regional Council about five or six years ago. At that time, they had several hundred people who assisted in developing what could have been called a Master Plan for Becker Road. It was adopted, although Mayor Minsky didn't like the idea. To see this opened up again makes me wonder why the people voiced their opinion in the first place. There were supposed to be traffic circles, specifically at the intersection we're discussing, and one further to the east. None of that came to fruition, but we had hoped that at least it wouldn't become commercialized. We were prepared for it to become Light Commercial. The expectation was that it would be multiple floor units, with office buildings on the bottom and apartments on top. We were willing to have that, because people would be in a neighborhood with Light Commercial. To see someone trying to profit by changing this property into Heavy Commercial is exactly what we don't want."

**DIANE STROUD** stated, "I live at 332 S.W. South Quick Circle, which intersects with Becker Road, and is about a block from Darwin Boulevard. I just moved here from Illinois in November of 2012. I picked the area because of the serenity in the neighborhood, and because it wasn't surrounded by commercial property. The first Planning and Zoning meeting I ever attended was when this item came up on the agenda, and it was tabled at that time. I then went to the Workshop, and City Council tabled it, because Councilwoman Martin said she wanted to talk to the homeowners. When the study was done in 2008, there were a lot of people who didn't live there yet. I would hate to see it turn into Bayshore Boulevard. It would break up the serenity, which is the reason we like it there."

**OLIVER BROWN** stated, "I reside at 473 S.W. Kestor Drive. I'm in the proverbial eye of the storm. I'm directly across the street from the subject site. I relocated here six years ago from New York City, and I had a certain view of how I wanted to raise my young children. The environment of the community in which I made

a long term investment to buy a home is subject to change, and I am very concerned. I love the environment in the community. The first couple of years after I moved here, I spent some time in Ft. Lauderdale. A lot of the things I saw in Brooklyn is what I saw in south Florida, and I see it transitioning north to Port St. Lucie and the neighboring counties. I'm all for change and development, but the essence of family and community needs to hold true within our society, it is being breached here. Many of the concerns I have with this particular rezoning classification and possible commercial development would include lighting, rodent infestation, the increase in traffic, the quality of life, safety for our children and families, increased water usage, and property value ramifications. I'm not sure what kind of business they wish to put in place, but the hours of operation could influence the type of people who would be in the area at any given time of the night. Being a father, I wish to preserve a certain lifestyle for my children, and I don't want to see that taken away. You mentioned all the corridors in Port St. Lucie where this transition has taken place, specifically, Bayshore Boulevard and Port St. Lucie Boulevard. I do not want to see Becker Road turn into that, and I vehemently oppose this rezoning."

There being no further comments, Chair Kurek closed the Public Hearing. Mr. Currie said, "I don't have any direct response to the comments. They were fairly general comments about not wanting commercial development. As I was sitting here, I was thinking about how I own an office building on Port St. Lucie Boulevard. Port St. Lucie Boulevard is getting a lot of negative comments, but I love my office building. I back right up to neighbors, and I leave at 5 p.m. or 6 p.m. I also think of Prima Vista Boulevard from Airoso Boulevard to U.S. 1. It's a four-lane roadway, which is similar, with the exception of the divided median. I sit on the St. Lucie Code Enforcement Board, and that's the heaviest area of Code Enforcement for all of St. Lucie County, because they are winter-occupied houses. They can't sell them, because no one wants to live there, so they are typically rented out. When thinking about planning, I would consider Prima Vista Boulevard to follow the Do Nothing Plan. There are derelict houses there. I'd rather have my office building on Port St. Lucie Boulevard than one of the derelict houses on Prima Vista Boulevard. I don't know why the roundabouts weren't built. If we are approved, we will build sidewalks along our frontage, and there are existing sidewalks along Becker Road. Safety is very important to us."
Ms. White asked, "How many applications have come to the City from this owner?" Mr. Currie responded, "The applicant has submitted two applications, which are the ones before you today.

This is the only time they've ever submitted applications." Ms. White stated, "They've owned the property since 2008, but this is the first time they've come forward." Mr. Currie responded in the affirmative. Mr. Sanders asked, "Mr. Currie, have you considered submitting a PUD in lieu of General Commercial?" Mr. Currie replied, "I'm not as familiar with the Code as I should be. The majority of the more intensive uses, for example, gas stations or convenience stores, are Special Exception Uses. We won't be able to put a gas station up overnight, we'd have to come back before this Board and ask for a Special Exception. To be honest, I don't think it's a good spot for a gas station. I actually like neighborhood convenience stores. I like being able to go for a short drive to get my goods. Any of the aforementioned uses would have to come back before this Board." Chair Kurek stated, "We can approve this, deny it, or table it again. I truly sympathize with Mr. Currie and his client. The Council can't seem to figure out what they want to do with this. The last study was in 2008." The Assistant City Manager/Community Development Director stated, "That was a unique study that was used and funded by the FDOT to show a typical conversion in a pre-platted corridor." Chair Kurek stated, "The other studies were in 2006, and the economy has changed a lot since then, so we have to rethink what we're doing. This is a situation where we need to rethink what we want to do. I'm not sure that this Board is in a position to push it forward. I will not be voting in favor of this." Mr. Martin stated, "I've been on this Board for five years, and I try to be logical and ask a lot of questions. I would like to know what came first, was it a commercial zone next to residential, or was it residential that was converted? In this case, we have a 4.5 mile stretch that's going to be a key corridor. The applicant stressed how integral that four mile stretch will be going forward. I think we need to get this right. I don't want to see this conversion area turned into another Port St. Lucie Boulevard, Bayshore Boulevard, or Prima Vista Boulevard. I agree with Mr. Currie, I'm sure he likes his converted house, and that's appropriate. We're the ninth largest city in Florida. My vision for this is Heavy Commercial. You're going to see national brands on that road. I can imagine lifting the height standard to allow buildings taller than 35 feet. With that said, I think it needs to be handled delicately. These people bought property adjacent to a road that was strictly residential ten years ago. The public input is going to be contrary to what I believe, and my vision for that four mile stretch. In most cases, if you bought property next to a commercial zoned property, you should've done more due diligence. In this case, the people that bought adjacent to Becker Road bought what they thought was residential. In most cases, I have very little

sympathy for people who buy next to commercial, then say they don't want commercial use. In this case, it's going to be tough. I think we need to go back to the Land Development Regulations. We need to have minimum sizes, minimum depths, and change buffering. I think this is going to be a very significant General Commercial corridor throughout the City. We can't allow this one to take place, because it'll set a precedent, and then we'll have the same situation we have on Bayshore Boulevard, Port St. Lucie Boulevard, and Prima Vista Boulevard. I can't support making any changes to this corridor at this time."
Vice Chair Ojito stated, "I'd like to give the opposite opinion. This corridor can also be like the Crosstown Parkway, where there is no commercial. I wouldn't recommend approving this Item either, because it can be the opposite. I think that we should have a joint meeting with City Council to move this subject along and get more public input." Ms. White stated, "It's unfortunate that the property owner has owned the property since 2008, and has watched the property just sit there. The traffic light was put in, and I'm not sure why. It may have been because of the school. They have an opportunity to sell that property, and make it commercial, but I'm not sure if that's their intent. I said before that I would hold my personal comments, because I live in Southbend, which abuts to Becker Road. My neighborhood would also be affected by any commercial industry along Becker Road, because people may want to venture through Southbend to get to Becker Road. When they opened the Becker Road corridor to Southbend, I knew we were going to have additional traffic. The commercial aspects on Becker Road are not doing well. At this time, I can't see how any commercial can be successful. I will not be recommending approval. We need to look at the broader picture, and have a meeting with all of the stakeholders." Secretary Martin stated, "The application itself is reasonable. I share the thought that there will be commercial on this corridor in the future. I think it's important to take a comprehensive look at it overall, but I'm frustrated, because we tabled this Item to today's meeting in order to have dialogue with the City Council. I don't know if my one lone vote in favor of this will convey the importance of this topic to the City Council. I don't think it's fair to kick the can down the road to the applicant, nor the residents, who are in a state of flux. I'd like to see something definitive done, and if that's a vote in favor of this, that's what I'll do."

Chair Kurek stated, "I think I see a consensus here. Do we want to deny this Item or table it again?" Mr. Martin **moved** to deny P14-037. Vice Chair Ojito **seconded** the motion. The motion to deny passed by roll call vote, with Chair Kurek, Mr. Martin, Ms.

Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

Ms. White **moved** to request City staff organize a Workshop between the Planning and Zoning Board and the City Council to discuss the Becker Road corridor. Vice Chair Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

**F. P14-038 FLORIDA RECREATION & INVESTMENTS - REZONING**

Mr. Finizio stated, "This is a rezoning application, and is concurrent with the Comprehensive Plan Amendment. The existing zoning is Single Family residential, or RS-2, and the requested zoning is General Commercial. As noted in the Comprehensive Plan Application, staff believes the proposed zoning request is not compatible with the surrounding residential neighborhoods located immediately north, south, and west of the site. Having something as intense as general commercial abutting residential zoning would not be consistent with sound planning principles, and has the potential to adversely impact the character of the adjacent residential neighborhood. That being said, the Planning and Zoning Department staff finds the current petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report."

Chair Kurek opened the Public Hearing. There being no comments, Chair Kurek closed the Public Hearing. Ms. White **moved** to deny P14-038, Florida Recreation & Investments - Rezoning. Ms. Skurka **seconded** the motion. The motion to deny P14-038 passed by roll call vote, with Chair Kurek, Mr. Martin, Ms. Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

**G. P14-042 VINCENZO MARZELLA/ST. LUCIE CRICKET CLUB - SPECIAL EXCEPTION USE**

Ms. Kuruvilla stated, "This is a Special Exception Use application for the St. Lucie County Cricket Club. The applicant is Brad Currie, with Redtail Design Group. The owner is Vicenzo Marecella. The property is located on the east side of SW South Macedo Boulevard, between SW Lakehurst Drive and SW Swan Avenue. The legal description is Lots 16, 17, and 18, Block 74, Port St. Lucie Section 28. The approximate size is 0.69 acres. The existing zoning is WI, Warehouse Industrial, and the applicant is requesting a zoning to CS, Service Commercial. The Second Reading is at next week's Council Meeting on May 12th. The

ITEM 7(G) + 7(H)
P14-037 + P14-038

**John Finizio**

**From:** PTorick <ptorick@comcast.net>
**Sent:** Tuesday, September 06, 2016 7:25 AM
**To:** John Finizio
**Cc:** Shannon Martin
**Subject:** Rezoning of residential to commercial property Section 34, Block 2358, Lots 1-3 and 22-24

Mr. Finizio,

When I purchased my first home at 4652 SW Alpha Street, I made sure it was in a residential area. I moved from US Highway 1 to a calm area to get away from all the noise, crime & traffic that goes along with living by commercial properties. It's my understanding Section 34, Block 2358, Lots 1-3 and 22-24 are now under review to be zoned as commercial.

No one in our area wants this rezoning to commercial to take place. It's a disgusting practice the owners of this property purchased it as a residential property with plans to rezone it for commercial. We all moved here to get away from commercial areas. This is NOT their neighborhood. It is ours.

There will be commercial property up the road from me in two other areas. There is plenty of commercial property 2 miles both east & west of my home. Let them buy that property.

There are also dozens of empty commercial buildings in Port Saint Lucie. It doesn't make any sense to be constructing more commercial buildings when so many still sit empty. Hasn't the Planning & Zoning Department learned their lessons after the Digital Domain & Civic Center debacles?

Please, we are hard-working citizens in the area you want to rezone. We want the area around our homes to be residential. Keep it that way.

I am not able to attend the meeting today as I work. As do all the other people in the area you want to rezone. But I will be attending the meeting on September 26 where my voice will be heard.

Best regards,

Patricia Torick
4652 SW Alpha Street
Port Saint Lucie, FL 34953

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10D
Meeting Date: September 26, 2016
2nd Reading

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Ordinance: Public Hearing: Florida Recreation and Investments – Rezoning Application (P14-038) |
| Submittal Date: | 9/12/2016 16.70 |

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application (P14-037). The rezoning is being submitted so the property is compatible with the proposed General Commercial (CG) future land use.

This application was originally reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor can be considered. This public input was calculated as part of the neighborhood plan for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4 South on June 13, 2016.

Staff is also requesting the creation of the Becker Road Overlay Zone to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented.

**ANALYSIS:** See attached staff report

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton.

**NOTICE/ADVERTISING:** Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a) " ... shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

**BACKGROUND:** City Council considered this comprehensive plan amendment at its first reading on August 22, 2016, and directed it be to be sent back to the Planning and Zoning Board for their review, recommendation and direction.

**PLANNING AND ZONING BOARD**: The Planning and Zoning Board, unanimously recommended to approve this rezoning application on September 6, 2016.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on this application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located on the northwest corner of Darwin Boulevard and Becker Road.

**ATTACHMENTS:** Ordinance, staff report, and recommendation.

PT/JF



RECEIVED
SEP 16 2016
CITY MANAGER'S OFFICE

# ORDINANCE 16 - 70

**AN ORDINANCE TO REZONE 1.57 ACRES OF PROPERTY LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS FLORIDA RECREATION AND INVESTMENTS P14-038; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Florida Recreation and Investments Properties, LLC, seeks to rezone 1.57 acres of property located on the northwest corner of Darwin Boulevard and Becker Road and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to CG (General Commercial); and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on May 6, 2014 to consider the rezoning application (P14-038), notice of said hearing to adjoining property owners for a radius of seven-hundred and fifty (750) feet having been given and advertising of public hearing having been made; and

**WHEREAS**, the City Council held a public hearing on September 26, 2016 to consider the rezoning application (P14-038), advertising of the public hearing having been made; and

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS**:

Section 1: That the property described as Port St Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24, Port St. Lucie be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to CG (General Commercial).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

**ORDINANCE 16 - 70**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____ 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY:_____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY:_____
O. Reginald Osenton, City Attorney

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

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***TO:*** **PLANNING AND ZONING BOARD - MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **JOHN FINIZIO, PLANNER** JF

***RE:*** **FLORIDA RECREATION AND INVESTMENTS REZONING APPLICATION PROJECT NO. P14-038**

***DATE:*** **AUGUST 24, 2016**

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***PROPOSED USE:*** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application (P14-037). The rezoning is being submitted so the property is compatible with the proposed future land use.

This application was first reviewed at the City Council meeting of May 27, 2014, where it was tabled so public input on the entire Becker Road corridor could be considered. This public input was calculated as part of the neighborhood planning effort for Planning Area 4S. City Council approved the neighborhood plan for Planning Area 4S on June 13, 2016.

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Blvd. and Becker Rd.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** Vacant.

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | RL | RS-2 | Residential Lots - Vacant |
| S | RL | RS-2 | Residential Lots – Existing SF Home |
| E | RL | RS-2 | Residential Lots - Vacant |
| W | RL | RS-2 | Residential Lots - Vacant |

***REQUESTED ZONING:*** CG (General Commercial).

***FUTURE LAND USE:*** Currently the future land use for this property is RL (Low Density Residential), but a comprehensive plan amendment application has been submitted (P14-037) to change the future land use to CG (General Commercial).

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***IMPACTS AND FINDINGS:***

***Land Use Consistency:*** Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporating more non-residential and multi-family uses. It is important to note that none of these studies were ever approved, adopted or implemented.

On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were previously completed on Becker Road. Staff was seeking direction from City Council on how to proceed with development on the Becker Road corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin due to lack of stakeholder input. Shortly after this April workshop a solicitation request for a neighborhood planning RFP was approved for the Planning and Zoning Department. This RFP was for the creation of a neighborhood plan that would cover six (6) planning areas of the City.

At the conclusion of this RFP process, Tindale Oliver, a planning, design, and engineering organization, was contracted to complete neighborhood plans for six planning areas, which included planning areas 1, 3, 4N, 4S, 6, and 7. In addition to these basic neighborhood plans, the RFP also required Tindale Oliver to focus on the

Becker Road corridor, which was being rolled up into the neighborhood planning project and required to be completed with the neighborhood for planning area 4S.

There was quite a bit of public outreach involved in the overall planning process. This included citywide focus groups, public workshops, as well as a focus group specifically for the Becker Road property owners. Even though the subject of Becker Road was discussed at all the workshops for Planning Area 4S, the Becker Road Focus Group provided us with the clearest picture of what the shareholders want to see developed along the Becker Road corridor, and this information was included in the neighborhood plan for Planning area 4S.

The main topics that were discussed during the Becker Road Focus Group included:

1. Discussing lot requirements, such as sizes, depth and other setbacks,
2. Identifying potential commercial and mixed use areas along the corridor,
3. Discussing the appropriate building scale and orientation,
4. Possible neighborhood services for the area,
5. Importance of public parks and recreation centers,
6. Location and importance of gateway and entry signage.

All this information was assimilated and included in the Planning Area 4S Neighborhood Action Plan in Becker Road Overlay District.

The Planning Area 4S Neighborhood Action Plan was one of three neighborhood plans presented to City Council for their review at their June 13, 2016 meeting. After a short presentation from staff, and some discussion from council, there was a motion to approve these neighborhood plans. The motion was then passed unanimously.

Planning and Zoning Staff is preparing a corridor wide comprehensive plan amendment, which will help direct growth along the Becker Road corridor as identified in the neighborhood plan for Planning Area 4S. However, since this application was submitted, and subsequently tabled by City Council on May 27, 2014, it was determined to bring this rezoning application back to City Council prior to the corridor wide compressive plan amendment staff will be submitting in the future.

With the approval of the Becker Road Overlay District, it is clearly evident that the City is beginning to see the Becker Road corridor as something other than a residential corridor. Therefore, rezoning this property from RS-2 (Single Family Residential) to CG (General Commercial) is not expected to have an adverse impact on the surrounding neighborhood. The rezoning of this property is consistent with the direction and policies of the City's Comprehensive Plan. In particular objective 1.1.4 which states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural limitations; the goals, objectives, and policies contained within this Comprehensive

Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities."

The applicant also submitted a small scale comprehensive plan amendment to be reviewed concurrently with this rezoning application (P14-037, Florida Recreation and Investments Small Scale Comprehensive Plan Application). This comprehensive plan amendment is to change the land use from RL (Low Density Residential) to CG (General Commercial).

Please note: Staff is recommending the creation of the Becker Road Overlay District to help ensure that the community's vision for the Becker Road corridor, as outlined in the approved neighborhood plan, be implemented. This overlay district should also be included in the Land Use Element of the City's Comprehensive Plan to highlight this area as being unique and requiring additional design requirements as outlined in the approved neighborhood plan.

***Compliance With Conversion Area Requirements*:** Currently this area is not located in any conversion area. If the rezoning receives approval we are recommending that the properties be combined together through a unity of title.

The Planning Area 4 South Neighborhood Action Plan that was recently approved by City Council, is recommending that an overlay district be created for the Becker Road corridor, staff is currently working on a large scale comprehensive plan amendment, as well as an overlay district for this area as outlined in the Becker Road Overlay District.

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development. A developer's agreement with the City Utilities Department, that is consistent with the adopted levels of service, is required prior to the issuance of building permits.

***Environmental:*** As identified above, the applicant has submitted a comprehensive plan amendment to be reviewed concurrently with this rezoning application. Submitted with the comprehensive plan amendment was an environmental assessment for these sites. As identified in this Environmental Assessment, the site shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits. The report also states that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identify each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Schools:*** Not applicable as this is for a commercial project.

***Other:*** As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

As recommended by the Planning Area 4 South Neighborhood Action Plan, City staff is working on creating an overlay district for the Becker Road area, until this overlay district has been approved, staff is recommending that no site plan for this property be submitted for review.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abuts residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Since this property abuts residential property to the north, east, and west, rezoning to General Commercial would require the buffer strip and the architectural wall, as defined in §153.04 (G) (1) (b), along the southern property line.

Currently these six lots have not been unified. A request to unify these properties was submitted to the City's Legal Department on March 19, 2014 to prepare and record a unity of title for these lots. This unity of title will need to be approved prior to the application being reviewed by City Council.

In an effort to ensure that development proceeds as outlined in the approved neighborhood action plan for Planning Area 4S, staff is requesting the approval of the Becker Road Overlay District prior to the issuance of any site plan approvals.

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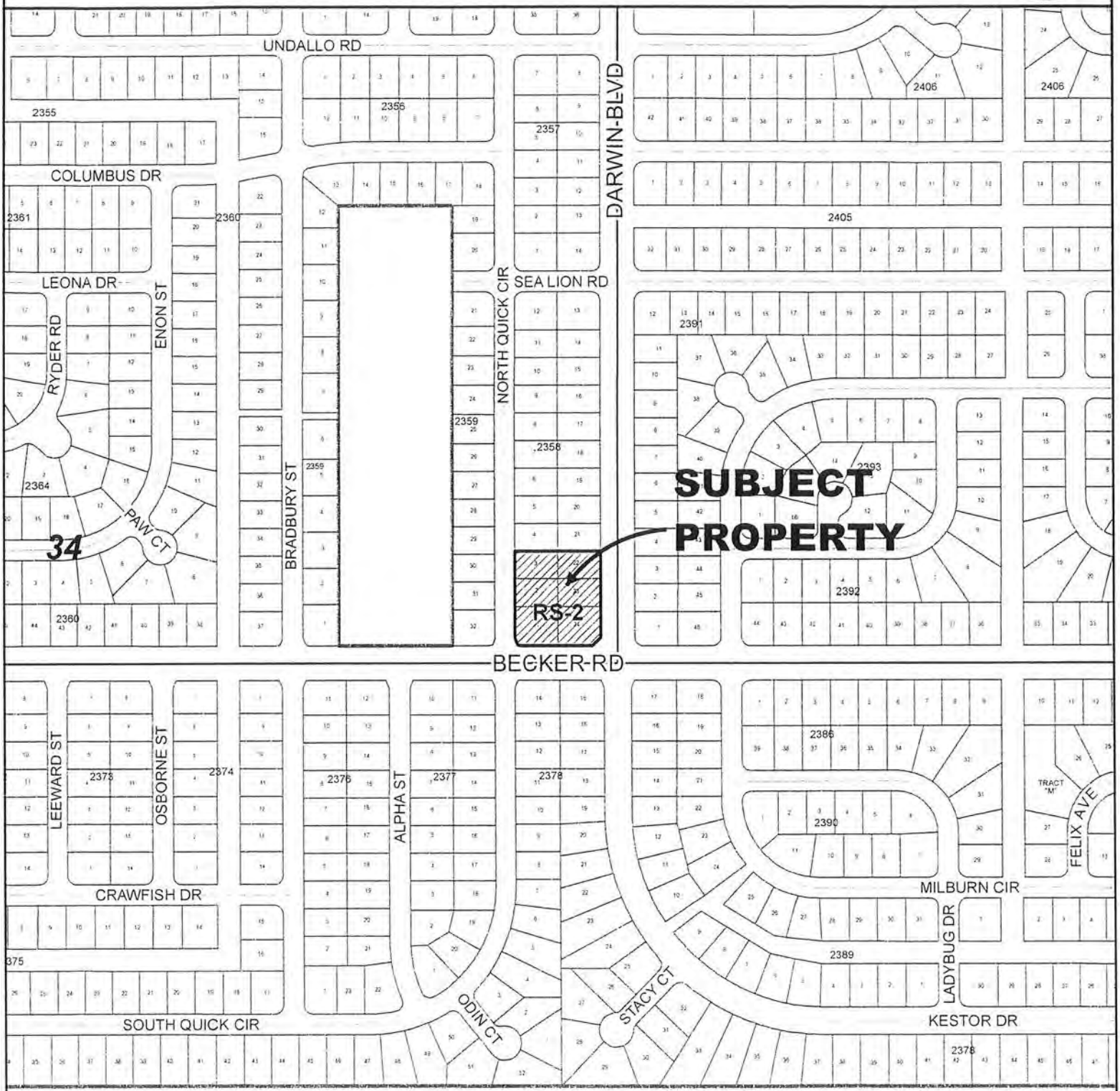
***STAFF RECOMMENDATION:***

With the subsequent approval of the Planning Area 4 South Neighborhood Action Plan by City Council, The Planning and Zoning Department staff finds the petition to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

The following exhibits are added in the following order to provide additional information on this rezoning application:

A- Original Staff Report
B- Minutes from the May 27, 2014 City Council meeting
C- Minutes from the May 6, 2014 Planning and Zoning Board meeting
D- Correspondences from residents

# SITE LOCATION




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

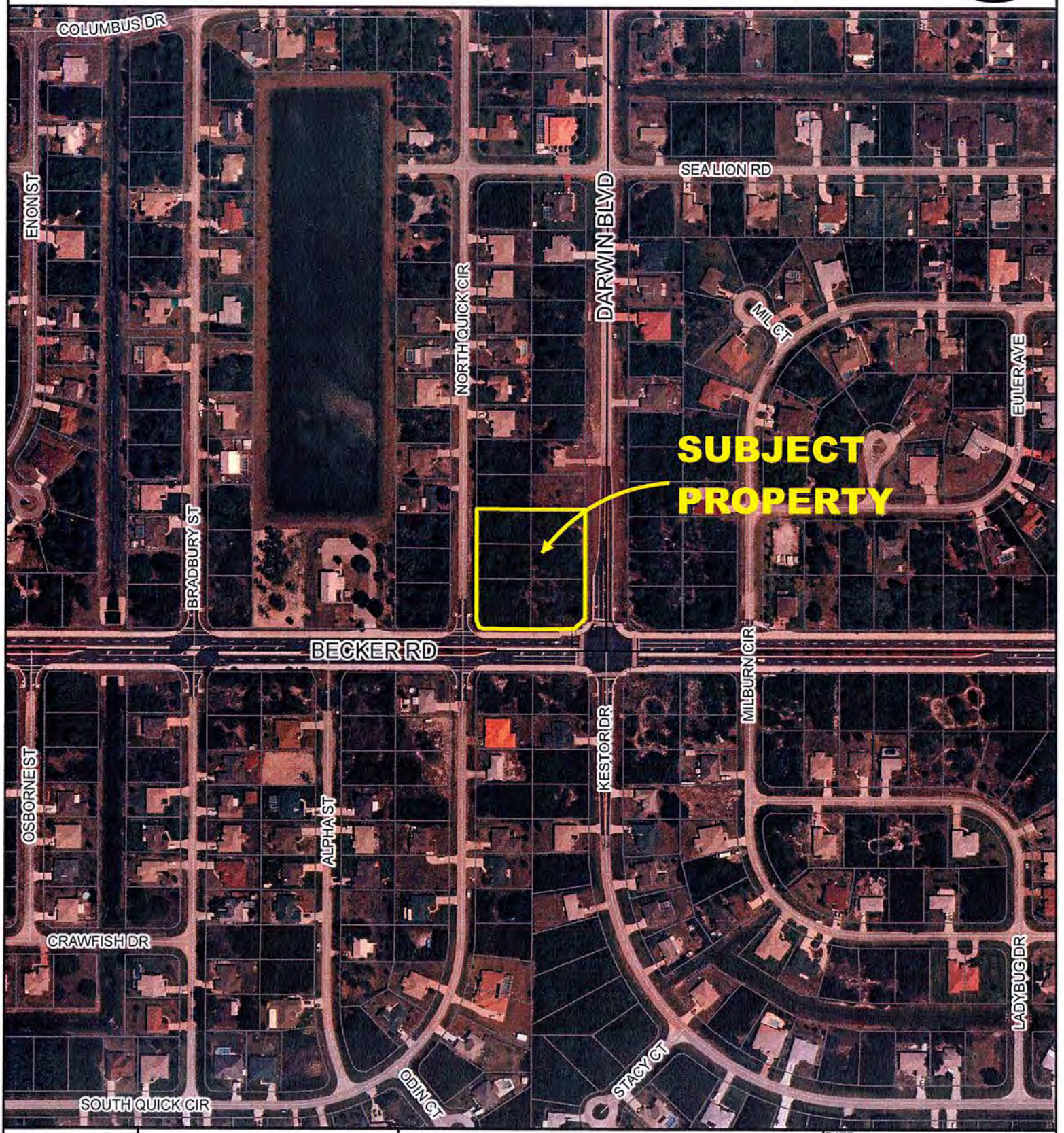
REZONE

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/10/2014 |
| APPLICATION NUMBER: | P14-038 |
| USER: | PatriciaS |
| SCALE: | |

# SITE LOCATION

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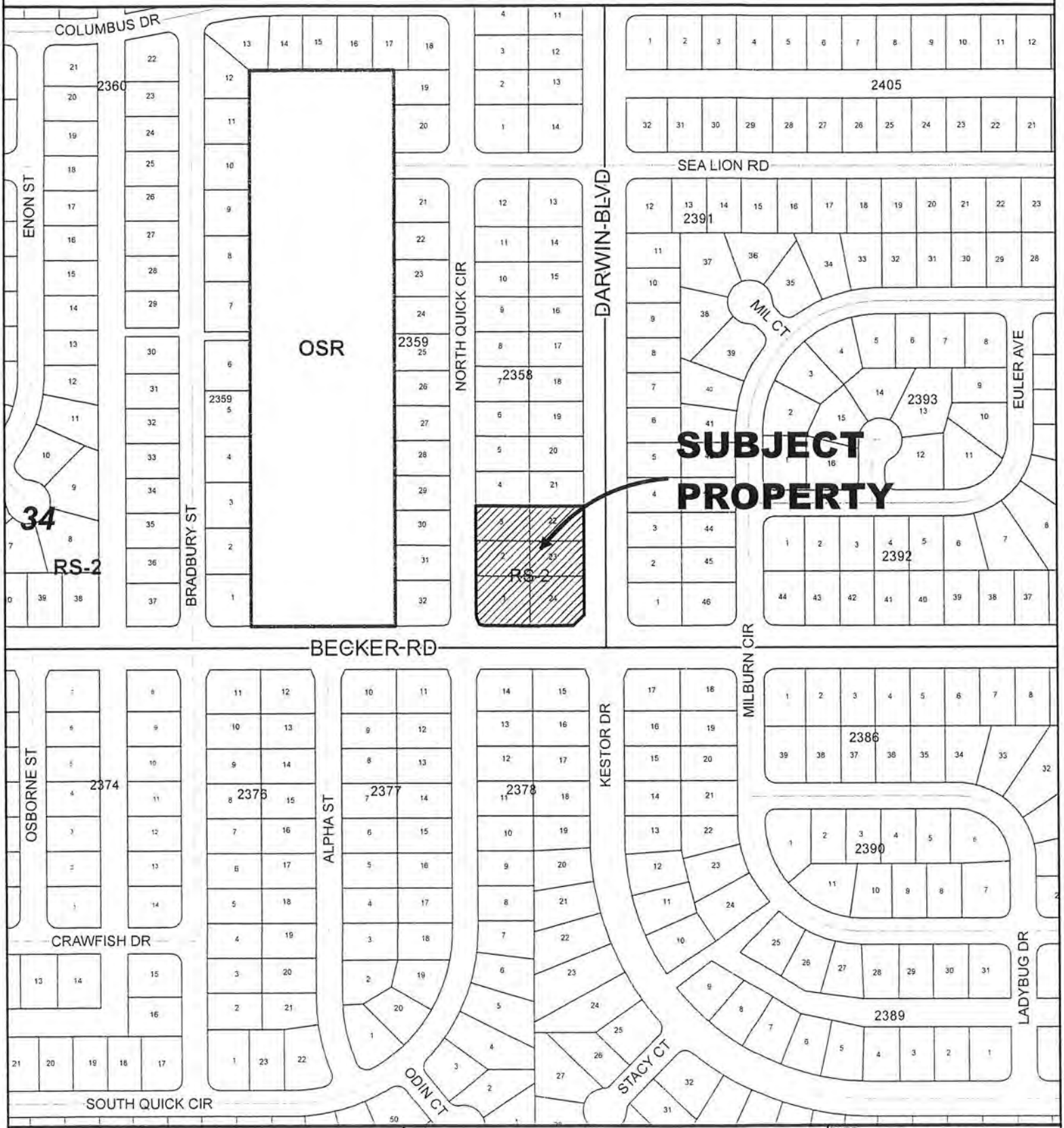
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | REZONE<br>FLORIDA RECREATION AND INVESTMENTS<br>SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24<br>AERIAL DATE 4/2012 | DATE: 3/10/2014<br>APPLICATION NUMBER: P14-038<br>USER: PatriciaS<br>SCALE: 1 in = 300 ft | |

# EXISTING ZONING




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

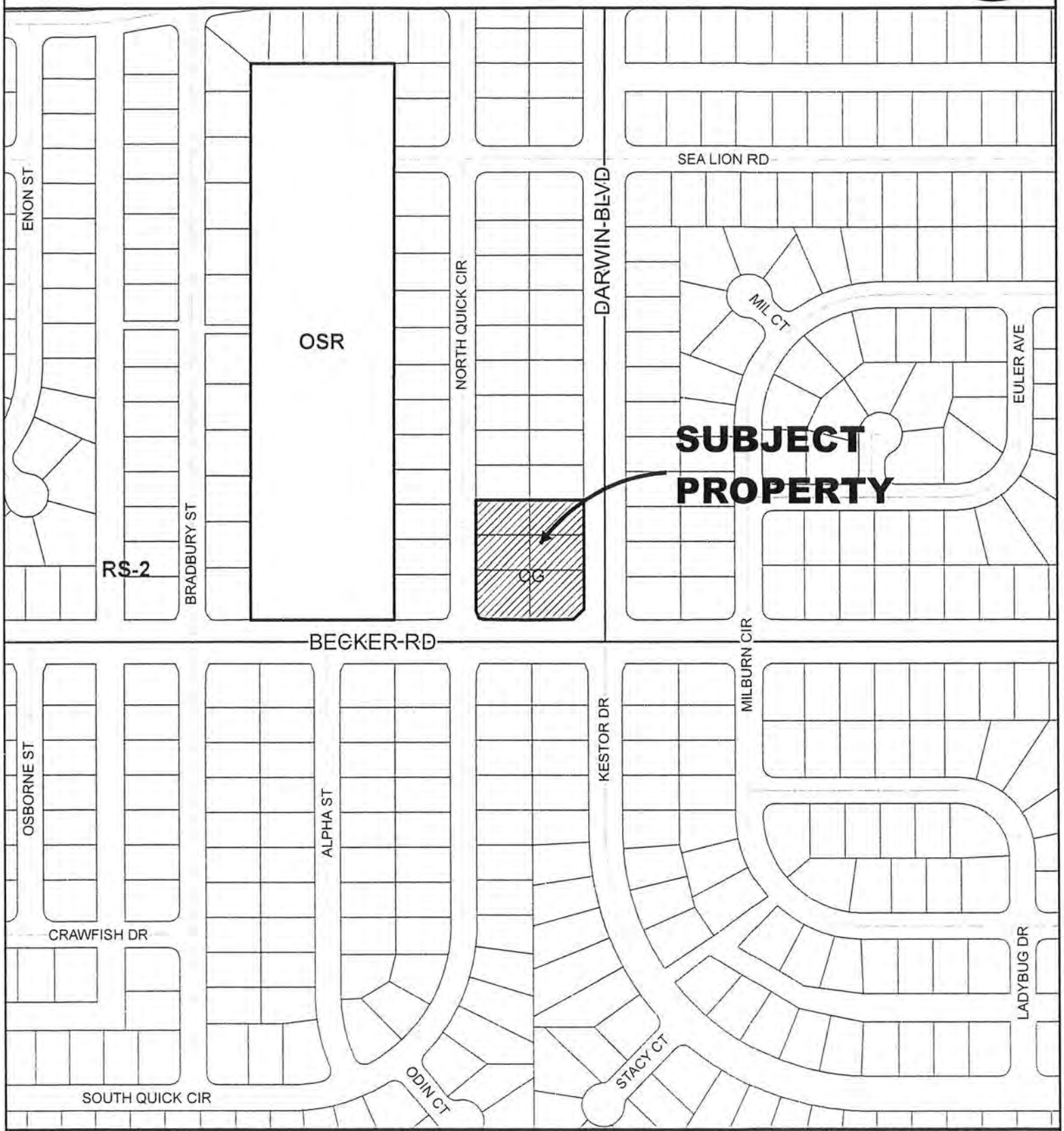
REZONE

FLORIDA RECREATION AND INVESTMENTS

SECTION 34 BLOCK 2358 LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/10/2014 |
| APPLICATION NUMBER: | P14-038 |
| USER: | PatriciaS |
| SCALE: | |

# PROPOSED ZONING




CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONE

FLORIDA RECREATION AND INVESTMENTS

SECTION 34, BLOCK 2358, LOTS 1-3 & 22-24

| | |
|---|---|
| DATE: | 3/20/2014 |
| APPLICATION NUMBER: | P14-038 |
| USER: | PatriciaS |
| SCALE | |

# REZONING APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984
(772) 871-5212 FAX:(772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept. P14-038
Fee (Nonrefundable)$ 2,172.80
Receipt # 1019

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. **All** items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

**PRIMARY CONTACT EMAIL ADDRESS:** rodkennedy@edc-inc.com

**PROPERTY OWNER:**

Name: Florida Recreation and Investments

Address: 2278 Olympic Club Ter, Palm City, Florida 34990

Telephone No.: 772-873-3232 FAX No.: 772-871-9095

**AGENT OF OWNER** (if any)

Name: Rod Kennedy, Engineering Design & Construction

Address: 1934 Tucker Court, Fort Pierce, Florida 34950

Telephone No.: 772-462-2455 FAX No: 772-462-2454

**PROPERTY INFORMATION**

Legal Description: (Include Plat Book and Page) Port St. Lucie, Section 34, Blk 2358 Lots 1 -3 and 22-24,

RECEIVED
FEB 28 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Parcel I.D. Number: 3420-665-0808-000-6

Current Zoning: RS-2 (Single Family Residential)

Proposed Zoning: CG (Commercial General)

Future Land Use Designation: Propsoed CG Acreage of Property: 1.57

Reason for Rezoning Request:

The applicant is seeking concurrent review of this rezone application along with a proposed CPA (Comprehensive Plan Amendment) application. This request is being filed so that the subject property is compatible with the proposed Future Land Use designation.

*Signature of Owner

FLORIDA RECREATION & INV. PROP LLC
By ALFRED WETZEL MANAGING MEMBER
Hand Print Name

2-27-2014
Date

***If signature is not that of the owner, a letter of authorization from the owner is needed.**

**NOTE**: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

**Florida Recreation & Investment Properties, LLC**
**2278 Olympic Club Terrace**
**Palm City, Florida 349990**

## AGENT CONSENT FORM

---

Project Name: Becker & Darwin CPA & Rezone

BEFORE ME THIS DAY PERSONALLY APPEARED ALFRED WETZEL, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

> I hereby give CONSENT to Engineering Design & Construction, Inc./Roderick J. Kennedy, P.E. to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to, Northwest Corner of Becker and Darwin Comprehensive Plan Amendment (CPA) and Rezone Applicaiton, for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 26th day of February, 2014, by Alfred Wetzel (Name of Person Acknowledging) who is personally known to me or who has produced FDL W324016404030 (Type of identification) as identification and who did (did not) take an oath.

Jaana D. Jennings
(Signature of Person Taking Acknowledgement)

JAANA D. JENNINGS
(Name of Acknowledger Typed, Printed or Stamped)

Notary Public
(Title or Rank)

County: St. Lucie
(Serial Number, if any)

Notary Public State of Florida
Jaana D Jennings
My Commission EE 857042
Expires 12/09/2016

(Notary's Seal)

Owner's Signature

ALFRED WETZEL
Owner's Name (Print)

2600 S. KANNER HWY Y-1
Street Address

STUART FL 34994
City, State, Zip Code

(772) 240 4669
Telephone

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3223739 OR BOOK 2 7 PAGE 2247, Recorded 06/23/20 at 04:34 PM
Doc Tax: $206.50

**Courthouse Box SLW #39**

**Prepared By and Return To:**

Diane L. Ally
Fast Title, Inc.
698 S.W. Port St. Lucie Boulevard, Ste. 104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0807-000/9

**File No.** 20082025

COPY

# SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED dated this 10th day of June, 2008, by RYAN ANDREW, A SINGLE MAN INDIVIDUALLY AND AS TRUSTEE whose post office address is 4521 PGA Boulevard #201, Palm Beach Gardens, Fl 33418 hereinafter called the grantor, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY whose post office address is: 2278 Olympic Club Terrace, Palm City, Florida 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged and conveyed to the said grantee, and grantee's heirs, executors, administrators and assigns forever, the following described land, situate, lying and being in ST. LUCIE County Florida, to-wit:

LOT 22, BLOCK 2358, OF PORT ST. LUCIE SECTION THIRTY-FOUR, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AN FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.

And Grantor covenants with Grantee that except as noted, at time of the delivery of this deed:

1. The premises is free from all encumbrances made by Grantor, except as follows: (NONE)

2. Grantor will warrant and defend against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

COPY

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

RYAN ANDREW- INDIVIDUALLY

Witness Print Name

Witness Signature

RYAN ANDREW-TRUSTEE

Witness Print Name

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared RYAN ANDREW who is/are personally known to me or ___who produced his/her/their _____ as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10th day of June, 2008.

Notary Signature

Notary Print Name

My Commission Expires: 4/30/11

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3197670 OR BOOK 2 1 PAGE 2744, Recorded 04/23/20( at 11:51 AM
Doc Tax: $1400.00

Courthouse Box SLW #39

**Prepared By and Return To:**
Diane Ally
Fast Title Inc.
698 SW Port St. Lucie Blvd., #104
Port St. Lucie, FL 34953

**Property Appraiser's Parcel I.D. (folio) Number(s)**

3420-665-0786-000/5
3420-665-0787-000/2
3420-665-0788-000/9
3420-665-0808-000/6
3420-665-0809-000/3

**File No.** FT20081998

# WARRANTY DEED

THIS WARRANTY DEED dated this 10th day of April, 2008, by SHIRLEY CHERVENY, CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, DANA BROWN, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, ED SEIDNER, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY AND MICHAEL O'JEA, INDIVIDUALLY AND AS MEMBER OF THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY hereinafter called the grantors, to FLORIDA RECREATION & INVESTMENT PROPERTIES, LLC, A LIMITED LIABILITY COMPANY, whose post office address is 2278 OLYMPIC CLUB TERRACE, PALM CITY, FLORIDA 34990 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

WITNESSETH: That the grantor, for and in consideration of the sum of $10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in ST. LUCIE County, Florida, viz:

**LOTS 1, 2, 3, 23, AND 24, BLOCK 2358, OF PORT ST. LUCIE, SECTION 34, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR ST. LUCIE COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 15, PAGE 9.**

**The above described property is not nor has it ever been the homestead of the Grantors. Subject property is vacant land.**

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

DIANE L. ALLY
Witness Print Name

Witness Signature

Michelle S. Dias
Witness Print Name

SHIRLEY CHERVENY

State of FLORIDA

County of ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared SHIRLEY CHERVENY, who is personally known to me or who produced a DLY and License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 15th day of April, 2008.

DIANE L. ALLY
MY COMMISSION EXPIRES
April 30, 2011
DD 638189
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC
STATE OF FLORIDA

Notary Signature

DIANE L. ALLY
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 04/30/11

COPY

WARRANTY DEED
(Continued)

COPY

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

David Passaty
Witness Signature

David Passaty
Witness Print Name

Delfin Payret
Witness Signature

Delfin Payret
Witness Print Name

Michael O'Jea
MICHAEL O'JEA-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

Michael O'Jea
MICHAEL O'JEA-MANAGING MEMBER

State of Texas
County of Walker

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared MICHAEL O'JEA both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced Florida Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 14 day of April, 2008.

MARY DUNSEITH
MY COMMISSION EXPIRES
November 8, 2011

Notary Signature

Mary Dunseith
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 11-8-11

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Witness Print Name

Witness Signature

Witness Print Name

ED SEIDNER-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

ED SEIDNER-MANAGING MEMBER

State of FLORIDA

County of BROWARD

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared ED SEIDNER both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced DRIVER License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 11 day of April, 2008.

JYOTI V. PATEL
Notary Public - State of Florida
My Commission Expires Jun 16, 2010
Commission # DD 559479
Bonded By National Notary Assn.

Notary Signature

JYOTI V. PATEL

Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6/16/2010

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Danielle Farmer
Witness Signature

Danielle Farmer
Witness Print Name

Witness Signature

BURIM GURKAJ
Witness Print Name

DANA BROWN-INDIVIDUALLY

THREE AMIGOS, LLC
A/K/A 3 AMIGO'S LLC, A FLORIDA
LIMITED LIABILITY COMPANY

DANA BROWN-MANAGING MEMBER

State of Florida

County of Indian River

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared DANA BROWN both individually and as Managing Member of THREE AMIGOS, LLC, A/K/A 3 AMIGO'S LLC, A FLORIDA LIMITED LIABILITY COMPANY, who is personally known to me or who produced FL Driver License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 11 day of April, 2008.

NOTARY PUBLIC STATE OF FLORIDA
JOYCE FIGAROLA
NOTARY PUBLIC, STATE OF FLORIDA
MY COMM. EXP. AUGUST 14, 2011
COMMISSION DD 701080

Notary Signature

Joyce Figarola
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 8-14-11

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness Signature

Annette Mallin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

R & L FLANZBAUM,
A/K/A RICHARD FLANZBAUM AND
LOUISE FLANZBAUM

RICHARD FLANZBAUM

LOUSIE FLANZBAUM

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared R & L FLANZBAUM, A/K/A RICHARD FLANZBAUM AND LOUISE FLANZBAUM, who is personally known to me or who produced Florida Dr. Lic. as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

(SEAL OR STAMP)
My Commission Expires:

COPY

WARRANTY DEED
(Continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

CREATIVE REALTY MANAGEMENT, INC.
A FLORIDA CORPORATION

Witness Signature

Annette Mullin
Witness Print Name

Cheryl Niemann
Witness Signature

Cheryl Niemann
Witness Print Name

LOUISE PINE, PRESIDENT

State of Florida

County of St. Lucie

I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgement, personally appeared LOUISE PINE, THE PRESIDENT OF CREATIVE REALTY MANAGEMENT, INC., A FLORIDA CORPORATION, who is personally known to me or who produced FL Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 10 day of April, 2008.

CHERYL NIEMANN
MY COMMISSION EXPIRES
June 15, 2008
#DD 329445
Bonded thru
Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Cheryl Niemann
Notary Signature

Cheryl Niemann
Notary Print Name

(SEAL OR STAMP)
My Commission Expires: 6-15-08

# Detail by Entity Name

**Florida Limited Liability Company**

FLORIDA RECREATION & INVESTMENT PROPERITIES, LLC

**Filing Information**

| | |
|---|---|
| **Document Number** | L04000049924 |
| **FEI/EIN Number** | 861112163 |
| **Date Filed** | 07/06/2004 |
| **State** | FL |
| **Status** | ACTIVE |

**Principal Address**

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

**Mailing Address**

2278 OLYMPIC CLUB TERRACE
PALM CITY, FL 34990

**Registered Agent Name & Address**

ALFRED, WETZEL R
2600 S. KANNER HIGHWAY
APT. Y-1
STUART, FL 34994

Address Changed: 01/07/2006

**Authorized Person(s) Detail**

**Name & Address**

Title MGR

WETZEL, ALFRED R
2600 KANNER HIGHWAY APT Y-1
STUART, FL 34994

Title MGR

CHERVENY, SHIRLEY
2278 OLYMPIC CLUB TERRACE

Copyright © and Privacy Policies
State of Florida, Department of State

## Annual Reports

| Report Year | Filed Date |
|---|---|
| 2012 | 01/16/2012 |
| 2013 | 01/08/2013 |
| 2014 | 01/08/2014 |

## Document Images

| | |
|---|---|
| 01/08/2014 -- ANNUAL REPORT | View image in PDF format |
| 01/08/2013 -- ANNUAL REPORT | View image in PDF format |
| 01/16/2012 -- ANNUAL REPORT | View image in PDF format |
| 02/15/2011 -- ANNUAL REPORT | View image in PDF format |
| 01/06/2010 -- ANNUAL REPORT | View image in PDF format |
| 01/20/2009 -- ANNUAL REPORT | View image in PDF format |
| 01/09/2008 -- ANNUAL REPORT | View image in PDF format |
| 01/13/2007 -- ANNUAL REPORT | View image in PDF format |
| 01/07/2006 -- ANNUAL REPORT | View image in PDF format |
| 01/18/2005 -- ANNUAL REPORT | View image in PDF format |
| 07/06/2004 -- Florida Limited Liability | View image in PDF format |

Exhibit A

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

---

***TO:*** **PLANNING AND ZONING BOARD - MEETING OF MAY 6, 2014**

***FROM:*** **JOHN FINIZIO, PLANNER**

***RE:*** **REZONING APPLICATION**
**PROJECT NO. P14-038**
**FLORIDA RECREATION AND INVESTMENTS**

***DATE:*** **APRIL 21, 2014**

---

***APPLICANT:*** Rod Kennedy, Engineering Design & Construction. The authorization letter is attached to the staff report.

***OWNER:*** Florida Recreation and Investments Properties, LLC.

***LOCATION:*** The property is located on the northwest corner of Darwin Blvd. and Becker Rd.

***LEGAL DESCRIPTION:*** Port St. Lucie Section 34, Block 2358, Lots 1 through 3, and 22 through 24.

***SIZE:*** 1.57 acres, or 68,285 square feet.

***EXISTING ZONING:*** RS-2 (Single Family Residential).

***EXISTING USE:*** This property is currently vacant.

***SURROUNDING USES:*** North = RS-2 (Single Family Residential) zoning, currently vacant. South = Becker Road, beyond is RS-2 (Single Family Residential) zoning, currently vacant. East = Darwin Blvd., beyond is RS-2 (Single Family Residential) zoning, currently vacant. West = RS-2 (Single Family Residential) zoning, currently vacant.

***REQUESTED ZONING:*** CG (General Commercial).

# Exhibit A

***FUTURE LAND USE:*** Currently the future land use for this property is RL (Low Density Residential), but a comprehensive plan amendment application has been submitted (P14-037) to change the future land use to CG (General Commercial).

***PROPOSED USE:*** The applicant is seeking concurrent review of this rezoning application along with a proposed comprehensive plan amendment application. The rezoning is being submitted so the property is compatible with the proposed future land use.

---

***IMPACTS AND FINDINGS:***

***Land Use Consistency:*** As noted in the comprehensive plan application, the proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4 of the Future Land Use Element of the City's Comprehensive Plan states, "Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with: sound planning principles including the prevention of sprawl; energy efficiency, natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities." Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting residential land use would not be consistent with sound planning principles and has the potential to adversely impact the character of the adjacent residential neighborhood.

Over the years there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential and incorporate more non-residential and multi-family uses, because the City was beginning to notice that the Becker Road corridor may well be suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted or implemented, and except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on the Becker Road corridor, and every one looked at the entire Becker Road corridor. Therefore any changes made to the Becker Road land use and zoning designation should not be looked at being done piecemeal, but as a collective whole.

On February 20, 2014 the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from City Council, the Planning and Zoning Department staff made a brief presentation that discussed the current status of the Becker Road corridor and the major studies that were completed on Becker Road. Staff was seeking direction from City Council where to proceed with the Becker Road. corridor. It was agreed that the topic of Becker Road will be discussed further at a future City Council workshop.

# Exhibit A

The subject of Becker Road was again brought up at the City Council workshop on April 11, 2014. After a brief introduction, this presentation was pulled by Councilwoman Martin because she felt that meeting with the stakeholders is appropriate prior to making any land use changes along the Becker Road corridor. Therefore, until there is a land use policy change for Becker Road, any comprehensive plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a comprehensive plan has been approved for the Becker Road area.

The future land use map identifies this area as low density residential (RL); in fact most of the Becker Road Corridor has this future land use designation, and converting these six (6) lots to General Commercial could have a negative impact on the Darwin Boulevard/Becker Road intersection and the surrounding residential neighborhoods.

Along with this rezoning application, the applicant also submitted a small scale comprehensive plan amendment to be reviewed concurrently with this rezoning application (P14-037, Florida Recreation and Investments Small Scale Comprehensive Plan Application). In this application, the applicant has indicated that the future of Becker Road is more commercial in character. Therefore, the Planning and Zoning Staff has identified that we are seeking guidance from The Planning and Zoning Board and City Council on the future character of the Becker Road corridor. Also, with the existing 99,000 square foot Veranda Falls shopping center approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor not just go lot by lot, or site by site. Until City Council makes a determination on how they would like the Becker Road corridor to mature, staff believes that any comprehensive plan or rezoning approvals for this area are premature.

***Compliance With Conversion Area Requirements*:** Currently this area is not located in any conversion area. If the rezoning receives approval we are recommending that the properties be combined together through a unity of title.

***Sewer/Water Service:*** The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development. A developer's agreement with the City Utilities Department, that is consistent with the adopted levels of service, is required prior to the issuance of building permits.

***Environmental:*** As identified above, the applicant has submitted a comprehensive plan amendment to be reviewed concurrently with this rezoning application. Submitted with the comprehensive plan amendment was an environmental assessment for these sites. As identified in this Environmental Assessment, the site shows signs of past disturbances with non-natural topography such as fill piles, concrete rubble, and small borrow pits. The report also states that the entire site is devoid of native wetland or upland habitat. The site does contain some native trees, shrubs and ground cover plant species, but coverage is minimum and scattered.

# Exhibit A

The site is less than two (2) acres and therefore is not required to subscribe to the City's upland mitigation requirements. However, the site is still required to adhere to the City's Tree Protection requirement, and therefore the applicant is required to protect, or mitigate for any tree with a 12 inch dbh (diameter breast height) or greater. A tree survey is required to show the location of all trees on the site and identify each tree's dbh.

It is also important to note that the Environmental Assessment has identified the potential presence of gopher tortoises on site. Prior to any development plans, a gopher tortoise survey covering the entire site must be completed and submitted for review.

***Schools:*** Not applicable as this is for a commercial project.

***Other:*** As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abuts residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Since this property abuts residential property to the north, east, and west, rezoning to General Commercial would require the buffer strip and the architectural wall, as defined in §153.04 (G) (1) (b), along the southern property line.

Currently these six lots have not been unified. A request to unify these properties was submitted to the City's Legal Department on March 19, 2014 to prepare and record a unity of title for these lots. This unity of title will need to be approved prior to the application being reviewed by City Council.

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# Exhibit A

***STAFF RECOMMENDATION:***

The Planning and Zoning Department staff finds the request to be inconsistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends denial.

Additionally, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual comprehensive plan amendment and/or rezoning approvals.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

65.02, COUNCIL FINDINGS; SECTION 65.03, DEFINITIONS; AMENDING SECTION 65.04, APPLICABILITY OF CHAPTER; AMENDING SECTION 65.05, AUTHORIZATION OF CITY MANAGER; AMENDING SECTION 65.06, WATER USE RESTRICTIONS; AMENDING SECTION 65.07, PENALTIES; ENFORCEMENT; AMENDING SECTION 65.08, GENERAL PROVISIONS; AMENDING SECTION 65.09, CONTROL OF BACKFLOW AND CROSS CONNECTIONS; AMENDING SECTION 65.10, INTERPRETATION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-30 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 14-30. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-30. The **motion passed unanimously** by roll call vote.

**f) ORDINANCE 14-31,** AMENDING CHAPTER 53, WELLFIELD PROTECTION; CREATING CHAPTER 67, WELLFIELD PROTECTION; PROVIDING AN EFFECTIVE DATE.

The City Clerk read Ordinance 14-31 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilman Bowen **moved** to approve Ordinance 14-31. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-31. The **motion passed unanimously** by roll call vote.

9. **OTHER PUBLIC HEARINGS**

There was nothing scheduled under this item.

10. **FIRST READING OF ORDINANCES**

**a) ORDINANCE 14-32,** AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND PORT ST. LUCIE LITTLE LEAGUE, INC.

The City Clerk read Ordinance 14-32 aloud by title only. Councilwoman Martin **moved** to approve Ordinance 14-32. Councilman Bowen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 14-32. The **motion passed unanimously** by roll call vote.

**b) ORDINANCE 14-33,** AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL SCALE AMENDMENT TO

# Exhibit B



THE FUTURE LAND USE MAP FOR FLORIDA RECREATION AND INVESTMENTS (P14-037) TO CHANGE THE FUTURE LAND USE DESIGNATION RL (LOW DENSITY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, BLOCK 2358, LOTS 1 THROUGH 3, AND 22 THROUGH 24, LOCATED ON THE NORTHWEST CORNER OF DARWIN BOULEVARD AND BECKER ROAD 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 14-33 aloud by title only. Councilwoman Martin said, "I would like to ask the Council to table this item. We have been having this discussion about Becker Road and where we are going to go with it. I noticed that staff has recommended denial based on the fact that it is inconsistent with our Comprehensive Plan. On both sides of this issue, we have requests for development for rezoning and requests to leave certain areas alone. I have had feedback on possibly doing something along the lines of pocket parks. If we go forward with this tonight, we will be piece-mealing Becker Road. I have spoke to the City Manager and the Assistant City Manager, Daniel Holbrook, who oversees the Planning and Zoning Department, to come back to us at the June Workshop and look at a corridor approach, and possibly fit it in with our future Neighborhood Planning to see what it will look like. There have been charrettes that occurred in 2008, and here we are six years later and nothing was done with the corridor because of the economy, because Becker Road was being widened. I'm not saying that I'm not for development, as I am in certain areas. I just want to make sure that when we have an opportunity to deal with Becker Road, we can look at the whole four miles together in one plan, as opposed to piece-mealing it and putting the City in a situation where we are making it a corridor that we don't want. I would like to table it, but I don't want to put it off indefinitely. I realize people have property rights and want to be able to make changes, and everyone should be afforded the opportunity to come forward with those applications. I want to do it as a whole plan and look at it together, as opposed to piecing it together." Mayor Faiella clarified, "So you want to table it to the next Workshop." Councilwoman Martin stated, "I would like to table the item for now, and discuss it in further depth at the Workshop. That area needs to be looked at, as far as being a gateway to the City. There will be more information at the Workshop, and we can see how we want to go from there."

Councilwoman Berger said, "I support that. With this project, there are some consistencies with what we wanted back then. It was the right types of developments in the right areas, and

specific corners make sense. The large Port St. Lucie Boulevard and Becker, and Darwin and Becker areas; those corners are ripe for commercial development, if it is done the right way. Part of what the conversation was back then was if they are going to develop it, we want them to come forward with a package of land. We didn't want them to bring one or two lots forward to develop into commercial property, because it is not consistent with the plan. Options like this one where they have taken six lots and created something that would work for the large amount of people that live there that don't have a lot of options without driving too far. I support tabling it, so we can get some consistency. I hope we don't have to get into another year to two years worth of discussion and charrettees, because it costs money as well. We can take what we have learned and what we like, and leave what we don't." Councilwoman Martin commented, "I agree." Mayor Faiella suggested, "I would like some community input also." Councilwoman Martin remarked, "It will come forward at that time."

The City Clerk read Ordinance 14-33 aloud by title only. Councilman Bowen **moved** to table Ordinance 14-33. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for table of Ordinance 14-33. The **motion passed unanimously** by roll call vote.

c) **ORDINANCE 14-34**, AMENDING THE 2013-14 BUDGET OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY INSERTING THEREIN A SCHEDULE CONSISTING OF 8 PAGES, ATTACHED HERETO AND DESIGNATED AS 2013-14 BUDGET AMENDMENT NO. 2. 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 14-34 aloud by title only. Councilman Bowen **moved** to approve Ordinance 14-34. Councilwoman Martin **seconded** the motion.

Councilwoman Berger said, "I'm not going to be supporting this because of one particular part. I have questions on other portions of it. If I could have the City Manager get back to me regarding the portion on the FTE count for the City Council Office being increased to 1.63. It is one of the programs that I don't agree with. Many things that are happening out of the City Manager's Office are amazing, but this is one that we just don't agree on. I think that there is an opportunity to solve a problem perhaps, and I appreciate the City Manager's Office looking into to trying to solve that problem. My personal feeling is that it is a problem that could be solved amongst the

# Exhibit C



Development Director, "Can you give us some direction? We have an issue with the 42 foot lots. How do we approach this?" The Assistant City Manager/Community Development Director stated, "This is one of those interesting cases where you have a PUD Amendment and it is not a black and white issue. Staff shared our concerns and the applicant has stated that they believe those concerns are mitigated by the design they've provided. Your recommendation needs to include any conditions that you believe would be appropriate. If you believe that what they've shared is sufficient, you can recommend approval. If you feel that conditions need be attached to guarantee a certain level of architecture, you can include that. If you're completely opposed to the concept, you have the right to recommend denial. It's an interesting situation. As far as the public's concerns go, the Board will make a recommendation. This will then go on to the City Council as an Ordinance. Ordinances require two readings before the City Council. The first reading is a standard one, and the second one is the Public Hearing. Mr. Finizio noted that there were other issues that needed to be addressed before this goes to the City Council." Vice Chair Ojito stated, "I think that Verano is a commercial venture and the developer is going to create something that is cohesive to the area he is developing in. My opinion is to approve with no conditions." Vice Chair Ojito **moved** to approve P14-032, Verano PUD 1 - PUD Amendment No. 8 & Concept Plan, with no conditions. Chair Kurek stated, "The only condition that was offered by staff was Ambros Way, which is already under construction, so it is not relevant whether we have it in there or not. If we approve it with no conditions, it means we're approving it as presented. It would include the 42 foot lots, which would be reviewed again by the Board and the Site Plan Review Committee." The Assistant City Manager/Community Development Director stated, "All plats that create more than two lots are required to be reviewed by the Site Plan Review Committee, then this Board will make a recommendation and ultimately the City Council has the right to approve." Chair Kurek stated, "So that issue could come up at a later date anyway." The Assistant City Manager/Community Development Director responded in the affirmative. Mr. Martin **seconded** the motion, which **passed unanimously** by roll call vote.

**E. P14-037 FLORIDA RECREATION & INVESTMENTS - COMPREHENSIVE PLAN AMENDMENT/SMALL SCALE**

Chair Kurek stated, "We have two Items that are concerning Becker Road and Darwin Boulevard. I would ask Mr. Holbrook to explain the status of this area of land." The Assistant City Manager/Community Development Director replied, "The topic of Becker Road has been before this Board and before the City

Council. It's been a topic at a number of Workshops and public charrettes over the past several decades. We're still having this discussion with City Council. They had a Workshop in April, and there were some concerns with this subject that were raised. A petition had been submitted to the City Council, so they recommended that we take up this topic, and try to get more public feedback before we make any additional proposals to the Council. Council discussed a four-mile stretch of undeveloped land between I-95 and the Turnpike. It's undeveloped on the north side and the south side, so the question is whether the land use and zoning be changed, because right now, it would essentially only accommodate single-family residential. It's very obvious that there is no market for it at this time. The current policy is low-density residential and single-family residential zoning on that entire corridor, except for a few intersections, which are primarily on Port St. Lucie Boulevard. We're in the midst of that conversation, and I'm sharing that with the Board to let you know that a policy has been established through the City's Comprehensive Plan, Land Development Regulations, and the Zoning Code. The next two applications are a request to change that policy. Council has had numerous discussions, and has yet to provide direct policy change, but they have asked for additional information. City staff is preparing an RFP, and we'll take this back to a future Council Workshop, hopefully, the one in June. We will confer with Council at that time to see if they wish to hire a consultant to assist us with this matter. Last month, the applicant for these two items requested that these applications be postponed, due to the conversations the City Council was going to have at the Workshop. We'll need to have Public Hearings on these applications, and I'd be happy to answer any questions."

Mr. Finizio stated, "P14-037 is a small scale Comprehensive Plan Amendment application. The owner of the property is Florida Recreation and Investments Properties, LLC. The property is located on the northwest corner of Darwin Boulevard and Becker Road. The approximate size of these lots are 1.57 acres, or 68,285 square feet. The existing zoning is RS-2 (Single-Family Residential), and the existing Land Use is RL (Low Density Residential). The requested land use designation is CG (General Commercial). The applicant is requesting to change the future land use of these six lots from RL (Low Density Residential) to CG (General Commercial), in anticipation of the Becker Road corridor transitioning from a residential corridor to a more commercial corridor. The proposed future land use request is not compatible with the surrounding residential neighborhood located immediately north, east, and west of this site. Objective 1.1.4

of the Future Land Use Element of the City's Comprehensive Plan states, 'Future growth, development, and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map. The land use map should be consistent with sound planning principles including: the prevention of sprawl; energy efficiency; natural limitations; the goals, objectives, and policies contained within this Comprehensive Plan; and the desired community character, and to ensure availability of land for future demand and utility facilities.' Even though the surrounding residential area is primarily vacant, having something as intense as General Commercial Land Use abutting this residential land use would not be consistent with sound planning principles, and could possibly adversely impact the character of the adjacent residential neighborhood."

Mr. Finizio continued, "Over the years, there have been several studies that focused on the Becker Road corridor. These studies looked at changing the land use and zoning from what is primarily residential, and incorporating more non-residential and multi-family uses, because the City was beginning to notice that Becker Road may be well suited for more intense non-residential uses. It is important to note that none of these studies were ever approved, adopted, or implemented. Except for being extended to four lanes, Becker Road hasn't changed all that much throughout the years. As mentioned, there were several studies focusing on Becker Road, where everyone looked at the entire Becker Road corridor. Therefore, any changes made to the Becker Road land use and zoning designation should not be looked at by piecemeal, but as a collective whole. On February 20, 2014, the subject of Becker Road was discussed at the City Council Winter Retreat. Seeking direction from the City Council, the Planning and Zoning staff made a brief presentation that discussed the current status of Becker Road and the major studies that were completed on Becker Road. It was agreed that the topic of Becker Road would be discussed further at a future City Council Workshop. This City Council Workshop took place on April 11, 2014. After a brief introduction, this presentation was pulled because it was felt that meeting with the stakeholders was appropriate prior to making any land use changes on Becker Road. Therefore, until there is a land use policy change for Becker Road, any Comprehensive Plan and/or rezoning approvals for this area should be considered premature, and should not be considered until a Comprehensive Plan has been approved for the entire Becker Road area. The Future Land Use Map identifies this area as low density residential (RL), and converting these six lots to General Commercial could have a negative impact on the Darwin Boulevard and Becker Road intersection, not to mention the surrounding residential

neighborhoods. The applicant has indicated in their attached justification statement that the future of Becker Road is more commercial in character. Not arguing this point, the Planning and Zoning Staff is seeking guidance from the Planning and Zoning Board and the City Council on the future character of the Becker Road corridor. Additionally, with the existing 99,000 square-foot Veranda Falls Shopping Center, approximately 1.8 miles east of this site, it is more than likely that the General Commercial land use sought may be too intense for this intersection. Furthermore, staff would like to address the entire Becker Road corridor, not just lot by lot, or site by site. Until the City Council makes a determination on how they would like the Becker Road corridor to grow, staff believes that any Comprehensive Plan approval for this area is premature. That being said, the Planning and Zoning Department staff finds the petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report. Also, staff recommends that new land use policies be established for the Becker Road corridor between I-95 and Florida's Turnpike prior to any individual Comprehensive Plan amendment approvals." Chair Kurek asked if there were any questions.

Ms. White asked, "Mr. Finizio, has there been an interest in commercial ventures along the Becker Road corridor?" Mr. Finizio responded, "There have been four commercial plans submitted in the past, but all of them have expired. There was a proposed CVS on the corner of Port St. Lucie Boulevard and Becker Road. There was a Commercial PUD on the northwest corner of Port St. Lucie Boulevard and Becker Road. There were also two minor Site Plans further to the east, but nothing has ever materialized." Ms. White asked the Assistant City Manager/Community Development Director, "Have the Planning and Zoning Board and the City Council ever come together for a Workshop?" The Assistant City Manager/Community Development Director responded in the affirmative and added, "This is a very appropriate topic for a Workshop. We know that there is interest in this topic, but we don't have a policy change. It is very beneficial for the City Council to hear the Board's opinions on Becker Road. We know what there could be under the current policy. There are approximately four houses in a four mile stretch, and everything else is vacant. I think many people love the green area, but there are property owners who could build houses up and down the entire length, if they chose to. I ask people if they'd want to live there, because a lot of times those properties become rental properties. There are a lot of things that should be considered when we look at changing a policy. At this point,

staff believes this to be premature. If the Board requests a meeting with the City Council, we can put that request forward." Vice Chair Ojito asked the Assistant City Manager/Community Development Director, "Does Planning and Zoning have an up to date vision of how Becker Road should look, based on the research over the years?" The Assistant City Manager/Community Development Director replied, "Planning and Zoning has a variety of studies and visions that have been processed, reviewed, and prepared by City staff or consultants. None of those have received a recommendation of approval. There are a variety of concepts, and they've been presented to the City Council, but none of them have had traction." Vice Chair Ojito stated, "You've submitted a document, which lists homeowners that approve rezoning Becker Road. Does this represent a consensus? How many homeowners are in agreement?" The Assistant City Manager/Community Development Director stated, "I can't give you numbers and statistics, but I'd say that the property owners up and down Becker Road favor change."

Mr. Martin stated, "I'm more familiar with the conversion areas in the City. Can you draw a correlation between what we hope to do with Becker Road versus what we have done with Bayshore Boulevard or Port St. Lucie Boulevard? I would suggest that the latter two are dysfunctional, from a planning perspective." The Assistant City Manager/Community Development Director responded, "City staff, the public, and the elected officials have seen the effects of conversion areas. There is concern that we don't want to duplicate that on Becker Road, or anywhere else in the City. A lot of the sites are too small, and there are conflicting uses when the sites abut residential areas. The question is, do we want change on Becker Road, and if so, what does it look like? There are repercussions sometimes either way, so we need to explore it further. We know what the conversion areas look like, and can learn lessons from them. We can change land uses among certain parcels, while leaving the ones next to them unchanged." Mr. Martin said, "Right now, in our conversion areas, you can build a commercial building on a minimum 20,000 square-foot lot. If we looked at that kind of policy, going forward, we could have many two to three lot conversion packages, which I feel is not in the best interest of the City." The Assistant City Manager/Community Development Director stated, "In the past, we've have presentations regarding lessons we've learned from conversion areas. We've learned that you need more land to adequately accommodate commercial development. Some people choose to build houses, as you can see, on Port St. Lucie Boulevard. There has been new construction in the past decade, even though they are in a conversion area. There are a lot of things that need to be discussed, and the public has a lot of

input on what they'd like to see." Mr. Martin asked, "If we're to help establish a policy, could that policy include minimum lot requirements and buffering? Some of these people who bought property on Becker Road did not expect to be living next to commercial developments. If we make recommendations to the City Council, can we address those types of things?" The Assistant City Manager/Community Development Director replied, "It could definitely be considered." Ms. White stated, "I think Mr. Martin is addressing the bigger issues. This Board should sit down with all the stakeholders and the City Council to develop a grand vision for Becker Road. I'd like to hear from the applicant." Mr. Finizio added, "Brad Currie is acting as the agent for this Item."

**BRAD CURRIE**, Red Tail Design Group stated, "I'm representing the EDC and Rod Kennedy for the two applications. There is a Comprehensive Plan Amendment to change the land use of the property, and a rezone application as well. We are asking for a Comprehensive Plan Amendment to change the land use from Residential Low to General Commercial, and a Rezoning application to go from RS-2 to CG. Rod Kennedy, and I, and the two property owners that are here today believe that the Becker Road corridor should begin to take on a more commercial character. It is a major roadway in the overall scheme of the City. I will present a few aerial pictures of the property in question." (**Clerk's Note:** Mr. Currie presented aerial views of the property.) Mr. Currie continued, "While there is residential land use and zoning surrounding the property, there are no actual structures abutting the subject property. Darwin Boulevard is a lit intersection. There are two lanes in either direction, and turning lanes at the major intersections. The reason we are here today is because of the past studies. The Assistant City Manager/Community Development Director mentioned that none of the studies were ever adopted by the Board. There are a total of five different studies, and it was discussed in February and April of this year. There has been a lot of discussion about Becker Road, but unfortunately, there hasn't been a lot of action as far as setting a policy. No direction has been given as to what the future will be for that area. The Assistant City Manager/Community Development Director mentioned an RFP to do another study, and I think it's interesting that we would spend time and money on a study when we've done five in the past, and haven't adopted anything. What we're proposing is six lots at a lit intersection. Six lots of land at a major lit intersection is a good commercial corner. Whatever happens in the future, I think this corner will be commercial in the future. I do not believe that moving forward with an application today is premature, because I believe this corner will be a

commercial corner in the future. I believe this is the only section along Becker Road where six lots are under one ownership, except for the intersection of Port St. Lucie Boulevard and Becker Road. There are five major lit intersections along Becker Road. I think that's important, because they are major intersections. Even though the land uses and zonings are residential, it is not a residential roadway. I think the roadway is the most significant change, which has changed the character of the area. Addressing the Southwest Annexation area, Becker Road is proposed to go from I-95 to Range Line Road, which is an existing road. There are supposed to be a total of four roadways that run north and south. One roadway is built now, Village Drive, and the remaining three will go to Gatlin. That will be the only other interchange that all of these residents will use. This area has been annexed into the City, and has received a Comprehensive Plan approval. We are only waiting for the zoning. Becker Road is the only roadway in the entire City that has interchanges on I-95 and the Florida Turnpike. If the future residents want to get to the Turnpike, they're going to take Becker Road. Becker Road from the Turnpike to the Southwest Annexation area will be seeing an increase of trips over time, and is not a street where you would want to build a house."

Mr. Currie continued, "There was a recent article in the paper that stated that Divosta was going to build 358 new homes east of Becker Road. These residents would have to take Becker Road to get to I-95. Becker Road was increased because the City saw that there would be a need to move people from the east part of the City to the west part, and vice versa. The proposed development would have an impact on the future of Becker Road. There was some previous discussion about Becker Road, Port St. Lucie Boulevard, and Bayshore Boulevard. Those are different, in the sense that there were a lot of residential homes before they began to transition. Becker Road is different because there aren't any residential homes; the Assistant City Manager/Community Development Director stated that there were only four homes. As far as General Commercial not being compatible with Residential Low Density, there are many times in the City where these two land uses abut each other. From my experience, it happens a lot. What we're requesting on this property is no different from what happens throughout the City. Mr. Finizio mentioned sprawl in his presentation. I'm a planner, and it is my opinion that having additional commercial along some of the stretch of Becker Road would reduce sprawl. I was speaking to someone who lives on Becker Road, and they mentioned that it would be nice if they didn't have to drive so far to go to a Dunkin Donuts, or a convenience store. Those local uses

close to their home would shorten drive times and reduce the amount of trips on the roadway. Again, Becker Road is the only road that has both and I-95 and a Turnpike interchange. It's a four-lane divided highway, and is not a residential-friendly road. The property we are proposing today has six lots. Regardless of the future, I believe this piece will be commercial. Why hold my client up because of another study? If you were telling me I could move forward after one study, that would be okay, but history says five studies have been done, and no action has been taken. My clients are seeing people come to them asking about commercial development on this property. They've lost several potential tenants because of the lack of not being able to use it for commercial. My client sent out 500 notices to people within a quarter of a mile. She got a 10% return back, which is about 50 people. The majority of those people were in support of the change to commercial. What are we telling the property owners on Becker Road? Are we telling them to develop it as residential? I hope not, because that's not the right move. Are we telling them to develop it as commercial? No, we've said we won't allow commercial. I'd like for you to put yourself in the position of a property owner on Becker Road. Let's say you want to do something with your property, and you're not getting any direction from the City. One such person will speak now."

**SHIRLEY CHEVIGNY** stated, "I'm one of the property owners. I've been here since 1978, so I've seen a lot of change. There were 11,000 people here when I moved here; there are 170,000 people here now. I was the first person to build an office building west of the Turnpike. I was the first person to build a gas station on Gatlin Boulevard. I'm now looking to do something with this property. This is very unique, in that it is an isolated piece of property. It is bordered on three sides with streets, and has a traffic light. No one is going to build a house on this property. We've waited since 2008 to have the City do something, and they've chosen to do nothing. I'm here asking you for General Commercial so that we can develop it." Chair Kurek opened the Public Hearing.

**LARRY BANNISTER** stated, "I live at 215 Liseron Way in St. Lucie West, but I also jointly own a piece of property at 211 Quick Street, which is adjacent to the area being discussed today. When they showed these properties, they numbered them one through six. I'm adjacent to number four. I have two grandchildren that live there, and they walk down Darwin Boulevard to get to the bus. There are no sidewalks. There have been a series of children walking to their bus stop and getting struck. Children who live less than two miles from a school are not eligible to ride on a bus. Other than the obvious problems, there is a bigger danger. The small area of

Becker Road, when you get off of I-95, is pretty, so leave it that way. There are plenty of commercial areas to be developed. Why would you take a residential neighborhood and start turning it into another commercial road for the benefit of a few investors? Previous Boards have voted down commercialization. I'd like to see this Board do the same, and keep this as a residential neighborhood."

**MICHAEL CONCHLIN** stated, "I live at 4671 S.W. Alpha Street, about five houses south of Becker Road. I moved here in 1977. I've also seen a lot of the construction that is going on, and one of the people who used to work for the City a long time ago said, 'If you do what you did, you get what you got.' That was something that stuck in the back of my mind ever since then. I learned a lot from listening and getting involved with the charrette that was held by the Treasure Coast Regional Council about five or six years ago. At that time, they had several hundred people who assisted in developing what could have been called a Master Plan for Becker Road. It was adopted, although Mayor Minsky didn't like the idea. To see this opened up again makes me wonder why the people voiced their opinion in the first place. There were supposed to be traffic circles, specifically at the intersection we're discussing, and one further to the east. None of that came to fruition, but we had hoped that at least it wouldn't become commercialized. We were prepared for it to become Light Commercial. The expectation was that it would be multiple floor units, with office buildings on the bottom and apartments on top. We were willing to have that, because people would be in a neighborhood with Light Commercial. To see someone trying to profit by changing this property into Heavy Commercial is exactly what we don't want."

**DIANE STROUD** stated, "I live at 332 S.W. South Quick Circle, which intersects with Becker Road, and is about a block from Darwin Boulevard. I just moved here from Illinois in November of 2012. I picked the area because of the serenity in the neighborhood, and because it wasn't surrounded by commercial property. The first Planning and Zoning meeting I ever attended was when this item came up on the agenda, and it was tabled at that time. I then went to the Workshop, and City Council tabled it, because Councilwoman Martin said she wanted to talk to the homeowners. When the study was done in 2008, there were a lot of people who didn't live there yet. I would hate to see it turn into Bayshore Boulevard. It would break up the serenity, which is the reason we like it there."

**OLIVER BROWN** stated, "I reside at 473 S.W. Kestor Drive. I'm in the proverbial eye of the storm. I'm directly across the street from the subject site. I relocated here six years ago from New York City, and I had a certain view of how I wanted to raise my young children. The environment of the community in which I made

a long term investment to buy a home is subject to change, and I am very concerned. I love the environment in the community. The first couple of years after I moved here, I spent some time in Ft. Lauderdale. A lot of the things I saw in Brooklyn is what I saw in south Florida, and I see it transitioning north to Port St. Lucie and the neighboring counties. I'm all for change and development, but the essence of family and community needs to hold true within our society, it is being breached here. Many of the concerns I have with this particular rezoning classification and possible commercial development would include lighting, rodent infestation, the increase in traffic, the quality of life, safety for our children and families, increased water usage, and property value ramifications. I'm not sure what kind of business they wish to put in place, but the hours of operation could influence the type of people who would be in the area at any given time of the night. Being a father, I wish to preserve a certain lifestyle for my children, and I don't want to see that taken away. You mentioned all the corridors in Port St. Lucie where this transition has taken place, specifically, Bayshore Boulevard and Port St. Lucie Boulevard. I do not want to see Becker Road turn into that, and I vehemently oppose this rezoning."

There being no further comments, Chair Kurek closed the Public Hearing. Mr. Currie said, "I don't have any direct response to the comments. They were fairly general comments about not wanting commercial development. As I was sitting here, I was thinking about how I own an office building on Port St. Lucie Boulevard. Port St. Lucie Boulevard is getting a lot of negative comments, but I love my office building. I back right up to neighbors, and I leave at 5 p.m. or 6 p.m. I also think of Prima Vista Boulevard from Airoso Boulevard to U.S. 1. It's a four-lane roadway, which is similar, with the exception of the divided median. I sit on the St. Lucie Code Enforcement Board, and that's the heaviest area of Code Enforcement for all of St. Lucie County, because they are winter-occupied houses. They can't sell them, because no one wants to live there, so they are typically rented out. When thinking about planning, I would consider Prima Vista Boulevard to follow the Do Nothing Plan. There are derelict houses there. I'd rather have my office building on Port St. Lucie Boulevard than one of the derelict houses on Prima Vista Boulevard. I don't know why the roundabouts weren't built. If we are approved, we will build sidewalks along our frontage, and there are existing sidewalks along Becker Road. Safety is very important to us."
Ms. White asked, "How many applications have come to the City from this owner?" Mr. Currie responded, "The applicant has submitted two applications, which are the ones before you today.

This is the only time they've ever submitted applications." Ms. White stated, "They've owned the property since 2008, but this is the first time they've come forward." Mr. Currie responded in the affirmative. Mr. Sanders asked, "Mr. Currie, have you considered submitting a PUD in lieu of General Commercial?" Mr. Currie replied, "I'm not as familiar with the Code as I should be. The majority of the more intensive uses, for example, gas stations or convenience stores, are Special Exception Uses. We won't be able to put a gas station up overnight, we'd have to come back before this Board and ask for a Special Exception. To be honest, I don't think it's a good spot for a gas station. I actually like neighborhood convenience stores. I like being able to go for a short drive to get my goods. Any of the aforementioned uses would have to come back before this Board." Chair Kurek stated, "We can approve this, deny it, or table it again. I truly sympathize with Mr. Currie and his client. The Council can't seem to figure out what they want to do with this. The last study was in 2008." The Assistant City Manager/Community Development Director stated, "That was a unique study that was used and funded by the FDOT to show a typical conversion in a pre-platted corridor." Chair Kurek stated, "The other studies were in 2006, and the economy has changed a lot since then, so we have to rethink what we're doing. This is a situation where we need to rethink what we want to do. I'm not sure that this Board is in a position to push it forward. I will not be voting in favor of this." Mr. Martin stated, "I've been on this Board for five years, and I try to be logical and ask a lot of questions. I would like to know what came first, was it a commercial zone next to residential, or was it residential that was converted? In this case, we have a 4.5 mile stretch that's going to be a key corridor. The applicant stressed how integral that four mile stretch will be going forward. I think we need to get this right. I don't want to see this conversion area turned into another Port St. Lucie Boulevard, Bayshore Boulevard, or Prima Vista Boulevard. I agree with Mr. Currie, I'm sure he likes his converted house, and that's appropriate. We're the ninth largest city in Florida. My vision for this is Heavy Commercial. You're going to see national brands on that road. I can imagine lifting the height standard to allow buildings taller than 35 feet. With that said, I think it needs to be handled delicately. These people bought property adjacent to a road that was strictly residential ten years ago. The public input is going to be contrary to what I believe, and my vision for that four mile stretch. In most cases, if you bought property next to a commercial zoned property, you should've done more due diligence. In this case, the people that bought adjacent to Becker Road bought what they thought was residential. In most cases, I have very little

sympathy for people who buy next to commercial, then say they don't want commercial use. In this case, it's going to be tough. I think we need to go back to the Land Development Regulations. We need to have minimum sizes, minimum depths, and change buffering. I think this is going to be a very significant General Commercial corridor throughout the City. We can't allow this one to take place, because it'll set a precedent, and then we'll have the same situation we have on Bayshore Boulevard, Port St. Lucie Boulevard, and Prima Vista Boulevard. I can't support making any changes to this corridor at this time."
Vice Chair Ojito stated, "I'd like to give the opposite opinion. This corridor can also be like the Crosstown Parkway, where there is no commercial. I wouldn't recommend approving this Item either, because it can be the opposite. I think that we should have a joint meeting with City Council to move this subject along and get more public input." Ms. White stated, "It's unfortunate that the property owner has owned the property since 2008, and has watched the property just sit there. The traffic light was put in, and I'm not sure why. It may have been because of the school. They have an opportunity to sell that property, and make it commercial, but I'm not sure if that's their intent. I said before that I would hold my personal comments, because I live in Southbend, which abuts to Becker Road. My neighborhood would also be affected by any commercial industry along Becker Road, because people may want to venture through Southbend to get to Becker Road. When they opened the Becker Road corridor to Southbend, I knew we were going to have additional traffic. The commercial aspects on Becker Road are not doing well. At this time, I can't see how any commercial can be successful. I will not be recommending approval. We need to look at the broader picture, and have a meeting with all of the stakeholders."
Secretary Martin stated, "The application itself is reasonable. I share the thought that there will be commercial on this corridor in the future. I think it's important to take a comprehensive look at it overall, but I'm frustrated, because we tabled this Item to today's meeting in order to have dialogue with the City Council. I don't know if my one lone vote in favor of this will convey the importance of this topic to the City Council. I don't think it's fair to kick the can down the road to the applicant, nor the residents, who are in a state of flux. I'd like to see something definitive done, and if that's a vote in favor of this, that's what I'll do."

Chair Kurek stated, "I think I see a consensus here. Do we want to deny this Item or table it again?" Mr. Martin **moved** to deny P14-037. Vice Chair Ojito **seconded** the motion. The motion to deny passed by roll call vote, with Chair Kurek, Mr. Martin, Ms.

Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

Ms. White **moved** to request City staff organize a Workshop between the Planning and Zoning Board and the City Council to discuss the Becker Road corridor. Vice Chair Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

**F. P14-038 FLORIDA RECREATION & INVESTMENTS - REZONING**

Mr. Finizio stated, "This is a rezoning application, and is concurrent with the Comprehensive Plan Amendment. The existing zoning is Single Family residential, or RS-2, and the requested zoning is General Commercial. As noted in the Comprehensive Plan Application, staff believes the proposed zoning request is not compatible with the surrounding residential neighborhoods located immediately north, south, and west of the site. Having something as intense as general commercial abutting residential zoning would not be consistent with sound planning principles, and has the potential to adversely impact the character of the adjacent residential neighborhood. That being said, the Planning and Zoning Department staff finds the current petition to be inconsistent with the intent and direction of the City's Comprehensive Plan, and recommends denial of the proposed amendment based on the analysis and findings, as noted in the staff report."

Chair Kurek opened the Public Hearing. There being no comments, Chair Kurek closed the Public Hearing. Ms. White **moved** to deny P14-038, Florida Recreation & Investments - Rezoning. Ms. Skurka **seconded** the motion. The motion to deny P14-038 passed by roll call vote, with Chair Kurek, Mr. Martin, Ms. Breakenridge, Ms. White, Vice Chair Ojito, and Ms. Skurka voting in favor; and Secretary Martin voting against.

**G. P14-042 VINCENZO MARZELLA/ST. LUCIE CRICKET CLUB - SPECIAL EXCEPTION USE**

Ms. Kuruvilla stated, "This is a Special Exception Use application for the St. Lucie County Cricket Club. The applicant is Brad Currie, with Redtail Design Group. The owner is Vicenzo Marecella. The property is located on the east side of SW South Macedo Boulevard, between SW Lakehurst Drive and SW Swan Avenue. The legal description is Lots 16, 17, and 18, Block 74, Port St. Lucie Section 28. The approximate size is 0.69 acres. The existing zoning is WI, Warehouse Industrial, and the applicant is requesting a zoning to CS, Service Commercial. The Second Reading is at next week's Council Meeting on May 12th. The

# Exhibit D



RECEIVED
APR 24 2014
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

From: Edward Bowers <bromley01@aol.com>
To: beckerroad.rezoene <beckerroad.rezoene@gmail.com>
Subject: the tax poor city of PSL
Date: Mon, Apr 21, 2014 12:01 pm

Dear who ever you are,

I find it strange that a concerned citizen would not sign his name nor give a return address.

BUT as a home owner living near Becker Rd. I do NOT want Becker Rd to become either Port St Lucie Blvd nor
Prima Vista Blvd. Neither add to the value of surrounding properties and the traffic is terrible on both roads. I presume
that Becker was widened because of existing traffic at that time not to turn my neighborhood into a sad definition of "progress".

I also am aware of the empty store fronts in Veranda Falls shopping center and on Port St Lucie Blvd, Prima Vista where they have
erected buildings without businesses. I would propose these vacancies be filled before any more building.

I find Cross Town Parkway a lovely road to represent a "Green City" Perhaps we should have more roads like that.

I will send this letter and a copy of your letter to both the city council and the zoning board of Port St Lucie. With some
planning for the future, Port St Lucie could be a nice town to live in.

Thank you but I do not, repeat not, want Becker Rd. rezoned.

Suzanne Bowers

Suzanne Bowers

Dear Fellow Port St Lucie Property Owners

The Port St Lucie City Council is in the process of planning for the future development of the Becker Road corridor from the TURNPIKE TO I-95.

The City has four laned Becker Road and added all the Utilities necessary for development.

Currently Becker Road is being taxed as Residential property with the city losing thousands of dollars in tax revenue, after spending millions of tax payers' money for all the improvements that have been completed

The City has approved and has issued permits for 360 homes as part of a 2000 acre sub division on Becker Road. The logical development for Becker Road is to provide the conveniences our neighborhood needs.

The only logical development for Becker Road is commercial. We need your help to achieve this.

**We are asking for your help. Please E mail us your support and we will present the E mails to the City Council. If you have any questions on this E mail us and we will get back to you.**

beckerroad.rezone@gmail.com

Florida Recreation and Investment Properties LLC

Palm City FL 34990

2278 Olympic Club Terr.

772 240 4669

Shannon Martin Councilwoman

John Finizio Planner

City of Port St Lucie

121 SW Port St Lucie Blvd

Port St Lucie FL 34984

Re: Project Number P14 037 & P14 038 (Becker Rd.)

Dear Councilwoman Martin and Mr. Finizio,

I am enclosing e-mails from property owners around the Becker Rd. area expressing support for the rezoning application to be considered at the Planning and Zoning meeting Tuesday, May 6.

Alfred Wetzel

Managing Member

Gmail by Google

## Letter from you

**Michele Hughes** <michellie007@yahoo.com> Fri, Apr 18, 2014 at 3:18 PM
Reply-To: Michele Hughes <michellie007@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello,

My wife and I received your letter in the mail concerning the Becker Road development.
We are interested and would like more info on the subject.
Does this mean we will be changed to a commercial land tax?
Is this a definite rezoning that is going to happen?
Will the city buy our house?
If you could please give us some more info on this matter and what it entails we would certainly appreciate it.

Thank you,

Thomas and Michele Oja

Gmail by Google

# Support for Zoning Change

**Dominic Yip** <dominickkyip@gmail.com> Fri, Apr 18, 2014 at 3:52 PM
To: Beckerroad.rezone@gmail.com
Cc: Diana Yip <diana.yip@elliman.com>

To: The Planning and Zoning Board
Port St. Lucie, Florida.

From: Dominic K. Yip and Diana T. Yip,
Owner of Property at:
1342 SW Becker Road, PSL
Port St. Lucie-Section 33-Blk 2210 Lot 8

Contact Address: 65-43 226th Street,
Oakland Gardens, NY 11364.
Tel: Home: 718-229-0077; Cell/Direct: 917-913-9977

Re: Support for Zoning Change

---

Dear Sir/Madam,

Please consider this email as our official support for **a zoning change to Commercial on a 6 lot package on Becker Road.** As likewise the owner of the property, a single family house at: 4552 SW Image Dr., PSL, we strongly feel reasonable commercial developments on Becker Road are crucial to the benefit of the residents in Port ST. Lucie. I am writing to urge The Planning and Zoning Board to grant approval of this significant initiative. Thanks.

Gmail by Google

# becker road rezone

**Donovan Chin** <tubolski@bellsouth.net> Fri, Apr 18, 2014 at 10:21 PM
Reply-To: Donovan Chin <tubolski@bellsouth.net>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I STRONGLY SUPPORT THE REZONING OF BECKER ROAD FROM RESIDENTIAL TO COMMERCIAL.IT WILL BOOST THE ECONOMY OF THE CITY GREATLY BY ATTRACTING MORE CONSUMERS BOTH LOCALS AND VISITORS ALIKE.

I AM,
DANOVAN CHIN

Gmail by Google

# Becker Road

**RICHARD LITTIG** <littig1@prodigy.net> Sat, Apr 19, 2014 at 10:55 AM
Reply-To: RICHARD LITTIG <littig1@prodigy.net>
To: "Beckerroad.rezone@Gmail.com" <Beckerroad.rezone@gmail.com>

Hi,

Please contact me so I may discuss the issue. I'm sure my Wife and I would support a rezoning package. You may call any time.

Rick Littig
609-965-8780

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## Becker Road

1 message

**David Grey** < jdjdjd5625@gmail.com> Thu, Apr 17, 2014 at 3:31 PM
To: Beckerroad.rezone@gmail.com

Thank you very much for the rezoning letter concerning Becker Road.
We are pro commercial rezoning.
If we can be of any assistance please do not fail to contact us.

David Gray
5625 Sun Valley Drive
Fort Pierce fl 34951
772-579-2220

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezoning

1 message

**mikeneil@aol.com** < mikeneil@aol.com> Thu, Apr 17, 2014 at 4:20 PM
To: beckerroad.rezone@gmail.com

To Whom It May Concern:

We support the rezoning of any residential parcel along Becker Road to Commercial Zoning.

Sincerely,

AM Developments, Inc.
Michael Neil Reinstein, Managing Partner
Architect AR 13161
State Lic. Gen. Contr. CGC 045282
786-546-4739

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# You got my support regarding zoning change to commercial.

1 message

**Mark jean-pierre** < markhj22@yahoo.com> Thu, Apr 17, 2014 at 7:18 PM
Reply-To: Mark jean-pierre <markhj22@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

## keep commercial

1 message

**john kendall** < snapher3006@yahoo.com> Wed, Apr 16, 2014 at 10:17 AM
Reply-To: john kendall <snapher3006@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I am in full favor of keeping the zoning as is - commercial
John Kendall - 155 SW Klee circle, PSL FL 34953

as always the council will do as they please no mater what we want.

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road rezoning

1 message

**Prima Properties** < primapro@aol.com> Wed, Apr 16, 2014 at 1:56 PM
To: beckerroad.rezone@gmail.com

We will give you our support to get the zoning changed from residential to commercial, if you can get our lots changed as well! :)

-John Morris
Prima Properties

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# SUPPORT FOR REZONE

1 message

**Djdi557@aol.com** < Djdi557@aol.com> Wed, Apr 16, 2014 at 2:11 PM
To: Beckerroad.rezone@gmail.com

To Whom It May Concern:

We are in support of the rezoning of Becker Road from residential to commercial.

Sincerely,

DeLeasa LLC
Diane DeLeasa
Gail DeLeasa

Alfred Wetzel < beckerroad.rezone@gmail.com>

# rezone

1 message

**MITCHELL THAL** < yankee714@yahoo.com> Wed, Apr 16, 2014 at 3:23 PM
Reply-To: MITCHELL THAL <yankee714@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I have 3 lots fronting Becker

I thought it was rezoned to GC years ago...lost track

2 questions please...
-what is the address of the 6 lot pkg?
-what type of project is proposed for the site?

Thanks,

Mitchell Thal

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# lot#6 Becker rd.

1 message

**twerpshaw@comcast.net** < twerpshaw@comcast.net> Wed, Apr 16, 2014 at 3:45 PM
To: Beckerroad.rezone@gmail.com

I'm in support of rezoning my parcel on Becker rd. to commercial zoning.

Tom Werpshaw 772 - 781- 9546

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# We are in support of this rezone of Becker Road.

1 message

**FLMUZ@aol.com** < FLMUZ@aol.com> Wed, Apr 16, 2014 at 4:07 PM
To: Beckerroad.rezone@gmail.com

This has been too many years sitting around for someone or something to get this in motion. Signed Paul S Conti and Shirley E Heysham both are lot owners on Becker Road in Port St Lucie, Fl.

Gmail

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Becker Road - Commercial Development

1 message

**Deirdre Levesque** < deirdrelevesque@yahoo.com> Wed, Apr 16, 2014 at 5:25 PM

Reply-To: Deirdre Levesque <deirdrelevesque@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

To Whom It May Concern:

We completely agree, one hundred percent, that Becker Road should be developed commercially and support Port St. Lucie City Council's proposal to do so. Thank you for the opportunity for our voices to be heard.

Sincerely,
Deirdre and Timothy Levesque

249 SW North Wakefield Circle
Port St. Lucie, FL 34953

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Rezone of Becker road

1 message

**Nick Peters** < pickneters@gmail.com>

Wed, Apr 16, 2014 at 6:28 PM

To: beckerroad.rezone@gmail.com

I am for Becker road becoming zoned commercial. My name is Nick Peters and I reside at 4626 sw fallkirk st in Port Saint Lucie Florida. Please feel free to contact me at 772-332-4422 with any questions.

Thanks
Nick Peters

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

# Becker Road.

1 message

**Nabil Mansour** < nabilmansour55@gmail.com> Wed, Apr 16, 2014 at 8:49 PM

To: beckerroad.rezone@gmail.com

Hi ,

My name is Mr Mansour,myself and my cousin own the first three lots located at the NW corner of the Florida Turnpike. We will be more than happy to offer any kind of assistance to you in your quest to rezone your lots into commercial ones.If you would to discuss the details,you can call me at 404/998-9036.

Best regards
Mr Mansour

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Support for Becker Road Rezone

1 message

**edmonahan@webb-builders.com** < edmonahan@webb-builders.com> Thu, Apr 17, 2014 at 6:47 AM
To: beckerroad.rezone@gmail.com

Count me in please. I'm also the president of Spartan Development that owns property on and near Becker Rd. I would like to speak with you (cell #) when have a moment about Port St. Lucie; it's current state and future.
Thank you
Ed Monahan
Webb Builders, LLC
Phone (561) 626-1568
Fax (561) 626-1654
Cell (561) 847-0472

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Re-zone Becker

1 message

**Lorraine Nichol** < lnichol13@live.com> Thu, Apr 17, 2014 at 9:05 AM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Please add us to the list of supporters for the re-zoning of Becker Road, Port St. Lucie, FL, from Residential to Commercial.

Phillip H. Nichol and Lorraine S. Nichol

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Zoning change on Becker RD

1 message

**Teddy kapsoulias** <teddyk31@hotmail.com> Mon, Apr 21, 2014 at 11:18 PM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hi My Name is Theodore Kousoulis Trustee for the Kousoulis LIVING TRUST
we own a lot on Becker rd # 1071 , BL 2270 LOT 21
WITH BECKER RD BEEN THE Link that connects the turn pike and 95
with 4 Lanes AND SPEEDS AT 40 MILES PER HR
Who Would want to build a house and Raise a family
Under these conditions ????
The Logical and long over due solution it will be
to turn the RD on to commercial zoned .
Lets all work together . to improve
the Life of the people on port st Lucie
thanks
Theodore kousoulis
908 581 8163

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Rezoning

1 message

**Valarie** <grantstb@comcast.net> Mon, Apr 21, 2014 at 9:40 PM
To: beckerroad.rezone@gmail.com

It would be to the best interest of the homeowners in this area to have commercial development along Becker Road. It will relieve some of the traffic on the Boulevard and the neighboring streets i.e. Gatlin. We need a pharmacy, restaurants, etc.

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Zoning change on Becker RD

1 message

**Teddy kapsoulias** <teddyk31@hotmail.com> Mon, Apr 21, 2014 at 11:18 PM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hi My Name is Theodore Kousoulis Trustee for the Kousoulis LIVING TRUST
we own a lot on Becker rd # 1071 , BL 2270 LOT 21
WITH BECKER RD BEEN THE Link that connects the turn pike and 95
with 4 Lanes AND SPEEDS AT 40 MILES PER HR
Who Would want to build a house and Raise a family
Under these conditions ????
The Logical and long over due solution it will be
to turn the RD on to commercial zoned .
Lets all work together . to improve
the Life of the people on port st Lucie
thanks

Theodore kousoulis
908 581 8163

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Pt. St. Lucie Rezoning of Becker Road

1 message

**Dale Gaines** < dalegaines@hotmail.com> Mon, Apr 21, 2014 at 12:29 PM

To: "Beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello Mr. Wetzel,

Just received your letter and we are very interested in learning more as to what is going on with this.
We are in support of the rezoning to commercial.

I would appreciate if you would please call me or send me your phone number so we can discuss this further.

Thank you,

Greg Gaines
Phone: 828-421-5630

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

## zoning on Becker Road

1 message

**juliacr@aol.com** < juliacr@aol.com> Sun, Apr 20, 2014 at 9:26 PM
To: beckerroad.rezone@gmail.com

I think rezoning Becker Road from the turnpike to I- 95 is a pretty logical thing to do. The area is between 2 major highways and would be convenient for businesses to locate in the area. Commercial development would bring more revenue to the city too.

Julia Raub
772 336 2783

Gmail by Google

# Port St. Lucie Planning & Zoning

**Sandy** <sdambrosio1@rochester.rr.com> Fri, Apr 18, 2014 at 3:07 PM
To: beckerroad.rezone@gmail.com

Hello,

This is inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Sandra D'Ambrosio

Gmail by Google

# (no subject)

**blue** <blueoak@rochester.rr.com> Fri, Apr 18, 2014 at 6:21 PM
To: beckerroad.rezone@gmail.com

Hello,

This is to inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Michael D'Ambrosio

Gmail by Google

# Letter from you

**Michele Hughes** <michellie007@yahoo.com> Fri, Apr 18, 2014 at 3:18 PM
Reply-To: Michele Hughes <michellie007@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello,

My wife and I received your letter in the mail concerning the Becker Road development.
We are interested and would like more info on the subject.
Does this mean we will be changed to a commercial land tax?
Is this a definite rezoning that is going to happen?
Will the city buy our house?
If you could please give us some more info on this matter and what it entails we would certainly appreciate it.

Thank you,

Thomas and Michele Oja

Gmail by Google

# Support for Zoning Change

**Dominic Yip** <dominickkyip@gmail.com>
To: Beckerroad.rezone@gmail.com
Cc: Diana Yip <diana.yip@elliman.com>

Fri, Apr 18, 2014 at 3:52 PM

To: The Planning and Zoning Board
Port St. Lucie, Florida.

From: Dominic K. Yip and Diana T. Yip,
Owner of Property at:
1342 SW Becker Road, PSL
Port St. Lucie-Section 33-Blk 2210 Lot 8

Contact Address: 65-43 226th Street,
Oakland Gardens, NY 11364.
Tel: Home: 718-229-0077; Cell/Direct: 917-913-9977

Re: Support for Zoning Change

---

Dear Sir/Madam,

Please consider this email as our official support for **a zoning change to Commercial on a 6 lot package on Becker Road.** As likewise the owner of the property, a single family house at: 4552 SW Image Dr., PSL, we strongly feel reasonable commercial developments on Becker Road are crucial to the benefit of the residents in Port ST. Lucie. I am writing to urge The Planning and Zoning Board to grant approval of this significant initiative. Thanks.

Gmail by Google

# becker road rezone

**Donovan Chin** <tubolski@bellsouth.net> Fri, Apr 18, 2014 at 10:21 PM
Reply-To: Donovan Chin <tubolski@bellsouth.net>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I STRONGLY SUPPORT THE REZONING OF BECKER ROAD FROM RESIDENTIAL TO COMMERCIAL.IT WILL BOOST THE ECONOMY OF THE CITY GREATLY BY ATTRACTING MORE CONSUMERS BOTH LOCALS AND VISITORS ALIKE.

I AM,
DANOVAN CHIN

Gmail by Google

# Becker Road

**RICHARD LITTIG** <littig1@prodigy.net> Sat, Apr 19, 2014 at 10:55 AM
Reply-To: RICHARD LITTIG <littig1@prodigy.net>
To: "Beckerroad.rezone@Gmail.com" <Beckerroad.rezone@gmail.com>

Hi,

Please contact me so I may discuss the issue. I'm sure my Wife and I would support a rezoning package. You may call any time.

Rick Littig
609-965-8780

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road

1 message

**David Grey** < jdjdjd5625@gmail.com> Thu, Apr 17, 2014 at 3:31 PM
To: Beckerroad.rezone@gmail.com

Thank you very much for the rezoning
letter concerning Becker Road.
We are pro commercial rezoning.
If we can be of any assistance please
do not fail to contact us.

David Gray
5625 Sun Valley Drive
Fort Pierce fl 34951
772-579-2220

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezoning

1 message

**mikeneil@aol.com** < mikeneil@aol.com> Thu, Apr 17, 2014 at 4:20 PM
To: beckerroad.rezone@gmail.com

To Whom It May Concern:

We support the rezoning of any residential parcel along Becker Road to Commercial Zoning.

Sincerely,

AM Developments, Inc.
Michael Neil Reinstein, Managing Partner
Architect AR 13161
State Lic. Gen. Contr. CGC 045282
786-546-4739

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

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# You got my support regarding zoning change to commercial.

1 message

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**Mark jean-pierre** < markhj22@yahoo.com> Thu, Apr 17, 2014 at 7:18 PM
Reply-To: Mark jean-pierre <markhj22@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# keep commercial

1 message

**john kendall** < snapher3006@yahoo.com> Wed, Apr 16, 2014 at 10:17 AM
Reply-To: john kendall <snapher3006@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I am in full favor of keeping the zoning as is - commercial
John Kendall - 155 SW Klee circle, PSL FL 34953

as always the council will do as they please no mater what we want.

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road rezoning

1 message

**Prima Properties** < primapro@aol.com> Wed, Apr 16, 2014 at 1:56 PM
To: beckerroad.rezone@gmail.com

We will give you our support to get the zoning changed from residential to commercial, if you can get our lots changed as well! :)

-John Morris
Prima Properties

Gmail

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

# SUPPORT FOR REZONE

1 message

**Djdi557@aol.com** < Djdi557@aol.com> Wed, Apr 16, 2014 at 2:11 PM
To: Beckerroad.rezone@gmail.com

To Whom It May Concern:

We are in support of the rezoning of Becker Road from residential to commercial.

Sincerely,

DeLeasa LLC
Diane DeLeasa
Gail DeLeasa

Alfred Wetzel < beckerroad.rezone@gmail.com>

# rezone

1 message

**MITCHELL THAL** < yankee714@yahoo.com> Wed, Apr 16, 2014 at 3:23 PM
Reply-To: MITCHELL THAL <yankee714@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

I have 3 lots fronting Becker

I thought it was rezoned to GC years ago...lost track

2 questions please...
-what is the address of the 6 lot pkg?
-what type of project is proposed for the site?

Thanks,

Mitchell Thal

Gmail by Google

Alfred Wetzel < beckerroad.rezone@gmail.com>

# lot#6 Becker rd.

1 message

**twerpshaw@comcast.net** < twerpshaw@comcast.net> Wed, Apr 16, 2014 at 3:45 PM
To: Beckerroad.rezone@gmail.com

I'm in support of rezoning my parcel on Becker rd. to commercial zoning.

Tom Werpshaw 772 - 781- 9546

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# We are in support of this rezone of Becker Road.

1 message

**FLMUZ@aol.com** < FLMUZ@aol.com> Wed, Apr 16, 2014 at 4:07 PM
To: Beckerroad.rezone@gmail.com

This has been too many years sitting around for someone or something to get this in motion. Signed Paul S Conti and Shirley E Heysham both are lot owners on Becker Road in Port St Lucie, Fl.

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road - Commercial Development

1 message

**Deirdre Levesque** < deirdrelevesque@yahoo.com> Wed, Apr 16, 2014 at 5:25 PM

Reply-To: Deirdre Levesque <deirdrelevesque@yahoo.com>
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

To Whom It May Concern:

We completely agree, one hundred percent, that Becker Road should be developed commercially and support Port St. Lucie City Council's proposal to do so. Thank you for the opportunity for our voices to be heard.

Sincerely,
Deirdre and Timothy Levesque

249 SW North Wakefield Circle
Port St. Lucie, FL 34953

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Rezone of Becker road

1 message

**Nick Peters** < pickneters@gmail.com>

Wed, Apr 16, 2014 at 6:28 PM

To: beckerroad.rezone@gmail.com

I am for Becker road becoming zoned commercial. My name is Nick Peters and I reside at 4626 sw fallkirk st in Port Saint Lucie Florida. Please feel free to contact me at 772-332-4422 with any questions.

Thanks
Nick Peters

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Becker Road.

1 message

**Nabil Mansour** < nabilmansour55@gmail.com> Wed, Apr 16, 2014 at 8:49 PM

To: beckerroad.rezone@gmail.com

Hi ,

My name is Mr Mansour,myself and my cousin own the first three lots located at the NW corner of the Florida Turnpike. We will be more than happy to offer any kind of assistance to you in your quest to rezone your lots into commercial ones.If you would to discuss the details,you can call me at 404/998-9036.

Best regards
Mr Mansour

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# Support for Becker Road Rezone

1 message

**edmonahan@webb-builders.com** < edmonahan@webb-builders.com> Thu, Apr 17, 2014 at 6:47 AM
To: beckerroad.rezone@gmail.com

Count me in please. I'm also the president of Spartan Development that owns property on and near Becker Rd. I would like to speak with you (cell #) when have a moment about Port St. Lucie; it's current state and future.
Thank you
Ed Monahan
Webb Builders, LLC
Phone (561) 626-1568
Fax (561) 626-1654
Cell (561) 847-0472

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Re-zone Becker

1 message

**Lorraine Nichol** < lnichol13@live.com> Thu, Apr 17, 2014 at 9:05 AM
To: "beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Please add us to the list of supporters for the re-zoning of Becker Road, Port St. Lucie, FL, from Residential to Commercial.

Phillip H. Nichol and Lorraine S. Nichol

Gmail by Google

Alfred Wetzel <beckerroad.rezone@gmail.com>

# Rezoning

1 message

**Valarie** <grantstb@comcast.net> Mon, Apr 21, 2014 at 9:40 PM
To: beckerroad.rezone@gmail.com

It would be to the best interest of the homeowners in this area to have commercial development along Becker Road. It will relieve some of the traffic on the Boulevard and the neighboring streets i.e. Gatlin. We need a pharmacy, restaurants, etc.

Gmail by Google

**Alfred Wetzel < beckerroad.rezone@gmail.com>**

## Pt. St. Lucie Rezoning of Becker Road

1 message

**Dale Gaines** < dalegaines@hotmail.com> Mon, Apr 21, 2014 at 12:29 PM

To: "Beckerroad.rezone@gmail.com" <beckerroad.rezone@gmail.com>

Hello Mr. Wetzel,

Just received your letter and we are very interested in learning more as to what is going on with this.
We are in support of the rezoning to commercial.

I would appreciate if you would please call me or send me your phone number so we can discuss this further.

Thank you,

Greg Gaines
Phone: 828-421-5630

Gmail

Alfred Wetzel < beckerroad.rezone@gmail.com>

# zoning on Becker Road

1 message

**juliacr@aol.com** < juliacr@aol.com> Sun, Apr 20, 2014 at 9:26 PM
To: beckerroad.rezone@gmail.com

I think rezoning Becker Road from the turnpike to I- 95 is a pretty logical thing to do. The area is between 2 major highways and would be convenient for businesses to locate in the area. Commercial development would bring more revenue to the city too.

Julia Raub
772 336 2783

Gmail by Google

# Port St. Lucie Planning & Zoning

**Sandy** <sdambrosio1@rochester.rr.com> Fri, Apr 18, 2014 at 3:07 PM
To: beckerroad.rezone@gmail.com

Hello,

This is inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Sandra D'Ambrosio

Gmail by Google

# (no subject)

**blue** <blueoak@rochester.rr.com> Fri, Apr 18, 2014 at 6:21 PM
To: beckerroad.rezone@gmail.com

Hello,

This is to inform you that I fully support the consideration of the potential Commercial Zoning projected for a 6 lot package on Becker Road. I believe it would benefit the city in its growth.

Michael D'Ambrosio

ITEM 7(G) + 7(H)
P14-037 + P14-038

**John Finizio**

**From:** PTorick <ptorick@comcast.net>
**Sent:** Tuesday, September 06, 2016 7:25 AM
**To:** John Finizio
**Cc:** Shannon Martin
**Subject:** Rezoning of residential to commercial property Section 34, Block 2358, Lots 1-3 and 22-24

Mr. Finizio,

When I purchased my first home at 4652 SW Alpha Street, I made sure it was in a residential area. I moved from US Highway 1 to a calm area to get away from all the noise, crime & traffic that goes along with living by commercial properties. It's my understanding Section 34, Block 2358, Lots 1-3 and 22-24 are now under review to be zoned as commercial.

No one in our area wants this rezoning to commercial to take place. It's a disgusting practice the owners of this property purchased it as a residential property with plans to rezone it for commercial. We all moved here to get away from commercial areas. This is NOT their neighborhood. It is ours.

There will be commercial property up the road from me in two other areas. There is plenty of commercial property 2 miles both east & west of my home. Let them buy that property.

There are also dozens of empty commercial buildings in Port Saint Lucie. It doesn't make any sense to be constructing more commercial buildings when so many still sit empty. Hasn't the Planning & Zoning Department learned their lessons after the Digital Domain & Civic Center debacles?

Please, we are hard-working citizens in the area you want to rezone. We want the area around our homes to be residential. Keep it that way.

I am not able to attend the meeting today as I work. As do all the other people in the area you want to rezone. But I will be attending the meeting on September 26 where my voice will be heard.

Best regards,

Patricia Torick
4652 SW Alpha Street
Port Saint Lucie, FL 34953

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 10E
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Patricia Roebling, P.E., Interim City Manager

THRU: O. Reginald Osenton, City Attorney

FROM: Keri S. Norbraten, Assistant City Attorney/Police Advisor

AGENDA ITEM: Ordinance: AN ORDINANCE AMENDING TITLE IX – GENERAL REGULATIONS, CHAPTER 93 – FIRE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY AMENDING SECTION 93.03 SECURITY AND FIRE ALARM SYSTEMS TO ADD TO CERTAIN DEFINITIONS, TO PROVIDE FOR ISSUANCE OF CEASE AND DESIST ORDERS, TO PROVIDE FOR A THIRD-PARTY ADMINISTRTATOR TO ADMINISTER THE PERMIT PROCESS, TO CLARIFY THE APPLICATION AND APPROVAL PROCESS; TO REDUCE THE PERMIT TERM TO ONE YEAR AND PROVIDE SIX MONTH AMNESTY PERIOD FOR REGISTRATION OF PREVIOUSLY NON-PERMITTED ALARM SYSTEMS FOLLOWING ADOPTION OF ORDINANCE, TO PROVIDE FOR THE COUNTY'S THIRD-PARTY ADMINISTRATOR TO ISSUE PERMITS, TO ESTABLISH INSTALLATION REQUIREMENTS AND DUTIES OF ALARM OWNERS AND ALARM COMPANIES, ESTABLISHING PROCEDURE FOR DETERMINATION OF FALSE ALARM AND NOTICE TO ALARM USER AND/OR RECORD TITLE OWNER, TO ESTABLISH A REVISED FEE SCHEDULE FOR FALSE ALARMS, PROVIDING CLARIFICATION REGARDING THE RESPONDING AGENCY, AND TO ESTABLISH AN APPEAL PROCEDURE FOR DETERMINATION OF FALSE ALARMS; DELETING IN ITS ENTIRETY SECTION 93.05 FALSE ALARM DISPATCH CHARGE, COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Submittal Date: 9/19/2016

1671

**STRATEGIC PLAN LINK:** City of Port St. Lucie Vision 2030 Guiding Principles – Mission Principal A – Safe Community

**BACKGROUND:** Under our current Ordinance, an Alarm Permit is required for any alarm system serving a premises or building; such permit is issued by the St. Lucie County Tax Collector for a $10.00 fee. An alarm permit is valid for a term of two years from the date of issuance, with renewal permits also costing $10.00. An alarm user is charged a service fee of $50.00 for the first false alarm in excess of three false alarms in any one-year period, $75.00 for the second false alarm in excess of three false alarms in any one-year period, and $100.00 for the third and each successive false alarm in excess of three false alarms in any one-year period. The "law enforcement executive" or fire marshal determines whether a false alarm has occurred and the frequency of such false alarms, and the St. Lucie County Tax Collector invoices alarm users for the amounts owed to the City.

Currently, the St. Lucie County Tax Collector assesses the permit fees and false alarm fees on behalf of the City, St. Lucie County, Ft. Pierce, and the Fire District. The alarm user has 10 working days to remit payment for the false alarm service fee. If the alarm user does not remit payment, the Ordinance requires the City's Code Enforcement division to initiate enforcement proceedings in accordance with Section 32.21 of the Code of Ordinances, which has been repealed and replaced with Section 37.01, which establishes the City's Special Magistrate.

An Alarm Committee comprised of representatives of the Port St. Lucie Police Department, St. Lucie County Fire District, St. Lucie County Sheriff's Office, Ft. Pierce Police Department, and the Public Safety Director voted to shift administration of the permitting and fine collection to a third-party administrator. The Committee has determined that a third-party administrator would better accomplish the Committee's goal of reducing law enforcement and fire rescue response time spent on responding to false alarms in St. Lucie County. Pursuant to the Committee's recommendations, the St. Lucie County Board of County Commissioners approved the award of RFQ 14-006 False Alarm Billing and Tracking Services to Public Safety Corporation ("PSC") and have passed Ordinance No. 87-44 establishing alarm system standards using a third-party administrator. Beginning October 1, 2016 the Tax Collector will begin to transfer permitting and collection of the fees to Public Safety Corporation and no longer provide this service to the City.

**ANALYSIS:** The attached Ordinance serves to effectuate the recommended changes made by the Alarm Committee. Additionally, the Ordinance will provide a mechanism for Council to enter into the "Amended and Restated Contract for False Alarm Billing and Tracking Services" proposed by PSC, along with the County, the St. Lucie County Fire District, and the City of Fort Pierce or to contract with a third-party administrator of their choosing.

The third-party administrator will issue alarm permits and collect fees for false alarms. The alarm permit will be valid for 365 days after the date of issuance. A renewal permit must be obtained upon expiration. The initial permit and renewal permits will

now be free to applicants. The Ordinance requires residents with pre-existing alarm systems to obtain a permit within six months of the effective date of the Ordinance.

The Ordinance proposes the following fine schedule for false alarms that occur within a rolling twelve-month period: First False Alarm - $0, Second False Alarm- $100, Third False Alarm - $200, Fourth False Alarm - $400, Fifth and Subsequent False Alarm - $500. The above fines charged by Port St. Lucie Police Department, St. Lucie County Sheriff's Office, and Ft. Pierce Police Department are identical, while the Fire District's fees are as follows: First False Alarm - $0, Second False Alarm - $200, Third False Alarm - $300, Fourth and Subsequent False Alarm - $500. The responding agencies will file a report classifying the alarm as valid or false.

In order to assist law enforcement and the Fire District, an alarm system user must furnish the third-party administrator with the names, addresses, and telephone numbers of at least three people for commercial properties and two people for residential properties who can be reached at all times and who are authorized to enter the property and deactivate a false alarm. Alarm system users or their agents are required to respond to the alarm location in order to reset or deactivate a false alarm within a reasonable time of notification.

The Ordinance requires all alarm businesses that sell, lease, install, operate, or monitor alarm systems to register annually with the City. The companies are subject to a fine of $125.00 for failing to register. Alarm companies providing monitoring services must attempt to verify whether an alarm signal is valid before requesting dispatch.

Finally, an alarm user will be able to appeal assessment of a false alarm fine to the Port St. Lucie Police Department by filing a written request for review setting forth the reasons for appeal within fourteen calendar days of the date of the notice of the assessed fines. The City's Special Magistrate will serve as the Hearing Officer for all appeal hearings.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: The Ordinance has been reviewed and approved as to legal form and sufficiency by Keri S. Norbraten, Assistant City Attorney/Police Advisor

**STAFF RECOMMENDATION**: Port St. Lucie Police Department

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** A brief presentation on the matter will be provided by Chief John Bolduc and Assistant City Attorney Keri Norbraten if requested.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** N/A

**ATTACHMENTS:** Ordinance

c: John Bolduc, Chief of Police
Cheryl Shanaberger, Director of Procurement Management
Bill May, Police Administrator

RECEIVED
SEP 20 2016
CITY MANAGER'S OFFICE

# ORDINANCE 16-71

**AN ORDINANCE AMENDING TITLE IX – GENERAL REGULATIOINS, CHAPTER 93 – FIRE PREVENTION, OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA, BY AMENDING SECTION 93.03 SECURITY AND FIRE ALARM SYSTEMS TO ADD CERTAIN DEFINITIONS, TO PROVIDE FOR ISSUANCE OF CEASE AND DESIST ORDERS, TO PROVIDE FOR A THIRD-PARTY ADMINISTRTATOR TO ADMINISTER THE PERMIT PROCESS, TO CLARIFY THE APPLICATION AND APPROVAL PROCESS; TO REDUCE THE PERMIT TERM TO ONE YEAR AND PROVIDE SIX MONTH AMNESTY PERIOD FOR REGISTRATION OF PREVIOUSLY NON-PERMITTED ALARM SYSTEMS FOLLOWING ADOPTION OF ORDINANCE, TO PROVIDE FOR A THIRD-PARTY ADMINISTRATOR TO ISSUE PERMITS, TO ESTABLISH INSTALLATION REQUIREMENTS AND DUTIES OF ALARM OWNERS AND ALARM COMPANIES, ESTABLISHING PROCEDURE FOR DETERMINATION OF FALSE ALARM AND NOTICE TO ALARM USER AND/OR RECORD TITLE OWNER, TO ESTABLISH A REVISED FEE SCHEDULE FOR FALSE ALARMS, PROVIDING CLARIFICATION REGARDING THE RESPONDING AGENCY, AND TO ESTABLISH AN APPEAL PROCEDURE FOR DETERMINATION OF FALSE ALARMS; DELETING IN ITS ENTIRETY SECTION 93.05 FALSE ALARM DISPATCH CHARGE, COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS,** the Port St. Lucie Police Department responds to security alarms within the City of Port St. Lucie; and

**WHEREAS,** many of the security alarms to which the Port St. Lucie Police Department responds to were not activated due to unlawful behavior; and

**WHEREAS,** it is hereby found and determined that excessive false alarms constitute a public nuisance and that the response required by officers to respond to false alarms creates an undue burden on the Port St. Lucie Police Department; and

**WHEREAS**, it is in the best interest of the City of Port St. Lucie to encourage responsible use of alarm systems and to reduce the number of false alarms to which officers must respond by accurately tracking false alarm instances and assessing fees and penalties as required by Chapter 93 – Fire Prevention; and

**WHEREAS,** it is in the best interest of the City of Port St. Lucie that the Port St. Lucie Police Department recoup costs of responding to false alarms and that such costs be shared by those responsible for the activation of false alarms.

**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

**SECTION 1. Section 93.03 (Security and fire alarm systems) of Chapter 93 (Fire Prevention) of Article IX (General Regulations) of the Code of Ordinances of the City of Port St. Lucie is amended as follows:**

Sec. 93.03. - Security and fire alarm systems.

(a) Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: In those cases wherein a word or words are not defined, its definition shall be as found in Black's Law Dictionary, latest edition, or in American Heritage College Dictionary, third edition.

*Alarm* means a signal (audio or visual, recorded or live) transmitted to a law enforcement agency or the Fire District indicating a predetermined condition. Said alarm is received either:

(1) Via a private alarm service company relayed to a law enforcement agency or Fire District telephone.

(2) Via an audible/visual signal relayed to a law enforcement agency or Fire District by a third-party.

*Alarm administrator* means the City of Port St. Lucie Police Department, or its designee.

*Alarm agent* means any person employed by an alarm business whose duties include altering, installing, maintaining, moving, repairing, replacing, selling, servicing, and responding to an alarm system

*Alarm business* means any business operated by a person for a profit whose duties include altering, installing, maintaining, monitoring, moving, repairing, replacing, selling, servicing, and responding to an alarm system.

*Alarm dispatch* request means a notification to 911 central communications by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

*Alarm permit* means a permit issued by the county or a third-party alarm administrator allowing the operation of an alarm system within the county.

*Alarm site* means a single premises or location served by an alarm system or systems. Each tenancy served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.

*Alarm system* means any assembly of equipment, mechanical or electrical, arranged to:

(1) Signal the occurrence of a forced entry, fire, or other activity requiring urgent attention and to which law enforcement or the Fire District is expected to respond, and/or

(2) Monitor and/or annunciate the status of alarm or supervisory devices.

*Alarm user* means ~~any person who uses an alarm system at its alarm site or on whose premises an alarm system, as defined in this chapter is maintained within the city~~ the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

~~*Alarm user awareness class* means a class conducted by the city police department for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.~~

*Automatic dialing device* refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designated to detect.

*Burglar alarm* means an alarm system designated to indicate a condition of illegal forced entry or illegal attempted forced entry.

*City* means the City of Port St. Lucie.

*County* means St. Lucie County.

~~*Conversion* means the transaction or process by which one alarm business begins monitoring of an alarm system previously monitored by another alarm business.~~

*Duress alarm or panic alarm* means an alarm system designed to alert law enforcement or the fire department that the alarm user is in an emergency situation where a threat to person(s) or property exists. A duress alarm or panic alarm is frequently but not always controlled by a concealed duress alarm/panic alarm button. These buttons can be connected to a monitoring center via a silent alarm or an audible bell/siren.

*False alarm* means the activation of an alarm system through mechanical failure, malfunction, improper installation, or negligence of the owner, user, custodian, or lessee of an alarm system, or his requiring an emergency response, when in fact an emergency does not exist or the activation of the alarm, whether intentional or unintentional. False alarms do not include:

(1) Alarms caused by hurricanes, tornadoes, earthquakes or other violent conditions.

(2) Alarms covered by F.S. Section 806.101.

*False alarm dispatch* means an alarm dispatch request to a law enforcement and/or fire department, when the responding officer finds no evidence of a criminal offense or attempted criminal offense or fire after having completed a timely investigation of the alarm site. An alarm dispatch that is canceled by the alarm business or the alarm user prior to the time the responding officer reaches the alarm site shall not be considered a false alarm dispatch.

*Fire alarm* means an alarm system designated to indicate the presence of fire or smoke is in progress immediately preceding the alarm.

*Fire department* means the St. Lucie County Fire District.

*Fire District* means the St. Lucie County Fire District.

*Fire Marshal* means the St. Lucie County Fire Marshal, or his designee.

*Law enforcement executive* means the Chief of Police for the City of Port St. Lucie, or his designee.

*Law enforcement agency* means the City of Port St. Lucie Police Department and/or the St. Lucie County Sheriff's Office.

*Medical alarm* means an alarm system designated to signal the presence of a hazard requiring urgent attention and to summon emergency medical personnel.

*Monitoring* means the process by which an alarm business receives signals from alarm systems and relays an alarm dispatch request to 911 central communications for the purpose of summoning police response to the alarm site.

*Primary trunkline* means a telephone line leading directly into the communication center of any law enforcement agency that is for the purpose of handling emergency calls on a person-to-person basis, and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory issued by the telephone company and covering the service area within the county.

*Record title owner* means the person or persons in whose name title to real property are recorded on the public records.

*Robbery alarm* means an alarm system designated to indicate a robbery (holdup) is in progress immediately preceding the alarm, or the activation of a device designed to signal duress or the activation of a device to signal an ambush is in progress immediately preceding the alarm.

*Sheriff* means the St. Lucie County Sheriff, or his designee.

*Special trunkline* means a telephone line leading into the communication center of any law enforcement agency and having the primary purpose of handling emergency signals or messages originating either directly or through a central location from automatic dialing devices.

~~*Takeover* means the transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.~~

~~*Tax collector* means the St. Lucie County Tax Collector or her designee.~~

*Third-party administrator* means an entity designated by City Council to administer the provisions of this Ordinance.

*Verify* means an attempt, by the alarm business, or its representative, to contact the alarm site and/or the designated contact person by telephone or other electronic means, whether or not actual contact with a person is made, before requesting a law enforcement and/or fire department dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

(b) ~~*Equipment operation and maintenance*~~ Automatic dialing device – Interconnecting to trunklines.

~~(1) Each alarm user, at his expense, is required to maintain all components of his alarm system in good working order at all times to insure that the sensory mechanism used in connection with such device is adjusted to suppress false indications of holdups or intrusions or fire or smoke conditions so that the device will not be activated by impulses due to short flashes or light, wind, noises, vehicular noise or other forces unrelated to genuine alarms.~~

(1) No automatic dialing device shall be interconnected to any primary or special trunkline at any law enforcement agency or fire department in the City or the 911 communications center unless under special investigative purposes as authorized by the law enforcement executive of the law enforcement agency, the fire marshal or the public safety director.

~~(2) No alarm system designed to transmit emergency messages shall be tested or demonstrated without first notifying the central station, 911 central communications and the fire department.~~

(2) If a law enforcement agency has knowledge of the unlawful maintenance of an automatic telephone dialing alarm system installed, or operated in violation of Sec. 93.03(b)(1), it shall, in writing, order the owner, operator or lessee to disconnect and cease operation of the system within seventy-two (72) hours of receipt of the order.

~~(3) Security and fire alarm systems shall be required to have a maintenance contract for testing and inspections in accordance with the National Fire Protection Association (NFPA) standards: for example, smoke and/or heat detectors, manual pull stations and water flow alarms (sprinkler systems). Copies of the maintenance contract and test results of the fire alarm system shall be forwarded to the fire marshal within 30 days from the date of the test.~~

(3) Any automatic telephone dialing system installed as set forth in Sec. 93.03(b)(1) prior to the effective date of Ordinance 16- , shall be removed within forty-five (45) days of the order as referenced in Sec. 93.03(b)(2).

~~(4) The alarm user shall make every reasonable effort to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by law enforcement to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.~~

(4) Every alarm business selling or leasing to any person an automatic dialing device which is installed on such person's premises in the City after the effective date of the ordinance from which this article is derived shall furnish that person with instructions that provide adequate information as required by the National Fire Protection Association Standards to enable persons using such device to operate it properly and, if the device is to be serviced or maintained by another alarm business, shall furnish such other alarm business with a manual or other information, including a diagram of the final installation necessary to enable it to service or properly maintain such device.

~~(5) The alarm user shall maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm dispatches.~~

(5) If the law enforcement executive or fire marshal responsible finds such instructions to be incomplete or unclear, or inadequate to explain how the device operates and is constructed, he may require the alarm business to revise the instructions and mail them out by certified letter to provide adequate information, and then to distribute the revised information to persons who have had such devices installed as well as to persons subsequently having such devices installed.

~~(6) The alarm user shall not manually activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.~~

(6) Every alarm business selling or leasing to any person an automatic dialing device which is installed on such person's premises in the City after the effective date of the ordinance from which this article is derived shall furnish to the person buying or leasing such device written information and training concerning how service may be obtained at any time, including telephone number to call for service.

~~(7) An alarm user shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten~~

~~minutes after being activated, or 15 minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609.~~

~~(8) Within 15 days after the second false alarm dispatch to an alarm site in any one-year period, the alarm user shall have a properly licensed alarm business inspect his alarm system. After the third false alarm dispatch in any one year period, the alarm user shall have a properly licensed alarm business modify the alarm system to be more false alarm resistant or provide additional user training as appropriate. The alarm user shall provide written documentation to the city police department of such inspection, modification, or training within 30 days of the false alarm dispatch that necessitated such service.~~

(c) *Alarm permit—Required.*

(1) ~~No person shall install, maintain, or operate an alarm system serving a premises or building, or portion thereof, in the city, unless an alarm permit in the form of a decal has been issued hereunder, and is in force, authorizing the use of such alarm. For any alarm system existing prior to the effective date of this chapter, an alarm permit application shall be made within 60 days of the effective date hereof. A separate permit is required for each alarm site~~ It shall be unlawful for any person or company to operate, monitor, or be responsible for an alarm system, without prior registration with the third-party administrator designated by City Council. This shall apply to both commercial and residential systems. A separate permit is required for each alarm site.

(2) ~~Any after-the-fact permit issued to persons who initially failed to obtain permit shall be issued at twice the cost of the permit fee.~~ Each person or company which operates, monitors, or has responsibility for alarm systems, who notifies the City of an alarm activation, shall at the time of notification, disclose the name, address, telephone number, and permit number of the alarm user to the county.

~~(3) The alarm permit sticker shall be displayed in a conspicuous location on the main entrance to the building or facility serviced by the alarm.~~

(d) *Application.*

(1) ~~*Information required.* Applications for alarm permits shall be made to the St. Lucie County Tax Collector on forms provided by the tax collector. The application shall be signed by the alarm user and shall provide the following information:~~ Any person desiring an alarm system permit shall file an application with the third-party alarm administrator on a form provided by the administrator manually or electronically which includes but is not limited to, the following information:

a. ~~Name, address and telephone number of the alarm user, and, if different, the name, address and telephone number of the person responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this article.~~ The name and address of the applicant;

b. ~~Address and telephone number of the alarm user's premises or building to be served by the alarm~~. If different than above, the address at which the alarm system is to be installed and used;

c. ~~The name, address and telephone number of the person or persons in charge of the premises or building served by the alarm.~~ If the applicant is a corporation the names and addresses of its principal officers;

d. ~~The classification of the alarm system as either commercial or residential.~~ If the applicant is a partnership, association, or other business entity, the names and addresses of the partners or persons comprising the same;

e. ~~Whether the building is rented or owner occupied.~~ A description of the alarm system proposed to be installed, including the manufacturer's name and model number, if any;

f. ~~For each alarm system at the alarm site, the purpose of the alarm system, i.e. burglary, hold up, duress, fire, or other.~~ For residential properties: the names, addresses and telephone numbers of two (2) or more persons who will be available to secure the premises during any hour of the day or night; For commercial properties: the names, addresses, and telephone numbers of three (3) or more persons who will be available to secure the premises during any hour of the day or night;

g. ~~Classification of the alarm site as being equipped or nonequipped for duress alarm.~~ Classification of the alarm site as being equipped or non-equipped for duress alarm. Any such additional information that the City may deem necessary in order to fully and properly administer this chapter.

~~h. Signed certification from the alarm user and the alarm business stating:~~

~~1. The date of installation, conversion or takeover of the alarm system, whichever is applicable;~~

~~2. The name, address, and phone number of the alarm business performing the alarm system installation, conversion or alarm system takeover and responsible for providing repair serve to the alarm system;~~

~~3. The name, address and phone number of the alarm business monitoring the alarm system if different from the installing alarm business;~~

~~4. That a set of written operating instructions for the alarm system including written guidelines on how to avoid false alarms, have been left with the applicant; and~~

~~5. That the alarm business has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.~~

(2) ~~*Renewals.* This certification shall not apply to renewals.~~ Whenever any change occurs relating to the information required by this section, the applicant or permittee shall give written notice thereof to the third-party alarm administrator within ten days after such change.

(3) ~~*Amended application.* An amended application shall be filed within ten days after any change in the information provided in such application. Upon amendment of ownership or changes in the nature of the system, a new alarm permit shall be required.~~ An alarm system permit may be denied if the application is not in the proper form, does not contain all information, or fees required by this chapter are not paid.

(4) To the extent allowed by law and in the interest of public safety, all information contained in and gathered through the alarm permit applications, records relating to alarm dispatch requests, and applications for appeal shall be exempt and confidential information held in confidence by all employees or representatives of the City, County and by any third-party administrator or employees of a third-party administrator with access to such information.

(e) *Term; ~~fee~~; nontransferable.*

(1) ~~An alarm permit shall have a term of two years from date of issuance, such term to begin October 1 and end September 30. Any alarm permit issued after October 1 will be valid for the following two years through September 30.~~ Alarm System Permits are issued for a period of one (1) year and will expire 365 days after the date of issuance or renewal, unless otherwise suspended or revoked at an earlier time. Upon expiration of an alarm system permit, a renewal permit must be obtained in the manner specified by the City before an alarm system may continue in use.

(2) ~~The city shall charge a $10.00 fee to the alarm user for each permit issued, including successive renewal permits, to defray the cost of regulation.~~ Alarm permits may not be transferred to another person or alarm site. Permits are valid only for the permittee and address listed on the permit.

(3) ~~Any alarm permit issued pursuant to this chapter shall not be transferable or assignable and shall cover only one building or premises. An alarm user shall inform the tax collector of any change that alters any information listed on the permit application within ten working days.~~ An alarm user shall inform the third-party alarm administrator of any change that alters any information listed on the permit application within ten working days.

(4) ~~It is the responsibility of the alarm user to submit a renewal application prior to the permit expiration date. Failure to renew shall be classified as use of a nonpermitted alarm system and citations and penalties shall be assessed.~~ It is the responsibility of the alarm user to submit a renewal application prior to the permit expiration date. Failure to renew shall be classified as use of a non-permitted alarm system and citations and penalties shall be assessed without waiver.

(5) Within six (6) months of the effective date of this ordinance any person who has a pre-existing alarm system which was not installed under a permit may obtain an installation permit without a penalty.

(f) *Issuance.* An alarm permit shall be mailed to the alarm user by the ~~tax collector~~ third-party administrator at the address of the alarm user stated on the application within ten days after receipt of the completed application by the ~~tax collector~~ third-party administrator. An alarm permit shall be denied if:

(1) The requested information is not supplied on the application.

(2) Material information on the application is incorrect.

(3) Any person or entity listed on the application as responsible for the installation, maintenance and/or monitoring of the alarm system does not possess any required

occupational or regulatory license to conduct such activities unless the person or entity is the alarm user.

(4) All false alarm dispatch charges for excessive false alarms owed by the alarm user have not been paid.

(5) The alarm user had an alarm permit for the alarm site suspended or revoked and the violation causing the suspension or revocation has not been corrected.

(g) ~~*Excessive false alarm signals generally.*~~ *Installation requirements; duty of owners; duties of alarm companies.*

(1) ~~No person shall allow, permit, cause or fail to prevent the emission, for any reason, by any alarm used by him, or any alarm serving a premises or a building occupied and controlled by such person, of more than three false alarms within any one year period of time.~~ Prior to the activation or substantial modification or use of an alarm system, as defined in 93.03(a), the owner, manager, or lessee of the premises shall furnish to the third- party alarm administrator on a form provided by the third-party alarm administrator manually or electronically which includes information deemed necessary to provide adequate response to the alarm.

(2) ~~The emission of more than three false alarms within any one year period of time is excessive and constitutes a serious public nuisance, and is subject to false alarm dispatch charges set out in subsection (h) below.~~ Owners, managers or lessees of existing alarm systems as defined in Sec. 93.03(a) shall have thirty (30) days from the effective date of this ordinance to comply with the above notice requirements.

(3) ~~There shall be a three-month grace period on false alarms only for new installations from the date of installation. For any false alarms during this period, the alarm business shall be contacted to review the customer false alarm prevention checklist (appendix A of this section) with the alarm user.~~ Owners, manager or lessees, or agents of any alarm system shall respond to the alarm location, when requested, in order to reset or deactivate the alarm system within a reasonable time of notification. Failure to provide such access shall result in a false alarm assessment as provided in Sec.93.03(h).

(4) A contractor as defined in Section 553.793, Florida Statutes, or an alarm system monitoring company that installs a monitored alarm system shall provide written notice, on paper or electronically, to an owner, lessee, or occupant, or an authorized representative thereof, before activating or reactivating an alarm system, that the City requires the registration of the alarm system.

(5) An alarm system monitoring company that activates an alarm system installed by an owner, lessee, or occupant, or authorized representative thereof, shall provide verbal notice to the owner, lessee, or occupant, or authorized representative thereof, before activating or reactivating an alarm system, that the City requires the registration of the alarm system.

(6) Prior to the activation or use of any type of general alarm device the owner, manager or lessee of the premises shall furnish to the third-party alarm administrator, information regarding the full names, addresses and telephone numbers of at least three (3) persons for commercial properties and two (2) persons for residential properties who can be

reached at all times and who are authorized and have the capability to enter the premises and deactivate the alarm device. Owners, managers or lessees of the premises with alarm devices already installed shall have thirty (30) days from the effective date of this ordinance to comply with the above notice requirement. It shall be the responsibility of the owner, manager or lessee of the premises to provide an updated list annually to the third-party alarm administrator. Failure to do so may result in a false alarm assessment subject to the sanctions of Sec. 93.03(h).

(7) All burglar alarm systems having an audible or visual signal at the premises shall be equipped so as to automatically shut off the audible or visual signal after fifteen (15) minutes, except those systems required by law to have a longer operating period, in which case said system shall be equipped so as to automatically shut off the audible or visual signal at the conclusion of the longer required operating time.

(8) All alarm systems shall be properly maintained. System malfunction due to faulty maintenance shall not be grounds for an excused false alarm assessment.

(9) All alarm systems shall obtain all necessary permits and inspections for the installation of the system.

(10) All alarm businesses that sell, lease, install, operate, monitor or have the responsibility for alarm systems, shall maintain the appropriate license as required under Chapter 489, Florida Statutes, and shall register annually with the City. A fine of $500.00 shall be assessed to any alarm monitoring company who fails to register. Each registration shall be valid for twelve (12) months. The alarm monitoring company shall provide the following information:

a. Name, street address and telephone number. Monitoring companies shall maintain, for a period of at least one year, records relating to alarm notification and shall provide such records to the third-party alarm administrator upon request, or a fine of $125.00 shall be assessed.

b. The names, street addresses, and telephone numbers of all contracted alarm operators within the territorial jurisdiction of the City.

c. The procedure used to verify the legitimacy of an alarm prior to notification of City law enforcement.

d. The name, street address, and telephone number of the alarm company.

(11) An alarm company performing monitoring services shall:

a. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum, that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

b. Provide alarm user registration number, when available, to the communications center to facilitate dispatch and/or cancellation.

c. Communicate any available information about the location of the alarms to the communications center.

d. Communicate a cancellation to the communications center as soon as possible following a determination that a response is unnecessary.

(h) ~~*False alarm dispatch charge; collection.*~~ *Response to alarms; determination of validity.*

(1) ~~For response to excessive false alarms by law enforcement agencies, the alarm user shall be charged a service fee by the city of $50.00 for the first alarm in excess of three false alarms in any one-year period, $75.00 for the second false alarm in excess of three in any one-year period, and $100.00 for the third and each successive false alarm in excess of three in any one-year period.~~

~~For response to excessive false alarms by the fire department, the alarm user shall be charged a service fee by the county of $130.00 for the first alarm in excess of three false alarms in any one-year period, $155.00 for the second false alarm in excess of three false alarms in any one-year period, and $205.00 for the third and each successive false alarm in excess of three in any one-year period.~~

~~The law enforcement executive, or fire marshal shall determine whether a false alarm has occurred and the frequency of such false alarms, and the tax collector or other person designated by the council shall invoice alarm users of amounts owed to the county or city and shall make demand thereof, pursuant to the provision of this section. Payment of such charges shall be due within ten working days of the date of receipt of the invoice. Payment shall be by money order, certified check or cash only. In the event an alarm user does not remit payment of the charge in a timely manner as provided herein, the tax collector shall notify the sheriff, the fire marshal, or the city as appropriate, that the charge is past due. The sheriff, the fire marshal, or the city as appropriate shall then make an effort to collect said charge. In the event the sheriff, the fire marshal, or the city is unable to collect said charge in a timely manner, the sheriff, fire marshal, or the city shall file a complaint with the city code enforcement division regarding the alarm user's failure to pay the charge in a timely manner. Upon receipt of such complaint, the code enforcement division shall initiate enforcement proceedings in accordance with section 32.21 of this Code and such violations shall be subject to the penalty and enforcement provisions as therein provided in addition to the charges provided in this section.~~ Whenever an alarm is activated in the City, thereby requiring an emergency response to the location by law enforcement and/or the Fire District, and the management of the alarm site does not respond, a police officer or firefighter on the scene of the activated alarm system shall visually inspect the area protected by the system and shall exercise reasonable judgment to determine whether the emergency response was in fact required as indicated by the alarm system or whether in some way the alarm system malfunctioned and thereby activated a false alarm.

(2) ~~An alarm user shall have the option of attending an alarm user awareness class in lieu of paying one prescribed fee.~~ If a police officer or firefighter at the scene of the activated alarm system determines the alarm to be false, said officer or firefighter shall make a report of the false alarm, a notification of which shall be mailed or delivered by the third-

party alarm administrator to the alarm user and/or record title owner at the address on file with law enforcement, advising the alarm user and record title owner of the false alarm.

(3) ~~All false alarm dispatch charges collected as the result of such enforcement shall only be used to offset the costs incurred in responding to false alarms.~~ Law Enforcement shall have the right to inspect any alarm system on the premises to which a response has been made and they may cause an inspection of such system to be made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this chapter.

(4) ~~Alarm users shall be granted a three-month grace period from the date of initial installation for new installations only. During said time period, the users shall not be assessed the above listed fees. Subsequent to the grace period, all such charges/fees shall apply.~~ All false alarm dispatch charges collected as the result of such enforcement shall only be used to offset the costs incurred in responding to false alarms and administration of the alarm systems ordinance.

(i) ~~*Severability and applicability.* If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.~~ *Classifying alarms; fees charged.*

(1) For each response by any emergency unit of the Fire District or any law enforcement agency to an alarm the responding agency will file a report, classifying the alarm as one of the following:

a. False alarm, system with no test notification or system malfunction.

b. False alarms, no system test, no owner response.

c. Valid alarm for cause designated.

(2) There shall be a fine charged for false alarms according to the following schedule during a rolling twelve month period:

| Alarm Within 12 Months | Fire/Rescue | Law Enforcement |
|---|---|---|
| First | $0 | $0 |
| Second | $200 | $100 |
| Third | $300 | $200 |
| Fourth | $500 | $400 |
| Fifth & Subsequent | $500 | $500 |

(3) Alarm Companies shall not activate the alarm system prior to the registration. If a false alarm occurs prior to the registration of the alarm permit, the alarm monitoring company will be charged a fine of $250.00. If the alarm system is self-monitored the alarm user will be charged a fine of $50.00, which may be waived if the alarm permit is registered within thirty (30) days.

(4) In addition, any person operating a non-permitted Alarm System will be subject to an additional fine of $50.00. This fee may be waived if the permit is registered in fifteen (15) days.

(j) ~~*Alarm business license.* The city police department can appeal to the appropriate governmental body regulating the alarm business license to suspend or revoke the alarm business license when the alarm business fails to comply with the following duties:~~ *Disbursement of service charges.* Service charges will be disbursed to the accounts of each responding law enforcement agency and/or the general fund of the county Fire District or in a manner as agreed to by all affected agencies. Pursuant to F.S. Section 30.51, all service fees and charges assessed for services of the Sheriff shall be remitted to the City.

~~(1) Report alarm signals by using telephone numbers designated by the alarm administrator;~~

~~(2) Attempt to verify every alarm signal, except a duress and holdup alarm activation before requesting a law enforcement response to an alarm system signal;~~

~~(3) Communicate alarm dispatch requests to the municipality in a manner and form determined by the alarm administrator;~~

~~(4) Communicate cancellations to the municipality in a manner and form determined by the alarm administrator;~~

~~(5) Ensure that all alarm users of alarm systems equipped with a duress or holdup alarm are given adequate training as to the proper use of the duress or holdup alarm;~~

~~(6) Communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;~~

~~(7) Communicate type of alarm activation (silent or audible, interior or perimeter);~~

~~(8) Provide alarm user registration number when requesting dispatch;~~

~~(9) Endeavor to contact the alarm user when an alarm dispatch request is made; and~~

~~(10) Upon enactment of this section, alarm businesses that perform monitoring services must maintain for a period of at least one year, records relating to alarm dispatch request. Records must include the name, address and phone number of the alarm user, the alarm system zone(s) activated, the time of alarm dispatch request and evidence of an attempt to verify. The city police department may request copies of such records for individually named alarm users.~~

~~(Ord. 88-12, passed 2-29-88; Ord. No. 00-34, § 1, 4-24-00; Ord. No. 00-75, § 1, passed 8-28-00)~~

~~CUSTOMER FALSE ALARM PREVENTION CHECKLIST~~

| ~~**Yes**~~ | ~~**No**~~ | ~~**(Check one)**~~ |
|---|---|---|
| ~~_____~~ | ~~_____~~ | ~~I have been trained in the proper operation of the system.~~ |

| | | |
|---|---|---|
| _____ | _____ | ~~I have been given a summary operating sheet.~~ |
| _____ | _____ | ~~I have been given the security system operating manual.~~ |
| _____ | _____ | ~~I know how to cancel an accidental alarm activation.~~ |
| _____ | _____ | ~~I have the cancellation code.~~ |
| _____ | _____ | ~~I know how to turn off motion detectors while leaving other sensors on.~~ |
| _____ | _____ | ~~I know how to test the system, including the communication link with the monitoring center.~~ |
| _____ | _____ | ~~I understand the length of the delay time on designated entry/exit doors and I believe this will provide sufficient time to get in and out of the premises. My entry time: _____. My exit time: _____.~~ |
| _____ | _____ | ~~I have the alarm business phone number to request repair service or to ask questions about the alarm system.~~ |
| _____ | _____ | ~~I have been offered the option of a training/no dispatch period.~~ |
| _____ | _____ | ~~I understand that indoor pets can cause false alarms and I will conduct my alarm business to adjust the system if I acquire any additional indoor pets.~~ |
| _____ | _____ | ~~I know where the main control panel and transformer are located.~~ |
| _____ | _____ | ~~I have received an alarm sheet that describes how the alarm business will communicate with me in the event of various alarm signals.~~ |
| _____ | _____ | ~~I understand the importance of keeping my emergency contact information updated and I know how to do this.~~ |

| | | |
|---|---|---|
| _____ | _____ | ~~I understand the importance of immediately advising the alarm business if my phone number changes (including area code changes).~~ |
| _____ | _____ | ~~I understand the importance of any other changes to my telephone service such as call waiting or a fax line.~~ |
| _____ | _____ | ~~I have been made aware of the alarm ordinance, if any, that governs the operation of system and I will comply with applicable requirements (permits, fee, etc.).~~ |
| _____ | _____ | ~~I will advise the alarm business if I do any remodeling (such as extensive painting, moving walls, doors or windows).~~ |
| _____ | _____ | ~~I understand that certain building defects (such as loose fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects, as I become aware of them.~~ |
| _____ | _____ | ~~The alarm business has given me written false alarm prevention techniques to help me prevent false alarms.~~ |
| _____ | _____ | ~~I understand it is my responsibility to prevent false alarms and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people, and repair people) are trained on the proper use of the system.~~ |

~~Comments:~~ _____

_____

_____

| | |
|---|---|
| ~~ALARM BUSINESS~~ | ~~CUSTOMER~~ |

| | |
|---|---|
| _____ | _____<br>~~Print Name(s)~~ |
| ~~By:~~ _____ _____ | _____<br>~~Signature(s)~~ |
| | _____<br>~~Date~~ |

(k) *Appeals.*

(1) *Appeals process.* An alarm user may appeal assessment of the fine(s) to the City's designated Alarm Administrator by filing a written request for review setting forth the reasons for the appeal within fourteen (14) calendar days of the date of the notice of the assessed fine(s). The failure to file a request for an appeal within this time period shall constitute a waiver of the right to contest the assessment of the fine(s). The City's Special Magistrate shall serve as the Hearing Officer for all appeal hearings under this section pursuant to Chapter 37 of the Port St. Lucie, Florida Code of Ordinances. The filing of a request for an appeal shall stay the assessment of the fine(s) until the Special Magistrate renders a final decision. Upon receipt of a timely written request for an appeal, a hearing will be scheduled before the Special Magistrate. Notice of the hearing will be sent to the alarm user after receipt of the request for appeal. The Special Magistrate shall conduct a hearing and consider the evidence presented pursuant to Chapter 162, Florida Statutes. At the conclusion of the hearing, the Special Magistrate shall issue findings of fact, based upon the evidence presented, and conclusions of law, and shall issue a written order. The Special Magistrate's decision is subject to review in the circuit court by proceedings in the nature of certiorari.

**SECTION 2. Section 93.05 (False alarm dispatch charge; collection) of Chapter 93 (Fire Prevention) of Article IX (General Regulations) of the Code of Ordinances of the City of Port St. Lucie is deleted in its entirety:**

~~Sec. 93.05. - False alarm dispatch charge; collection.~~

~~For response to excessive false alarms by law enforcement agencies, the alarm user shall be charged a service fee by the city of $50.00 for the first alarm in excess of three false alarms in any one-year period, $75.00 for the second false alarm in excess of three in any one-year period, and $100.00 for the third and each successive false alarm in excess of three in any one-year period.~~

~~For response to excessive false alarms by the fire department, the alarm user shall be charged a service fee by the county of $130.00 for the first alarm in excess of three false alarms in any one-year period, $155.00 for the second false alarm in excess of three false alarms in any one-year period, and $205.00 for the third and each successive false alarm in excess of three in any one-year period.~~

~~The law enforcement executive, or fire marshal shall determine whether a false alarm has occurred and the frequency of such false alarms, and the tax collector or other person designated by the council shall invoice alarm users of amounts owed to the county or city and shall make demand thereof, pursuant to the provision of this section. Payment of such charges shall be due within ten working days of the date of receipt of the invoice. Payment shall be by money order, certified check or cash only. In the event an alarm user does not remit payment of the charge in a timely manner as provided herein, the tax collector shall notify the sheriff, the fire marshal, or the city as appropriate, that the charge is past due. The sheriff, the fire marshal, or the city as appropriate shall then make an effort to collect said charge. In the event the sheriff, the fire marshal, or the city is unable to collect said charge in a timely manner, the sheriff, fire marshal, or the city shall file a complaint with the city code compliance division regarding the alarm user's failure to pay the charge in a timely manner. Upon receipt of such complaint, the code compliance division shall initiate enforcement proceedings in accordance with section 32.21 of this Code and such violations shall be subject to the penalty and enforcement provisions as therein provided in addition to the charges provided in this section.~~

~~(Ord. No. 13-17, § 1, 4-8-13)~~

**<u>SECTION 3</u>. SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

**<u>SECTION 4</u>. FILING WITH THE DEPARTMENT OF STATE.**

The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

**<u>SECTION 5</u>. CODIFICATION.**

Provisions of this ordinance shall be incorporated in the Code of Ordinances of the City of Port St. Lucie, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 3 through 6 shall not be codified.

**<u>SECTION 6</u>. EFFECTIVE DATE.**

This Ordinance shall take effect on October 10, 2016.

**ORDINANCE 16-71**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this ____ day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA

By: _____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

By: _____

O. Reginald Osenton
City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 11A
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Jeff Bremer, City Manager

THRU: Daniel Holbrook, Assistant City Manager-Community Development Director

FROM: Patricia A. Tobin, AICP, Director Planning and Zoning

Agenda Item: Resolution: Preliminary Plat and Construction Plans – Tradition Parkway – Western Grove (P16-054) 16-R73

Submittal Date: 9/15/2016

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

**BACKGROUND:** This preliminary plat application includes construction plans for the proposed Tradition Parkway extension. Upon completion of the construction and prior to acceptance by the City, a final plat will need to be approved and recorded.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION**: NA

**LEGAL INFORMATION**: The resolution has been approved as to form by Attorney Thomas Mullin via email on September 14, 2016.

**PLANNING AND ZONING BOARD RECOMMENDATION**: The Site Plan Review Committee unanimously recommended approval of the subdivision plat application at their meeting on August 24, 2016.

**SPECIAL CONSIDERATION:** NA

**PRESENTATION INFORMATION:** Staff may provide a short presentation on the application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The Tradition Parkway right-of-way from the terminus of the existing roadway to the N/S A right-of-way.

**ATTACHMENTS:** Resolution, staff report, maps, application, plat and construction plans.

RECEIVED
SEP 1 5 2016
CITY MANAGER'S OFFICE

# RESOLUTION NO. 16-R73

**A RESOLUTION APPROVING THE PRELIMINARY PLAT AND CONSTRUCTION PLANS FOR TRADITION PARKWAY – WESTERN GROVES WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF TRADITION LAND COMPANY, LLC; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida has been requested by David P. Lindley of Caulfield & Wheeler, Inc., acting as agent for the City of Port St. Lucie to approve the preliminary plat and construction plans for Tradition Parkway – western Groves, within the City of Port St. Lucie, Florida; and

**WHEREAS,** there are public roads or drainage facilities to be constructed within the platted area; and

**WHEREAS**, the plat conforms to Section 156, Port St. Lucie City Code, and meets all State requirements for such plats; and

**WHEREAS**, The Site Plan Review Committee, on August 24, 2016 recommended approval of the preliminary plat and construction plans (P16-054).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Port St. Lucie as follows:

Section 1. That the City Council hereby approves the preliminary plat and construction plans for Tradition Parkway – Western Groves, within the City of Port St. Lucie, Florida, said plat being offered by the City of Port St. Lucie as owner and title holder of said property and as prepared by David P. Lindley of Caulfield & Wheeler, Inc., as

designated on the attached said Plat with the following conditions:

1. Prior to issuance of any site work permits from the City for the roadway, an applicant shall complete the following:

    - Submit irrigation plans to the Site Plan Review Committee for review and approval.

    - Finalize agreements with the City for access onto and to construct the downstream stormwater conveyance system for the roadway on City property; and

    - Finalize the configuration and location of the outfall lakes on the City owned park site; and

    - Finalize a mass grading plan showing construction access, areas to be graded, areas of excavation, stockpile areas, sediment and erosion controls, etc. for the park site that is submitted and approved by the Site Plan Review Committee and Parks department; and

    - Work out the details for an agreement to compensate a third party firm for CEI services; and

    - Submittal of the documentation needed to obtain the site work permit as outlined in the August 24, 2016 Public Works Department comment

letter.

Section 2. This Resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 26th day of September, 2016.

CITY COUNCIL

CITY OF PORT ST. LUCIE

BY: _____

Gregory J. Oravec, Mayor

ATTEST:

_____

Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____

O. Reginald Osenton, City Attorney

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

---

*TO*: **CITY COUNCIL - MEETING OF SEPTEMBER 26, 2016**

*FROM:* **ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING** AR

*RE*: **TRADITION PARKWAY – WESTERN GROVE**
**PRELIMINARY SUBDIVISION PLAT APPLICATION**
**PROJECT NO. P16-054**

*DATE:* **SEPTEMBER 15, 2016**

---

***APPLICANT***: David P. Lindley of Caulfield & Wheeler, Inc.

***OWNER:*** City of Port St. Lucie

***LOCATION:*** The Tradition Parkway right-of-way from the terminus of the existing roadway to the N/S A right-of-way.

***LEGAL DESCRIPTION***: A parcel of land lying in Sections 7 and 8, Township 37 South, Range 39 East, St. Lucie County, Florida.

***SIZE:*** 12.836 acres

***EXISTING ZONING***: Tradition MPUD and Western Grove MPUD.

***EXISTING USE***: Vacant land

***SURROUNDING USES***: The property is surrounded by vacant land which is zoned MPUD.

***PROPOSED PROJECT***: The proposed preliminary plat application includes construction plans for the proposed Tradition Parkway extension. WCI Communities will construct the first two lanes as a divided roadway with an 8 foot wide sidewalk on the north side and a 5 foot wide sidewalk on the south side. Trees and landscaping are proposed to be provided within the median. Street trees are to be provided within the right-of-way with the 4-laning of the roadway. Upon completion of the construction and prior to acceptance by the City, a final plat will need to be approved and recorded.

***IMPACTS AND FINDINGS***:

The project has been reviewed for compliance with Chapter 160.01, City Code, regarding

provision of adequate public facilities and documented as follows:

***Sewer/Water Service***: Not applicable

***Transportation***: Per the Western Grove DRI development order, contracts are required to be let for this roadway improvement prior to the issuance of any building permits in Western Grove. Contracts must be let for the 4-laning of the roadway prior to the issuance of building permits for more than 1,667 dwelling units or development that generates more than 1,396 total net external p.m. peak hour trips, whichever comes last.

***Parks/Open Space***: Not applicable

***Storm Water***: The construction plans include paving and drainage plans that are in compliance with the adopted level of service standard.

***Solid Waste***: Not applicable

***Environmental***: The property has been previously cleared.

**STAFF RECOMMENDATION**:

The Site Plan Review Committee reviewed the request at their meeting of August 24, 2016 and recommended approval with the following conditions:

1. Prior to issuance of any site work permits from the City for the roadway, an applicant shall complete the following:
    - Submit irrigation plans to the Site Plan Review Committee for review and approval.
    - Finalize agreements with the City for access onto and to construct the downstream stormwater conveyance system for the roadway on City property; and
    - Finalize the configuration and location of the outfall lakes on the City owned park site; and
    - Finalize a mass grading plan showing construction access, areas to be graded, areas of excavation, stockpile areas, sediment and erosion controls, etc. for the park site that is submitted and approved by the Site Plan Review Committee and Parks department; and
    - Work out the details for an agreement to compensate a third party firm for CEI services; and
    - Submittal of the documentation needed to obtain the site work permit as outlined in the August 24, 2016 Public Works Department comment letter.

# SUBDIVISION PLAT APPLICATION

**ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED**

**CITY OF PORT ST. LUCIE**
PLANNING & ZONING DEPARTMENT
(772)871-5212 FAX: (772)871-5124

P&Z File No. P16-054
Fee (Nonrefundable)$ -0-
Receipt # —

PRIMARY CONTACT EMAIL ADDRESS: dave@cwiassoc.com

PROJECT NAME: Tradition Parkway - Western Groves

LEGAL DESCRIPTION: Attached

LOCATION OF PROJECT SITE: Extension of Tradition Parkway

PROPERTY TAX I.D. NUMBER: N/A - Property is currently right-of-way

CIRCLE ONE: **PRELIMINARY** **FINAL** **PRELIMINARY & FINAL**

PROPOSED USE: Right-of-Way

GROSS SQ. FT. OF STRUCTURE(S): N/A

NUMBER OF DWELLING UNITS & DENSITY
FOR MULTI-FAMILY PROJECTS: N/A

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APR - 6 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

UTILITIES & SUPPLIER: City of Port St. Lucie Utilities

GROSS ACREAGE & SQ. FT. OF SITE: 559,149 Sq.Ft. / 12.836 Acres

FUTURE LAND USE DESIGNATION: NCD (New Comm Dev) ZONING DISTRICT: MPUD

OWNER(S) OF PROPERTY:
NAME, ADDRESS, TELEPHONE & FAX NO.
City of Port St. Lucie
121 SW Port St. Lucie Blvd., Port St. Lucie, FL 34984
(772)871-5225

APPLICANT OR AGENT OF OWNER:
NAME, ADDRESS, TELEPHONE & FAX NO.
David P. Lindley - Caulfield & Wheeler, Inc.
7900 Glades Road, Suite 100, Boca Raton, FL 33434
(561)392-1991; (561)750-1452

PROJECT ARCHITECT/ENGINEER:
(FIRM, ENGINEER OF RECORD
Michael Spruce, P.E. #52776
Kimley-Horn and Associates, Inc.

FLORIDA REGISTRATION NO., CONTACT
PERSON, ADDRESS, PHONE & FAX No.)
1690 S. Congress Avenue, Suite 100
Delray Beach, FL 33445

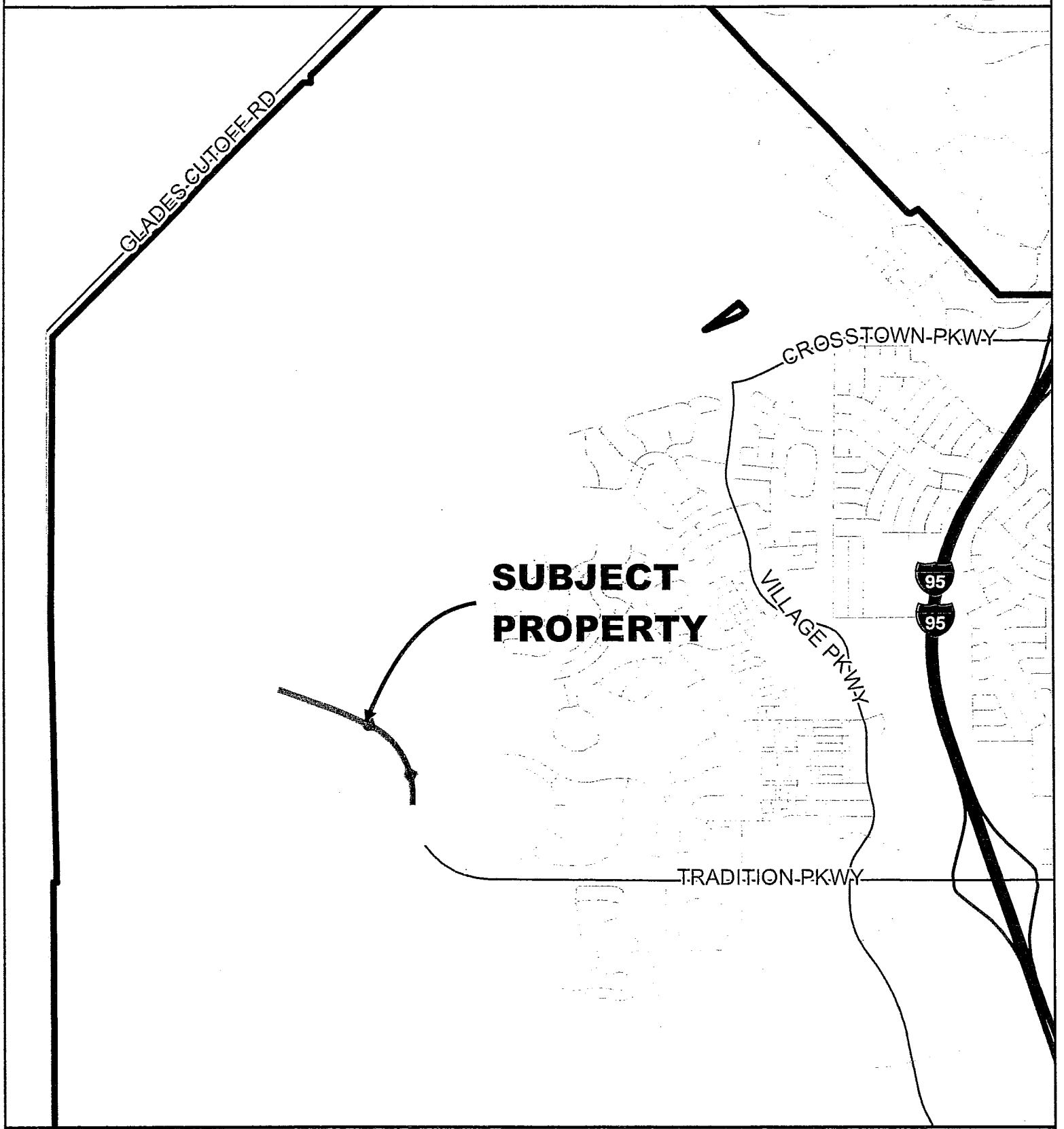
- I HEREBY AUTHORIZE THE ABOVE LISTED AGENT TO REPRESENT ME. I GRANT THE PLANNING DEPARTMENT PERMISSION TO ACCESS THE PROPERTY FOR INSPECTION.

- I FULLY UNDERSTAND THAT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND THE COMMENCEMENT OF ANY DEVELOPMENT ALL PLANS AND DETAIL PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PURSUANT TO SUBDIVISION REGULATIONS CHAPTER 156.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

| OWNER'S SIGNATURE | HAND PRINT NAME | TITLE | DATE |
|---|---|---|---|
| Jeff Bremer | JEFF BREMER | City Manager | 2-19-16 |

# GENERAL LOCATION

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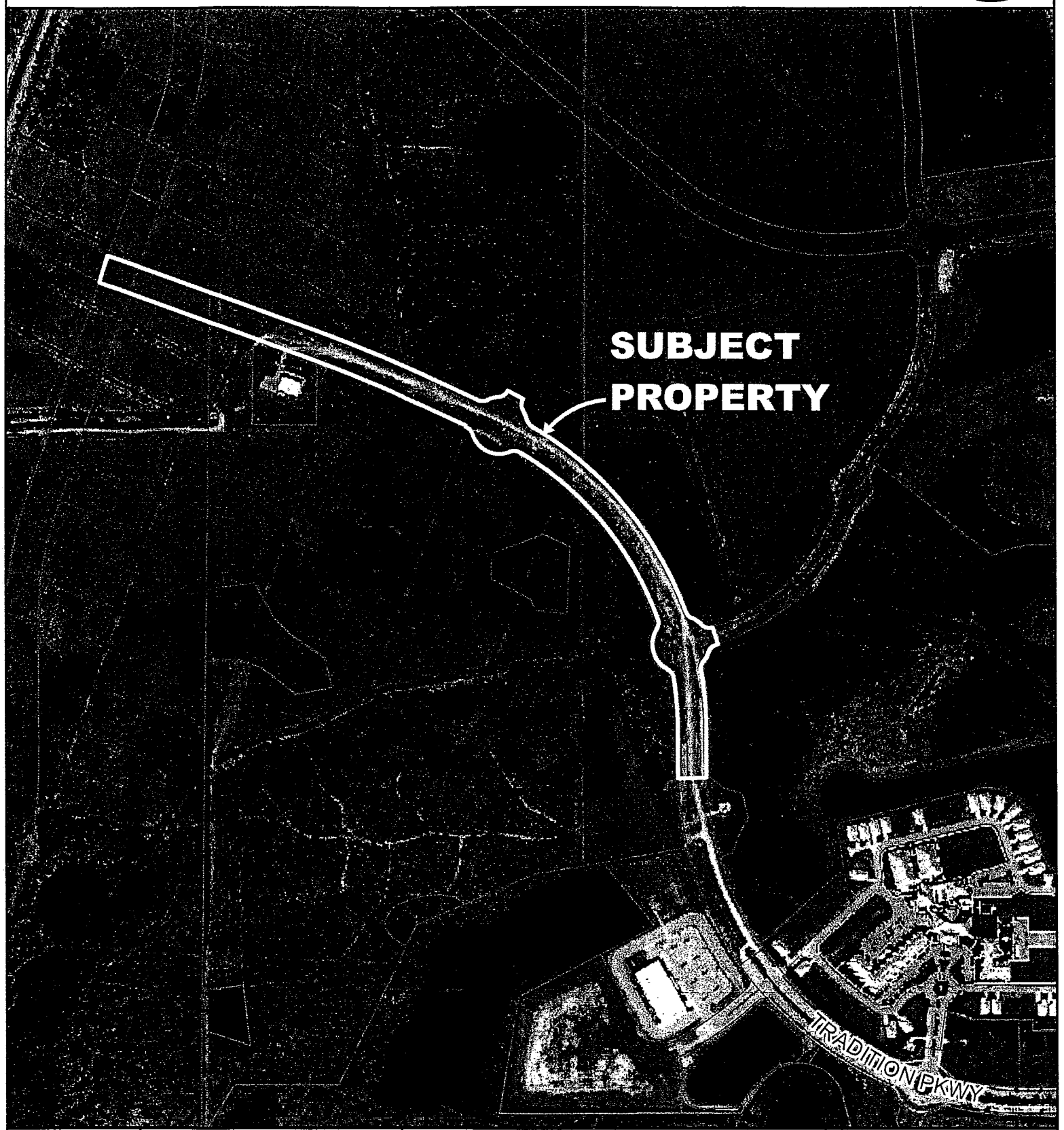
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>TRADITION PARKWAY<br>WESTERN GROVE | DATE: 9/8/2016<br>APPLICATION NUMBER: P16-054<br>USER: patricias<br>SCALE: 1 in = 0.5 miles |

# AERIAL

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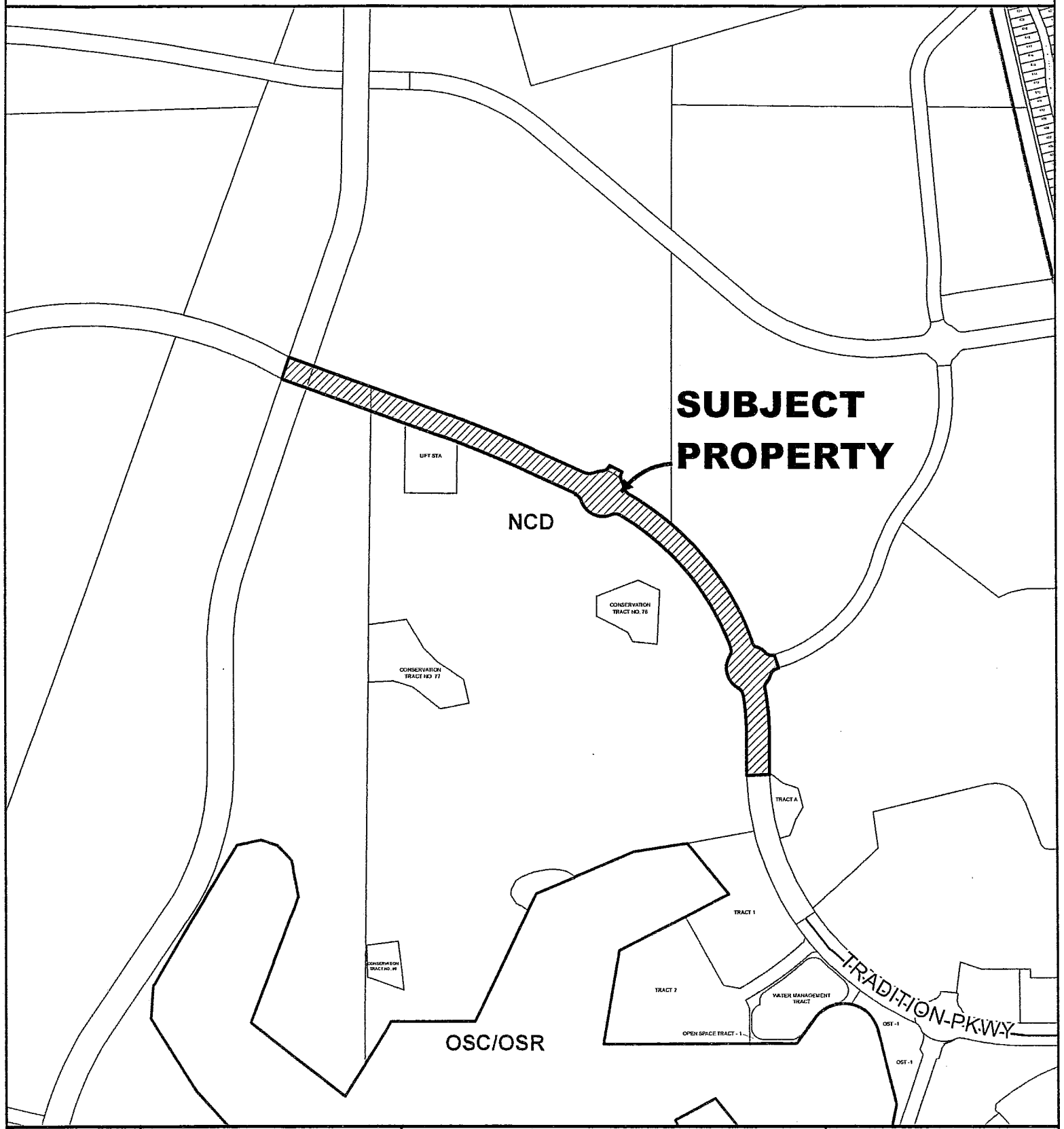
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>TRADITION PARKWAY<br>WESTERN GROVE<br>AERIAL DATE 2014 | DATE: 9/8/2016<br>APPLICATION NUMBER: P16-054<br>USER: patricias<br>SCALE: 1 in = 600 ft | |

# FUTURE LAND USE

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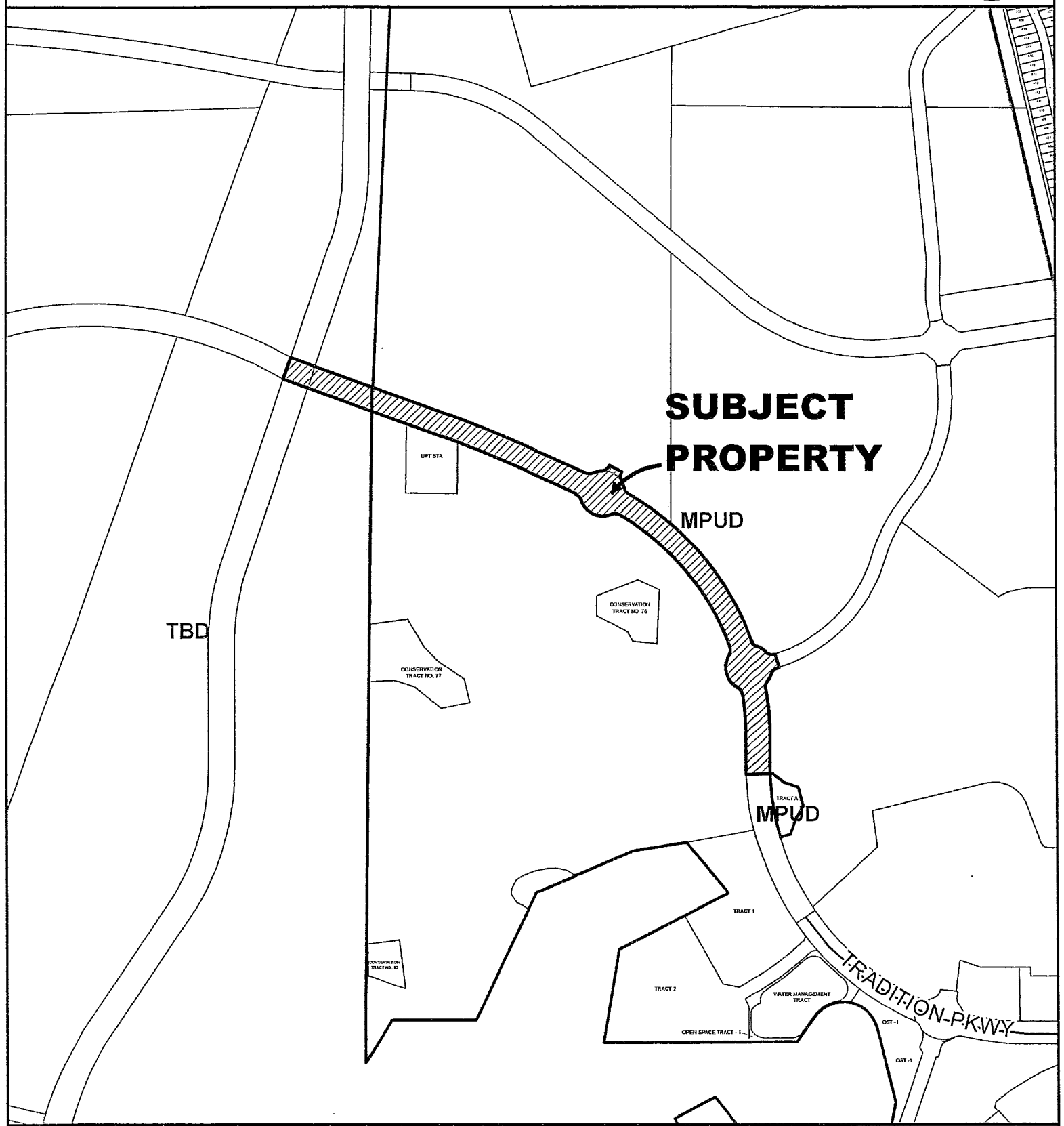
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>TRADITION PARKWAY<br>WESTERN GROVE | DATE: 9/8/2016<br>APPLICATION NUMBER: P16-054<br>USER: patricias<br>SCALE: 1 in = 750 ft |

# EXISTING ZONING

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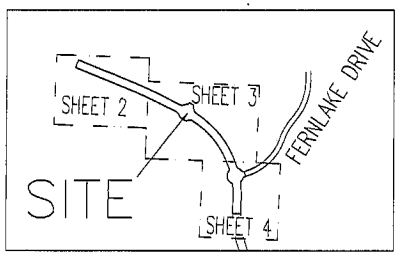
|---|---|---|---|
| CITY of PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>TRADITION PARKWAY<br>WESTERN GROVE | DATE: 9/8/2016<br>APPLICATION NUMBER: P16-054<br>USER: patricias<br>SCALE: 1 in = 750 ft |

# TRADITION PARKWAY-WESTERN GROVES

LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST,
CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA,

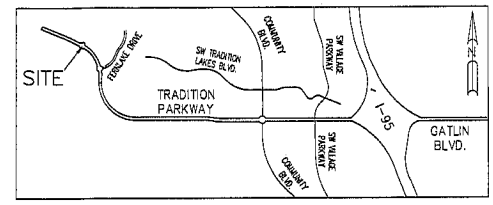
PLAT BOOK _____
PAGE _____




## SHEET INDEX

NOT TO SCALE

THIS INSTRUMENT PREPARED BY
DAVID P. LINDLEY
OF
CAULFIELD and WHEELER, INC.
SURVEYORS – ENGINEERS – PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 – (561)392-1991
CERTIFICATE OF AUTHORIZATION NO. LB3591




## LOCATION MAP

NOT TO SCALE

## DESCRIPTION:

A TRACT OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST, CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH WEST CORNER OF TRACT R-1 TRADITION PLAT NO. 68 AS RECORDED IN PLAT BOOK 66, PAGE 37 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1595.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 88°24'58" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'02", A DISTANCE OF 44.09 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 182.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1465.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°15'30", A DISTANCE OF 236.72 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 5°10'27", A DISTANCE OF 46.29 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 130.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°17'35", A DISTANCE OF 216.21 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°02'27", A DISTANCE OF 46.29 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1465.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°36'15", A DISTANCE OF 1012.84 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 58.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°59'20", A DISTANCE OF 52.61 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 130.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 92°52'15", A DISTANCE OF 210.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°21'28", A DISTANCE OF 51.99 FEET; THENCE NORTH 19°53'24" EAST, A DISTANCE OF 5.46 FEET; THENCE NORTH 65°45'29" WEST, A DISTANCE OF 320.64 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 8880.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°21'07", A DISTANCE OF 522.58 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70°06'36" WEST, A DISTANCE OF 969.83 FEET; THENCE NORTH 18°50'28" EAST, A DISTANCE OF 130.02 FEET; THENCE SOUTH 70°06'36" EAST, A DISTANCE OF 972.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 7010.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°21'07", A DISTANCE OF 532.46 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65°45'29" EAST, A DISTANCE OF 320.84 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°08'29", A DISTANCE OF 49.71 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 130.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°30'11", A DISTANCE OF 48.79 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°34'55", A DISTANCE OF 59.30 FEET; THENCE SOUTH 51°56'43" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 58.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 51°56'43" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°34'55", A DISTANCE OF 59.30 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°04'14", A DISTANCE OF 38.73 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°37'27", A DISTANCE OF 47.20 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1595.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°25'34", A DISTANCE OF 1125.38 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°50'06", A DISTANCE OF 41.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°50'03", A DISTANCE OF 54.08 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°53'42", A DISTANCE OF 55.78 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF FERNLAKE AVENUE AS SHOWN IN EXHIBIT G AS RECORDED IN OFFICIAL RECORDS BOOK 3071 AT PAGE 2612 OF THE SAID PUBLIC RECORDS OF ST. LUCIE COUNTY; THENCE, ALONG SAID WEST LINE, SOUTH 17°33'03" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 930.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 17°33'03" WEST; THENCE, DEPARTING SAID WEST LINE, WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 0°43'41", A DISTANCE OF 11.82 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 50.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 56°42'14", A DISTANCE OF 49.48 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°42'43", A DISTANCE OF 49.28 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°50'06", A DISTANCE OF 41.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1595.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°38'59", A DISTANCE OF 268.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 182.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1465.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'02", A DISTANCE OF 40.50 FEET TO A POINT OF INTERSECTION WITH THE AFORE SAID NORTH LINE OF TRACT R-1 OF TRADITIONS PLAT NO. 68; THENCE, ALONG SAID NORTH LINE, SOUTH 88°24'58" WEST, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN THE CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA.
CONTAINING 555,149 SQUARE FEET OR 12.836 ACRES MORE OR LESS.

## CERTIFICATE OF OWNERSHIP & DEDICATION

STATE OF FLORIDA
COUNTY OF ST. LUCIE

THE CITY OF PORT ST. LUCIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN AS TRADITION PARKWAY-WESTERN GROVES, BEING IN ST. LUCIE COUNTY, FLORIDA, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND HEREBY DEDICATES AS FOLLOWS:

1) TRACT R-1 (TRADITION PARKWAY), AS SHOWN HEREON, IS HEREBY DEDICATED TO THE CITY OF PORT ST. LUCIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA FOR THE BENEFIT OF THE PUBLIC FOR ROAD RIGHT-OF-WAY PURPOSES.

IN WITNESS WHEREOF, THE CITY OF PORT ST. LUCIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS _____ THIS _____ DAY OF _____ 2016.

THE CITY OF PORT ST. LUCIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA.

BY: _____ _____ SIGNATURE
_____ _____ PRINTED NAME
_____ TITLE
_____ SIGNATURE
_____ PRINTED NAME

## ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY THAT ON THIS DAY, BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE AFORESAID AND IN THE COUNTY AFORESAID TO TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED _____ _____ OF THE CITY OF PORT ST. LUCIE, A MUNICIPAL CORPORATION OF THE STATE OF FLORIDA, ON BEHALF OF THE CITY. HE/SHE IS [ ] PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE LAST AFORESAID THIS _____ DAY OF _____ 2016.

_____ _____
COMMISSION NO. & EXPIRATION DATE — NOTARY PUBLIC, STATE OF FLORIDA

PRINT NAME: _____

## TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF _____

I, _____ MEMBER OF THE FLORIDA BAR, HEREBY CERTIFY THAT AS OF _____ 2016, AT _____ ( A.M.):

1) APPARENT RECORD TITLE TO THE LAND DESCRIBED AND SHOWN ON THIS PLAT OF TRADITION PARKWAY-WESTERN GROVES IS IN THE NAME OF THE ENTITIES AND/OR PERSONS EXECUTING THE DEDICATION HEREON.

2) ALL RECORDED MORTGAGES, NOT SATISFIED OR RELEASED OF RECORD, ENCUMBERING THE LAND DESCRIBED HEREON ARE LISTED AS FOLLOWS:

_____

PURSUANT TO FLORIDA STATUTE 197.192, ALL TAXES HAVE BEEN PAID THROUGH THE YEAR 20__.

DATED THIS _____ DAY OF _____ 2016.

_____
_____
_____
_____
NAME
TITLE
ADDRESS

## CLERK'S RECORDING CERTIFICATE

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I, JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED, AND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF THE LAWS OF FLORIDA PERTAINING TO MAPS AND PLATS, AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK _____ PAGE(S) _____ OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THIS _____ DAY OF _____ 2015.

_____
JOSEPH E. SMITH
CLERK OF THE CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA

CLERK OF THE COURT

## APPROVAL OF CITY

STATE OF FLORIDA
CITY OF PORT ST. LUCIE

IT IS HEREBY CERTIFIED THAT THIS PLAT OF TRADITION PARKWAY-WESTERN GROVES, HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THIS _____ DAY OF _____ 2016.

ATTEST: CITY OF PORT ST. LUCIE

_____ _____
KAREN A. PHILLIPS, CITY CLERK — GREGORY J. CRAVEC, MAYOR

CITY OF PORT ST. LUCIE

## SURVEYOR'S NOTES

1) BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF TRACT R-1 TRADITION PLAT NO. 68 AS RECORDED IN PLAT BOOK 66, PAGE 37 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; HAVING A BEARING OF SOUTH 88°24'58"WEST.

2) ALL LINES INTERSECTING CIRCULAR CURVES ARE RADIAL UNLESS NOTED. (N.R.) DENOTES NON-RADIAL

3) NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.

4) NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY.

5) NOTE: THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1 FLORIDA STATUTES BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY OR UNDER CONTRACT WITH THE CITY OF PORT ST. LUCIE.

## SURVEYOR'S CERTIFICATE

STATE OF FLORIDA
COUNTY OF ST. LUCIE

THIS IS TO CERTIFY THAT THE PLAT AS SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN SET AND THAT PERMANENT CONTROL POINTS (P.C.P.'S) WILL BE SET UNDER THE GUARANTEES POSTED WITH THE CITY COUNCIL OF PORT ST. LUCIE FOR THE REQUIRED IMPROVEMENTS, AND FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND IN ACCORDANCE WITH THE SURVEYING STANDARDS CONTAINED WITHIN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA. THIS _____ DAY OF _____ 2016.

_____
DAVID P. LINDLEY
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5005

SURVEYOR

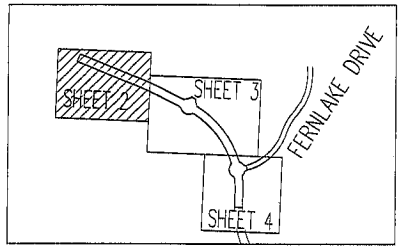
CITY OF PORT ST. LUCIE
PROJECT NO. P15-____

# TRADITION PARKWAY

LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST,
CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA,

PLAT BOOK _____
PAGE _____

THIS INSTRUMENT PREPARED BY
DAVID P. LINDLEY
OF
CAULFIELD and WHEELER, INC.
SURVEYORS – ENGINEERS – PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 – (561)392-1991
CERTIFICATE OF AUTHORIZATION NO. LB3591



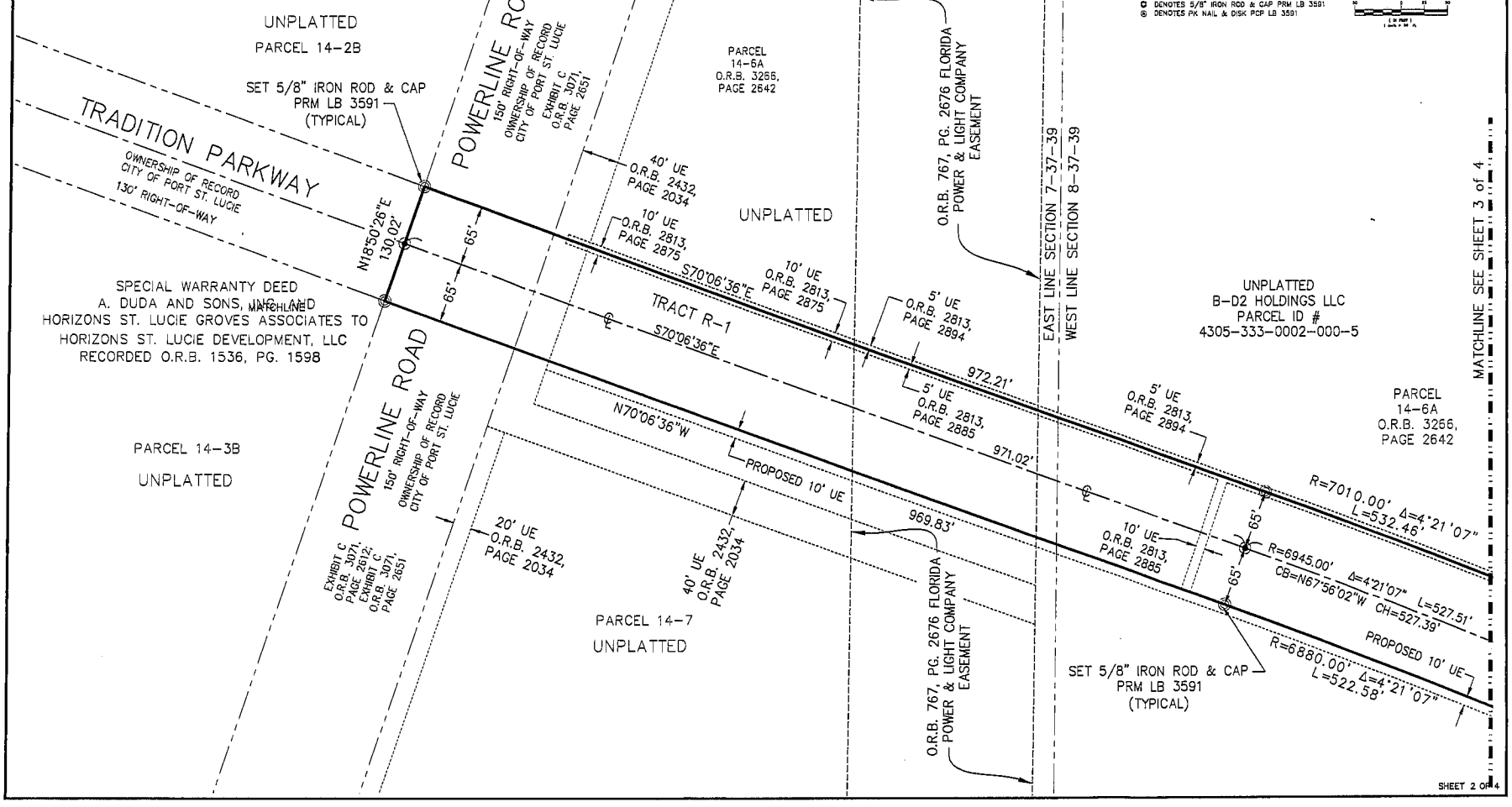

**SHEET INDEX**

NOT TO SCALE

**LEGEND**

| | |
|---|---|
| ℄ | DENOTES CENTERLINE |
| AE | DENOTES ACCESS EASEMENT |
| FND | DENOTES FOUND |
| LB | DENOTES LICENSED BUSINESS |
| DE | DENOTES DRAINAGE EASEMENT |
| UE | DENOTES UTILITY EASEMENT |
| P.L.S. | DENOTES PROFESSIONAL LAND SURVEYOR |
| CM | DENOTES CONCRETE MONUMENT |
| IRC | DENOTES 5/8" IRON ROD & CAP |
| Δ | DENOTES CENTRAL ANGLE |
| R | DENOTES RADIUS |
| L | DENOTES ARC LENGTH |
| CB | DENOTES CHORD BEARING |
| CD | DENOTES CHORD DISTANCE |
| O.R.B. | DENOTES OFFICIAL RECORDS BOOK |
| No. | DENOTES NUMBER |
| PK&D | DENOTES P.K. NAIL AND DISK |
| No ID | DENOTES NO IDENTIFICATION NUMBER |
| PRM | DENOTES PERMANENT REFERENCE MONUMENT |
| ○ | DENOTES 5/8" IRON ROD & CAP PRM LB 3591 |
| ⊗ | DENOTES PK NAIL & DISK PCP LB 3591 |

GRAPHIC SCALE



# TRADITION PARKWAY

LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST,
CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA,

PLAT BOOK _____
PAGE _____

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OF
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SURVEYORS – ENGINEERS – PLANNERS
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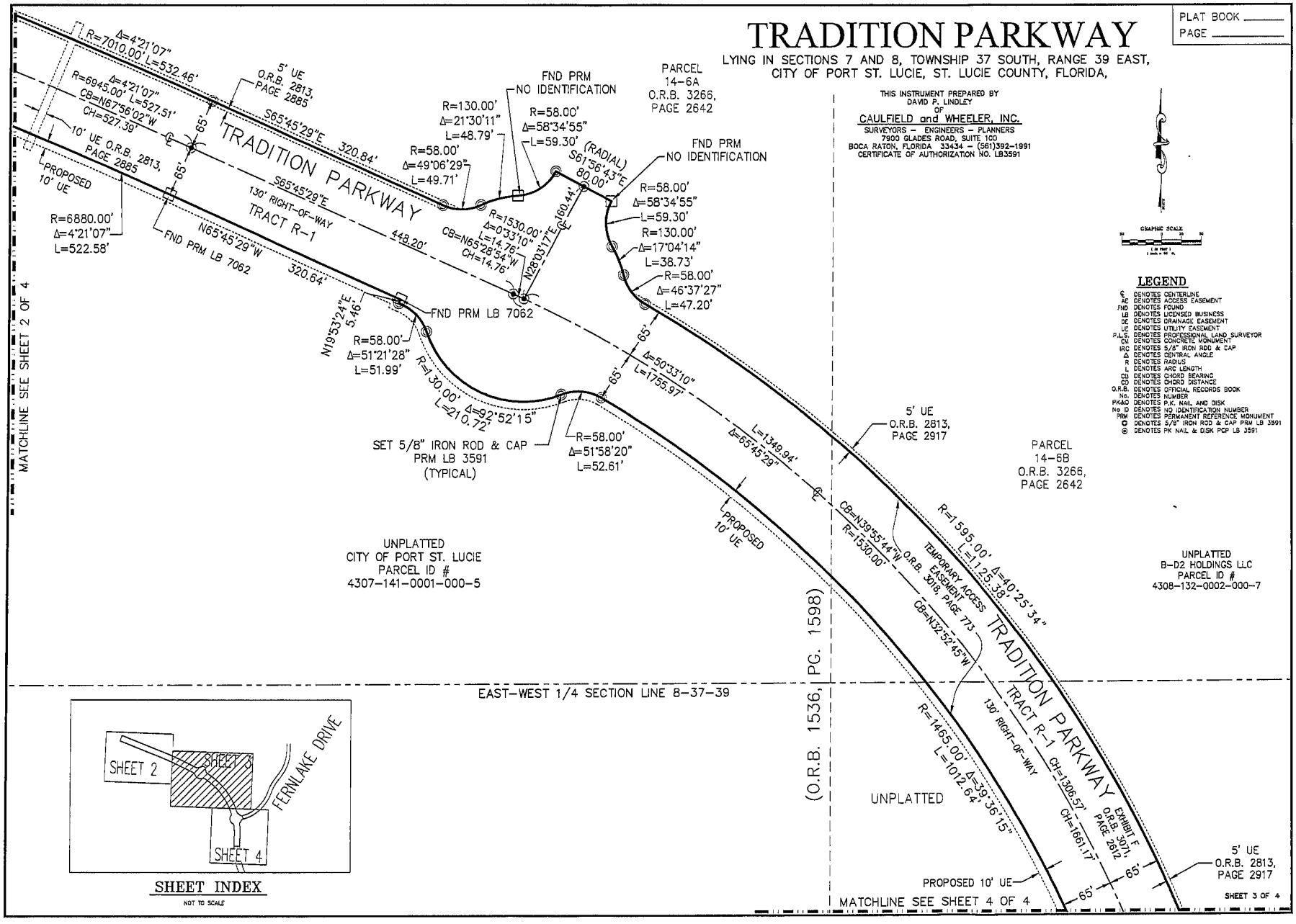





**SHEET INDEX**

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## LEGEND

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| ℄ | DENOTES CENTERLINE |
| AC | DENOTES ACCESS EASEMENT |
| FND | DENOTES FOUND |
| LB | DENOTES LICENSED BUSINESS |
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| ◉ | DENOTES PK NAIL & DISK PCP LB 3591 |

PLAT BOOK _____
PAGE _____

# TRADITION PARKWAY

LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST,
CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA,


THIS INSTRUMENT PREPARED BY
DAVID P. LINDLEY
OF
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SURVEYORS – ENGINEERS – PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434 – (561)392-1991
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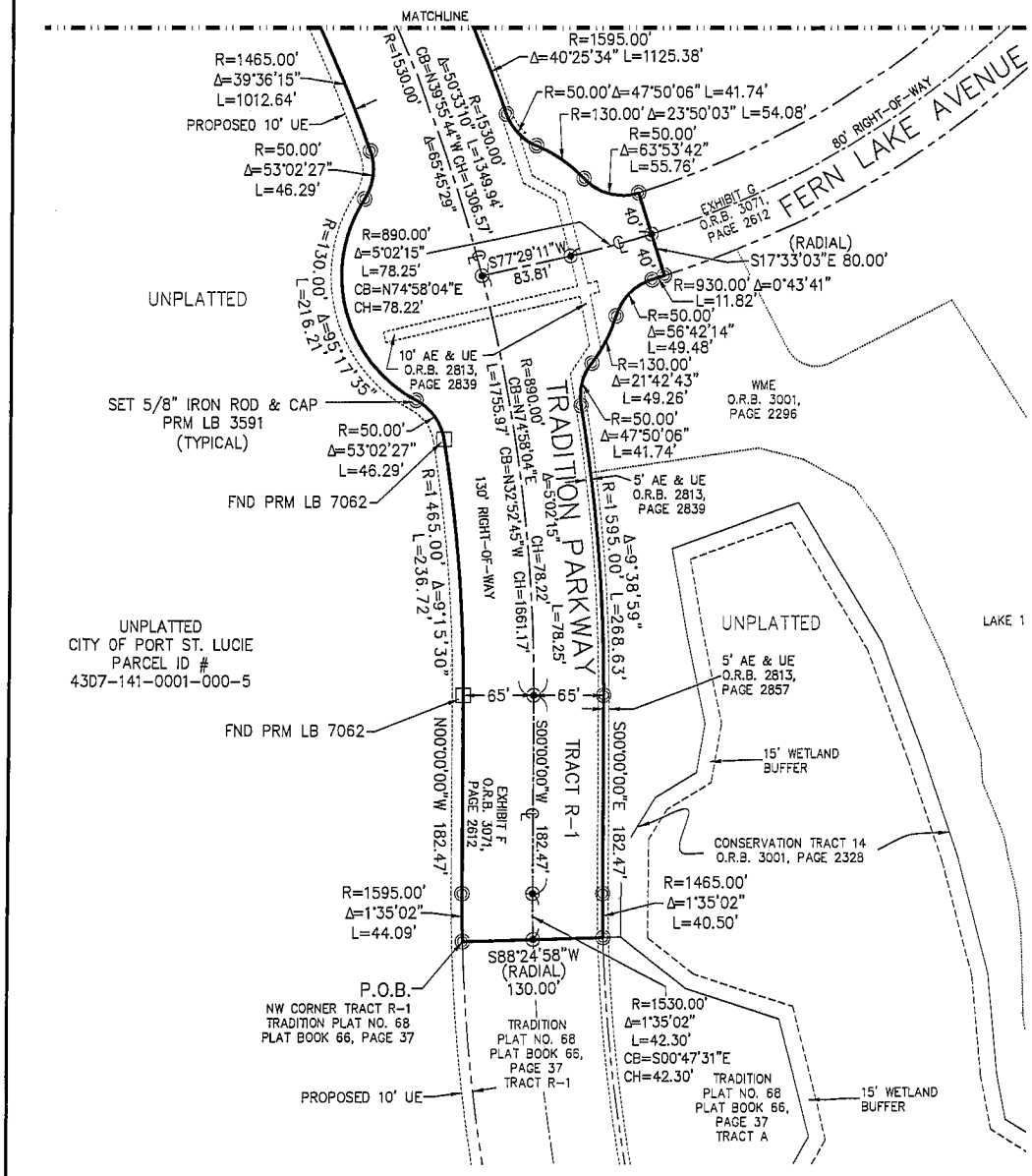

## LEGEND

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| ℄ | DENOTES CENTERLINE |
| AE | DENOTES ACCESS EASEMENT |
| FND | DENOTES FOUND |
| LB | DENOTES LICENSED BUSINESS |
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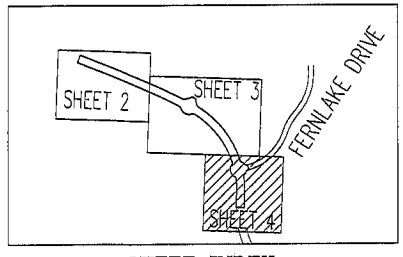
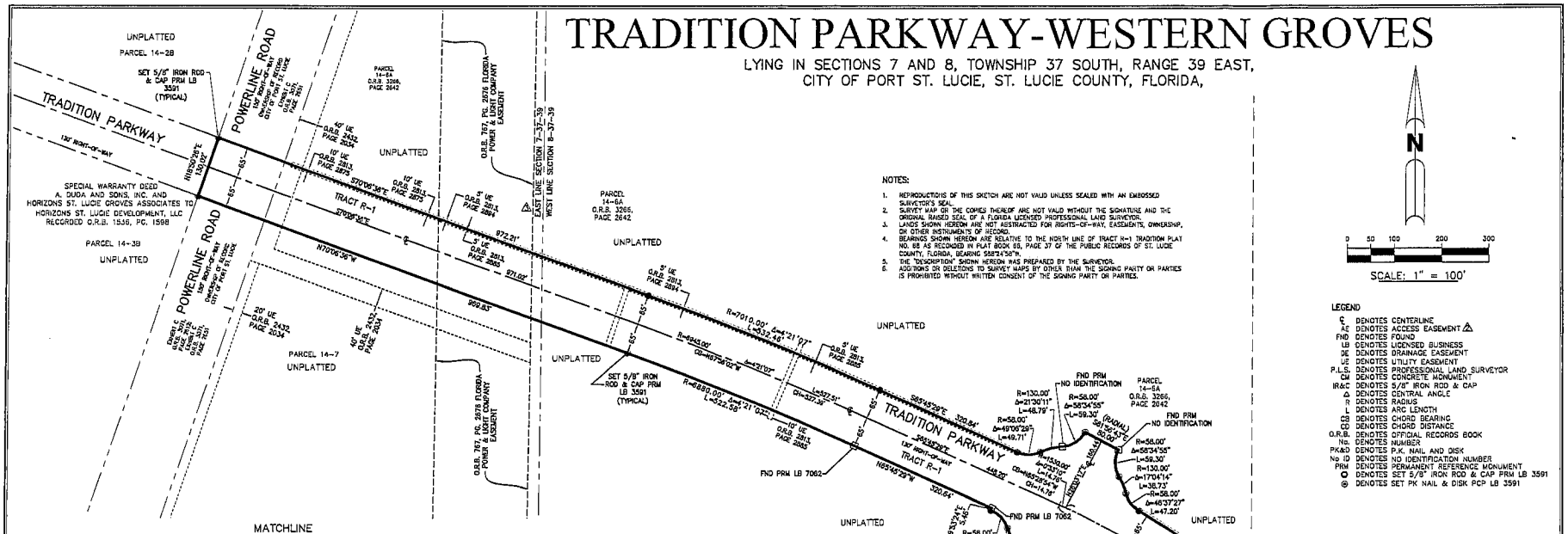



## SHEET INDEX

NOT TO SCALE

# TRADITION PARKWAY-WESTERN GROVES

LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST,
CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA,




NOTES:

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
3. LANDS SHOWN HEREON ARE NOT ABSTRACTED FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH LINE OF TRACT R-1 TRADITION PLAT NO. 68 AS RECORDED IN PLAT BOOK 68, PAGE 37 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEARING S88°24'56"W.
5. THE "DESCRIPTION" SHOWN HEREON WAS PREPARED BY THE SURVEYOR.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

LEGEND

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|---|---|
| ℄ | DENOTES CENTERLINE |
| AE | DENOTES ACCESS EASEMENT △ |
| FND | DENOTES FOUND |
| LB | DENOTES LICENSED BUSINESS |
| DE | DENOTES DRAINAGE EASEMENT |
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| PRM | DENOTES PERMANENT REFERENCE MONUMENT |
| ○ | DENOTES SET 5/8" IRON ROD & CAP PRM LB 3591 |
| ◎ | DENOTES SET PK NAIL & DISK PCP LB 3591 |

DESCRIPTION:

A TRACT OF LAND LYING IN SECTIONS 7 AND 8, TOWNSHIP 37 SOUTH, RANGE 39 EAST, CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH WEST CORNER OF TRACT R-1 TRADITION PLAT NO. 68 AS RECORDED IN PLAT BOOK 68, PAGE 37 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; SAID POINT BEING THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1595.00 FEET FROM WHICH A RADIAL LINE BEARS NORTH 88°24'56" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'02", A DISTANCE OF 44.09 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°00'00" WEST, A DISTANCE OF 182.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1465.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°15'30", A DISTANCE OF 236.72 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°02'27", A DISTANCE OF 46.29 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 130.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 95°17'35", A DISTANCE OF 216.21 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°02'27", A DISTANCE OF 46.29 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1465.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°36'18", A DISTANCE OF 1012.64 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°58'20", A DISTANCE OF 52.61 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 130.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 92°52'15", A DISTANCE OF 210.72 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°21'28", A DISTANCE OF 51.99 FEET; THENCE NORTH 19°53'24" EAST, A DISTANCE OF 5.46 FEET; THENCE NORTH 65°45'29" WEST, A DISTANCE OF 320.84 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5860.00 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°21'07", A DISTANCE OF 522.59 FEET TO THE POINT OF TANGENCY; THENCE NORTH 70°06'36" WEST, A DISTANCE OF 969.83 FEET; THENCE NORTH 18°50'26" EAST, A DISTANCE OF 130.02 FEET; THENCE SOUTH 70°06'36" EAST, A DISTANCE OF 972.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 7013.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 4°21'07", A DISTANCE OF 532.46 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 65°45'29" EAST, A DISTANCE OF 320.84 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 49°05'29", A DISTANCE OF 49.71 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 130.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°30'11", A DISTANCE OF 48.79 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 58.00 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°34'55", A DISTANCE OF 59.30 FEET; THENCE SOUTH 61°56'43" EAST, A DISTANCE OF 80.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 58.00 FEET FROM WHICH A RADIAL LINE BEARS SOUTH 61°56'43" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 58°34'55", A DISTANCE OF 59.30 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 17°04'14", A DISTANCE OF 38.73 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 58.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 46°37'27", A DISTANCE OF 47.20 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1595.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°25'34", A DISTANCE OF 1125.38 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°50'06", A DISTANCE OF 41.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°50'03", A DISTANCE OF 54.08 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 30.00 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 56°42'14", A DISTANCE OF 49.48 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°42'43", A DISTANCE OF 49.26 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 47°50'06", A DISTANCE OF 41.74 FEET TO THE POINT OF REVERSE CURVATURE OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 1595.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 9°38'59", A DISTANCE OF 268.63 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 182.47 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1465.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 1°35'02", A DISTANCE OF 40.50 FEET TO A POINT OF INTERSECTION WITH THE AFORE SAID NORTH LINE OF TRACT R-1 OF TRADITIONS PLAT NO. 68; THENCE, ALONG SAID NORTH LINE, SOUTH 88°24'56" WEST, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING.

LANDS SITUATE IN THE CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA.
CONTAINING 559,149 SQUARE FEET OR 12.836 ACRES MORE OR LESS.

CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON JANUARY 2015. I FURTHER CERTIFY THAT THIS SPECIFIC PURPOSE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

| REVISIONS | DATE | BY |
|---|---|---|
| △ CORRECT SEC 7 LINE LABEL | 06/09/16 | DLS |
| △ ADD ACCESS EASEMENT TO LEGEND | 06/09/16 | DLS |
| △ ADD ACCESS BEARING DIRECTION | 06/09/16 | DLS |

FILE NAME 7133-SR

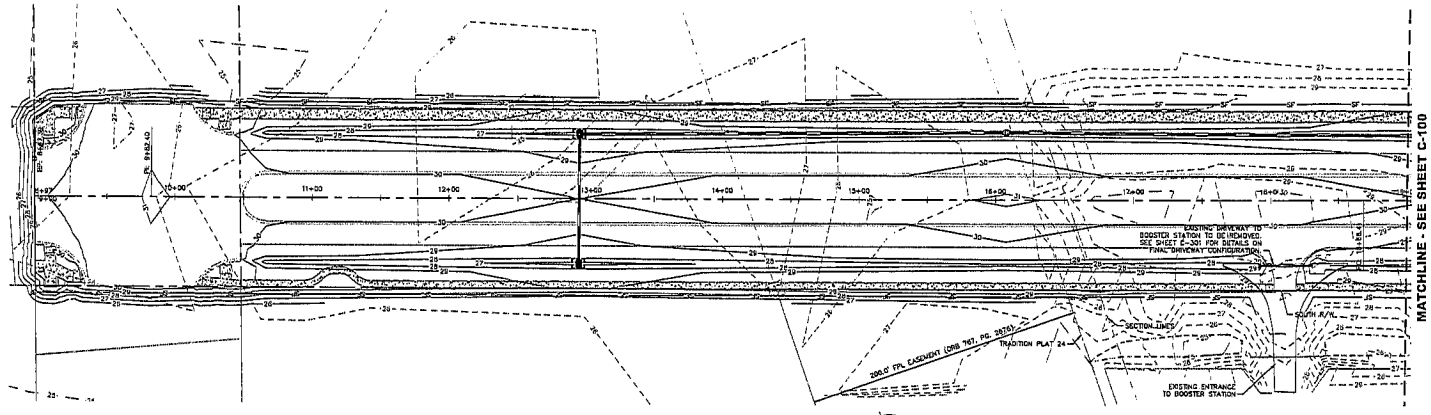

CAULFIELD & WHEELER, INC.
CIVIL ENGINEERING — LAND PLANNING
LAND SURVEYING — ENVIRONMENTAL SCIENTISTS
7330 W. PALMETTO PARK ROAD SUITE 100A
BOCA RATON, FLORIDA 33433
PHONE (561)-392-1991 / FAX (561)-750-1452


BOUNDARY SURVEY
TRADITIONS PARKWAY—WESTERN GROVES
ST. LUCIE, FL

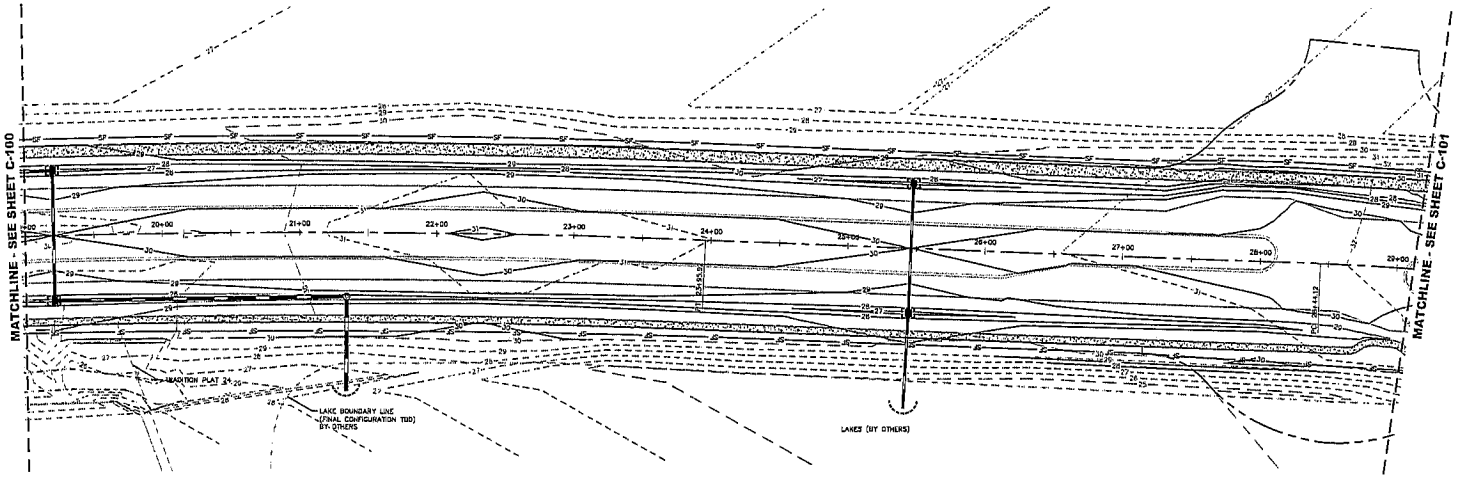
| | |
|---|---|
| DATE | 01/29/16 |
| DRAWN BY | DLS |
| F.B. / PG. | ELECT |
| SCALE | 1=100' |

DAVID P. LINDLEY
REGISTERED LAND SURVEYOR NO. 5029
STATE OF FLORIDA
L.B. 3591

JOB # 7133
SHT.NO. 1
OF 1 SHEETS




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- EXISTING CONTOUR ELEVATIONS
- PROPOSED CONTOUR ELEVATIONS
- CONTERLINE OF R/W
- INLET PROTECTION
- TURBIDITY BARRIER
- SILT FENCE

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

CALL 2 WORKING DAYS BEFORE YOU DIG
IT'S THE LAW! DIAL 811
Know what's below. Call before you dig.
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

PORT ST. LUCIE PROJECT #P16-034

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YKY |
| 2 | CITY COMMENTS | 07/22/2016 | YKY |
| 1 | CITY COMMENTS | 05/18/2016 | YKY |

Kimley»Horn

© 2016 KIMLEY-HORN AND ASSOCIATES, INC.
1690 S CONGRESS AVE, SUITE 100, DELRAY BEACH, FL 33445
PHONE: 561-330-2345 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000696

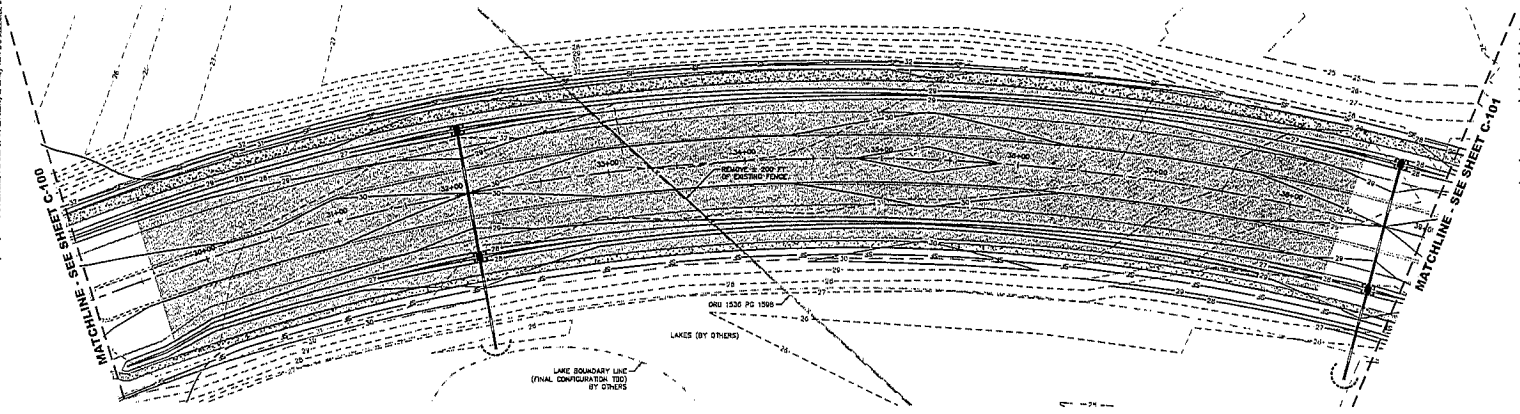
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

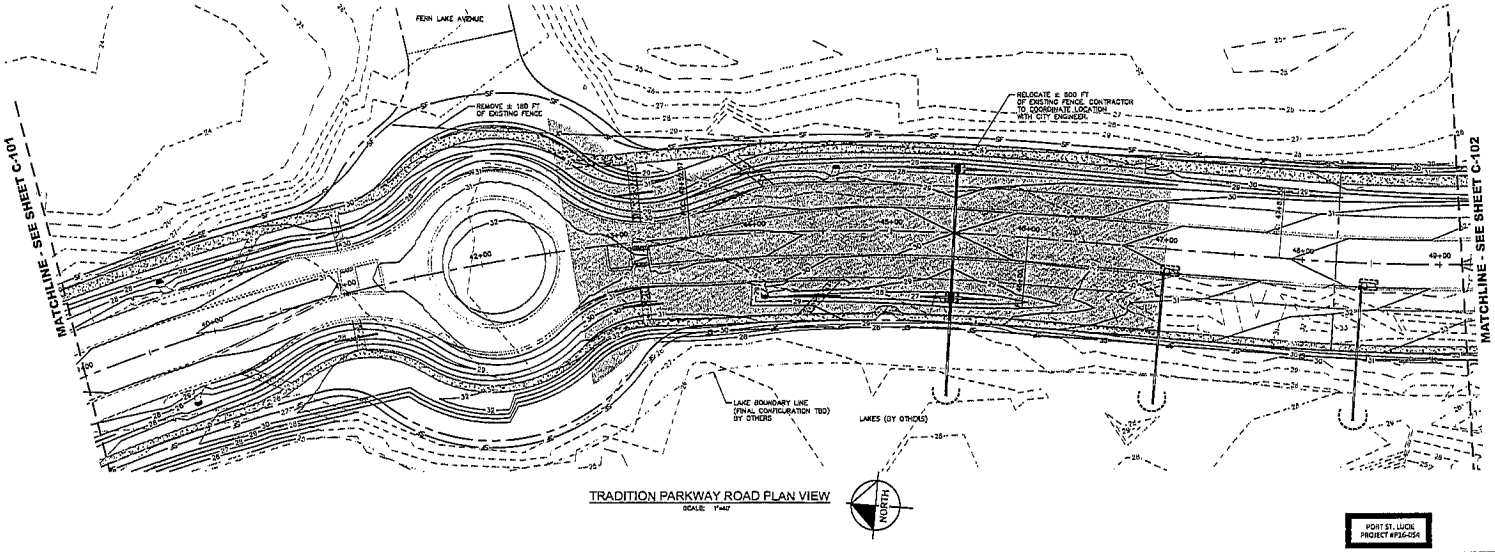
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

EROSION AND SEDIMENTATION CONTROL PLAN

SHEET NUMBER
C-100




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- 27 — EXISTING CONTOUR ELEVATIONS
- 27 — PROPOSED CONTOUR ELEVATIONS
- CENTERLINE OF R/W
- INLET PROTECTION
- TURBIDITY BANNER
- SF — SILT FENCE
- x — EXISTING FENCE
- REMOVE APPROX. 4'-6" OF SANDY-CLAY LAYER & REPLACE WITH CLEAN SAND. PRIOR TO OTHER EARTHWORK OPERATIONS GEOTECHNICAL ENGINEER SHALL FIELD DETERMINE TOTAL LIMITS OF SOIL REPLACEMENT.

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 1 | CITY COMMENTS | 09/06/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 3 | CITY COMMENTS | 05/18/2016 | YXY |

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WWW.KIMLEY-HORN.COM CA 00000696

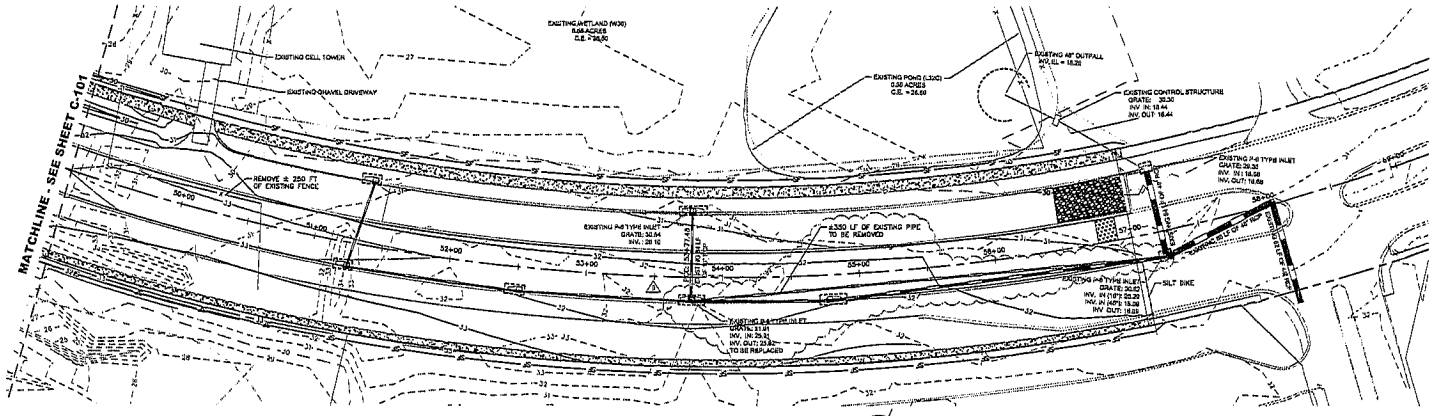
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

# EROSION AND SEDIMENTATION CONTROL PLAN

SHEET NUMBER
C-101




TRADITION PARKWAY ROAD PLAN VIEW

SCALE: 1"=40'

NORTH

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PORT ST. LUCIE PROJECT #15-034

| No. | REVISIONS | DATE | BY |
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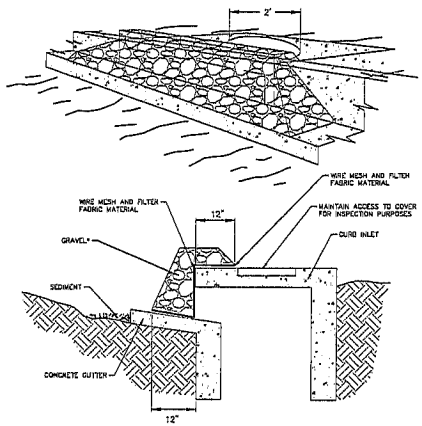
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE:

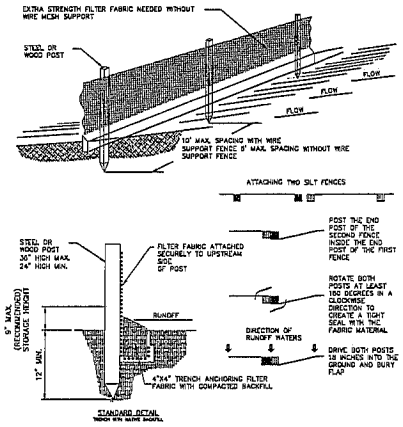
EROSION AND SEDIMENTATION CONTROL PLAN

SHEET NUMBER
C-102




THIS METHOD OF INLET PROTECTION IS APPLICABLE AT CURB INLETS WHERE PONDING IN FRONT OF THE STRUCTURE IS NOT LIKELY TO CAUSE INCONVENIENCE OR DAMAGE TO ADJACENT STRUCTURES AND UNPROTECTED AREAS.

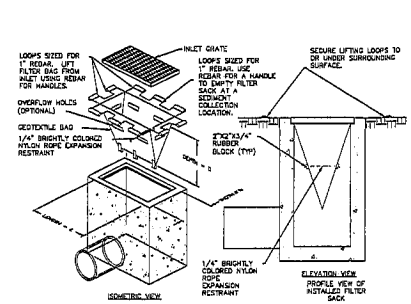
## GRAVEL CURB INLET SEDIMENT FILTER
NOT TO SCALE




NOTE:

1. INSPECT AND REPAIR FENCE EVERY 7 DAYS AND AFTER EACH STORM EVENT AND REMOVE SEDIMENT WHEN NECESSARY.
2. REMOVED SEDIMENT SHALL BE DEPOSITED TO AN AREA THAT WILL NOT CONTRIBUTE SEDIMENT OFF-SITE AND CAN BE PERMANENTLY STABILIZED.
3. SILT FENCE SHALL BE PLACED ON SLOPE CONTOURS TO MAXIMIZE PONDING EFFICIENCY.
4. DOUBLE ROW SILT FENCE SHALL BE INSTALLED WITH 3' HORIZONTAL SPACING.

## STAKED SILT FENCE
NOT TO SCALE



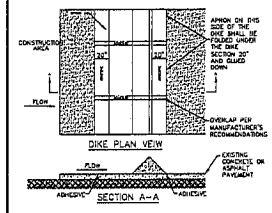

1. EMPTY FILTER SACK WHEN BRIGHTLY COLORED EXPANSION RESTRAINT CAN NO LONGER BE SEEN.
2. GEOTEXTILE WILL BE A WOVEN POLYPROPYLENE FABRIC THAT MEETS OR EXCEEDS REQUIREMENTS IN THE SPECIFICATIONS TABLE.
3. AN OIL ABSORBENT PAD OR PILLOW CAN BE PURCHASED WHEN OIL SPILLS ARE A CONCERN.
4. INSPECT PER REGULATORY REQUIREMENTS.
5. THE WIDTH, "W", OF THE FILTER SACK WILL MATCH THE INSIDE WIDTH OF THE GRATED INLET BOX.
6. THE DEPTH, "D", OF THE FILTER SACK WILL BE BETWEEN 18 INCHES AND 36 INCHES.
7. THE LENGTH, "L", OF THE FILTER SACK WILL MATCH THE INSIDE LENGTH OF THE GRATED INLET BOX.

| LOW TO MODERATE FLOW GEOTEXTILE FABRIC SPECIFICATION TABLE | | |
|---|---|---|
| PROPERTIES | TEST METHOD | UNITS |
| GRAB TENSILE STRENGTH | ASTM D-4632 | 300 LBS |
| GRAB TENSILE ELONGATION | ASTM D-4632 | 20 % |
| PUNCTURE | ASTM D-4833 | 120 LBS |
| MULLEN BURST | ASTM D-3786 | 300 PSI |
| TRAPEZOID TEAR | ASTM D-4533 | 120 LBS |
| UV RESISTANCE | ASTM D-4355 | 90 % |
| APPARENT OPENING SIZE | ASTM D-4751 | 40 US SIEVE |
| FLOW RATE | ASTM D-4491 | 80 GAL/MIN/SQ FT |
| PERMITTIVITY | ASTM D-4491 | 0.50 SEC -1 |

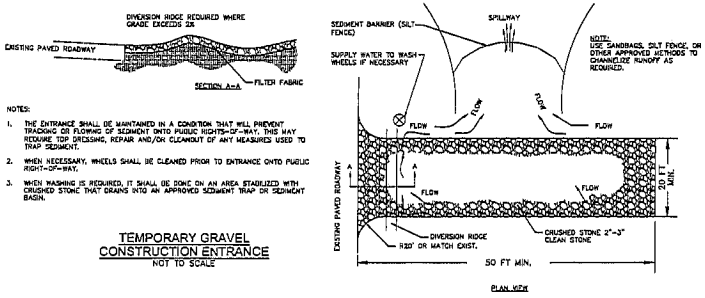
| MODERATE TO HIGH FLOW GEOTEXTILE FABRIC SPECIFICATION TABLE | | |
|---|---|---|
| PROPERTIES | TEST METHOD | UNITS |
| GRAB TENSILE STRENGTH | ASTM D-4632 | 550 LBS |
| GRAB TENSILE ELONGATION | ASTM D-4632 | 20 % |
| PUNCTURE | ASTM D-4833 | 135 LBS |
| MULLEN BURST | ASTM D-3786 | 420 PSI |
| TRAPEZOID TEAR | ASTM D-4533 | 45 LBS |
| UV RESISTANCE | ASTM D-4355 | 90 % |
| APPARENT OPENING SIZE | ASTM D-4751 | 20 US SIEVE |
| FLOW RATE | ASTM D-4491 | 200 GAL/MIN/SQ FT |
| PERMITTIVITY | ASTM D-4491 | 1.5 SEC -1 |

## FILTER SACK INLET PROTECTION
NOT TO SCALE

NOTES:
1. INSTALLED SILT DIKE UNIT SHALL HAVE CONTINUOUS AND FIRM CONTACT WITH PAVEMENT.
2. ADHESIVE SHALL BE LIQUID NAIL OR APPROVED EQUAL FOR CONCRETE PAVEMENT APPLICATIONS AND EMULSIFIED ASPHALT FOR ASPHALT APPLICATIONS.
ADHESIVE SHALL BE PLACED WHERE THE UNITS OVERLAP AND A 20" STRIP ALONG BOTH EDGES.



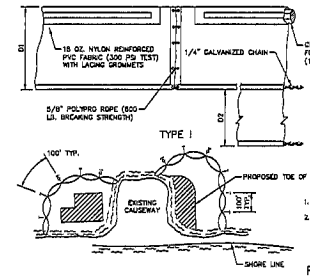

## SILT DIKE ON EXISTING PAVEMENT
NOT TO SCALE




NOTES:

1. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.
2. WHEN NECESSARY, WHEELS SHALL BE CLEANED PRIOR TO ENTRANCE ONTO PUBLIC RIGHT-OF-WAY.
3. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN.

## TEMPORARY GRAVEL CONSTRUCTION ENTRANCE
NOT TO SCALE




1. D1=5' STD. (SINGLE PANEL FOR DEPTHS 5' OR LESS).
   D2=5' STD. (ADDITIONAL PANEL FOR DEPTHS 5').
2. CURTAIN TO REACH BOTTOM UP TO DEPTHS OF 10 FEET. TWO PANELS TO BE USED FOR DEPTHS GREATER THAN 10 FEET UNLESS SPECIAL DEPTH CURTAINS SPECIFICALLY CALLED FOR IN THE PLANS OR AS DETERMINED BY THE ENGINEER.

## FLOATING TURBIDITY BARRIER
NOT TO SCALE

| SOIL EROSION/SEDIMENTATION CONTROL OPERATION TIME SCHEDULE | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| NOTE: GENERAL CONTRACTOR TO COMPLETE TABLE WITH THEIR SPECIFIC PROJECT SCHEDULE | | | | | | | | | | | | | | | | | |
| CONSTRUCTION SEQUENCE | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | JUN |
| TEMPORARY CONSTRUCTION ENTRANCE | | | | | | | | | | | | | | | | | | |
| TEMPORARY CONTROL MEASURES | | | | | | | | | | | | | | | | | | |
| STRIP & STOCKPILE TOPSOIL | | | | | | | | | | | | | | | | | | |
| ROUGH GRADE | | | | | | | | | | | | | | | | | | |
| STORM FACILITIES | | | | | | | | | | | | | | | | | | |
| SITE CONSTRUCTION | | | | | | | | | | | | | | | | | | |
| BUILDING PAD CONSTRUCTION | | | | | | | | | | | | | | | | | | |
| FINISH GRADING | | | | | | | | | | | | | | | | | | |
| LANDSCAPING/SEED/FINAL STABILIZATION | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
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## SEQUENCE OF CONSTRUCTION

UPON IMPLEMENTATION AND INSTALLATION OF THE FOLLOWING AREAS: TRAILER, PARKING, LAYDOWN, PORTA-POTTY, WHEEL WASH, CONCRETE WASHOUT, FUEL AND MATERIAL STORAGE CONTAINERS, SOLID WASTE CONTAINERS, ETC., IMMEDIATELY DENOTE THEM ON THE SITE MAPS AND NOTE ANY CHANGES IN LOCATION AS THEY OCCUR THROUGHOUT THE CONSTRUCTION PROCESS.

PHASE 1:
1. CONSTRUCT STABILIZED CONSTRUCTION ENTRANCE AND INSTALL SILT FENCE, TURBIDITY BARRIER AND INLET PROTECTION.
2. PERFORM CLEARING AND GRUBBING AND DEMOLITION.

PHASE 2:
1. PERFORM MASS GRADING. ROUGH GRADE TO ESTABLISH PROPOSED DRAINAGE PATTERNS.
2. CONSTRUCT PROPOSED DRAINAGE INFRASTRUCTURE.
3. TEMPORARILY SEED WITH PURE LIVE SEED, THROUGHOUT CONSTRUCTION, DISTURBED AREAS THAT WILL BE INACTIVE FOR 7 DAYS OR MORE OR AS REQUIRED BY GENERIC PERMIT.
4. CONSTRUCT PROPOSED IMPROVEMENTS.
5. COMPLETE FINAL GRADING AND FINAL STABILIZATION.
6. REMOVE TEMPORARY EROSION CONTROL MEASURES.

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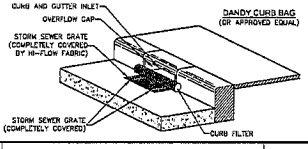


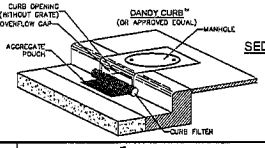


## CURB INLET SEDIMENT CONTROL
NOT TO SCALE

PORT ST. LUCIE PROJECT #PSL-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YKY |
| 2 | CITY COMMENTS | 07/20/2016 | YKY |
| 1 | CITY COMMENTS | 03/18/2016 | YKY |

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WWW.KIMLEY-HORN.COM CA 00000696

KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

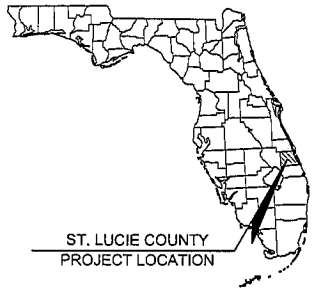
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

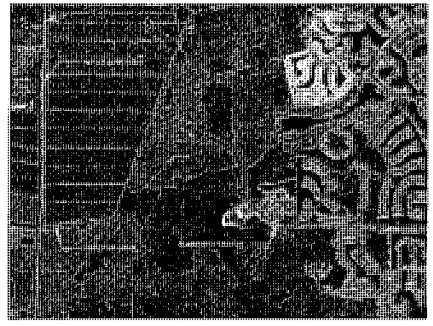
# EROSION AND SEDIMENTATION CONTROL DETAILS

SHEET NUMBER
C-103

# CONSTRUCTION PLANS
FOR
# TRADITION PARKWAY - WESTERN GROVES
LOCATED AT:
## PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA




STATE MAP
N.T.S.



VICINITY
N.T.S.

NORTH

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| C-101 | EROSION AND SEDIMENTATION CONTROL PLAN |
| C-102 | EROSION AND SEDIMENTATION CONTROL PLAN |
| C-103 | EROSION AND SEDIMENTATION CONTROL DETAILS |
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| C-300 | OVERALL KEY MAP |
| C-301 | PLAN AND PROFILE |
| C-302 | PLAN AND PROFILE |
| C-303 | PLAN AND PROFILE |
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| C-701 | PHOTOMETRIC PLAN |
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### AGENCY CONTACTS

**CITY ENGINEERING**
CITY OF PORT ST. LUCIE
121 S.W. PORT ST. LUCIE BLVD
PORT ST. LUCIE, FLORIDA 34984
PHONE: (772) 871-5186
CONTACT: ROXANNE CHESSER, P.E.

**UTILITIES**
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121 S.W. PORT ST. LUCIE BLVD
PORT ST. LUCIE, FLORIDA 34984
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CONTACT: LANEY SOUTHERLY

**IRRIGATION**
TOWN OF TRADITION
10489 SW MEETING STREET
PORT ST. LUCIE, FL 34987
PHONE: (772) 340-3500
CONTACT: DARREN WEIMER

**PLANNING & ZONING**
CITY OF PORT ST. LUCIE
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PORT ST. LUCIE, FLORIDA 34984
PHONE: (772) 871-5212
CONTACT: PATTI TOBIN

**POWER**
FLORIDA POWER & LIGHT
1050 SE BRANDON GRL
PORT ST. LUCIE, FLORIDA 34952
PHONE: (772) 337-7011
CONTACT: DELBERT LYNN

**FIRE**
ST. LUCIE COUNTY FIRE DISTRICT
5180 NW MILNER DRIVE
PORT ST. LUCIE, FLORIDA 34983
PHONE: (772) 621-3372
CONTACT: DERCK FOXX

### PROJECT TEAM

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CONTACT: NELSON BENNETT

**CIVIL ENGINEER**
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CONTACT: MICHAEL D. SPRUCE, P.E.
CONTACT: MICHAEL D. MILES, P.E.

**TRAFFIC ENGINEER**
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PORT ST. LUCIE, FL 34987
PHONE: (772) 345-1946
CONTACT: SHAUN G. MACKENZIE, P.E.

**SURVEYOR**
BARFIELD & WHEELER
7600 GLADES ROAD, SUITE 100
BOCA RATON, FL 33434
PHONE: (561) 392-1991
CONTACT: DAVID P. LINDLEY, PLS

**PLANNER**
DUDEK AND ASSOCIATES
701 S. OCEAN BLVD., SUITE 316
STUART, FL 33418
PHONE: (772) 220-2100
CONTACT: STEVE GARRETT

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

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WESTERN GROVES
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PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

COVER SHEET

SHEET NUMBER
C-000

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## GENERAL CONSTRUCTION NOTES

1. THE CONTRACTOR AND SUBCONTRACTORS SHALL OBTAIN A COPY OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" (LATEST EDITION) AND BECOME FAMILIAR WITH THE CONTENTS PRIOR TO COMMENCING WORK, AND, UNLESS OTHERWISE NOTED, ALL WORK SHALL CONFORM AS APPLICABLE TO THESE STANDARDS AND SPECIFICATIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FURNISHING ALL MATERIAL AND LABOR TO CONSTRUCT THE FACILITY AS SHOWN AND DESCRIBED IN THE CONSTRUCTION DOCUMENTS IN ACCORDANCE WITH THE APPROPRIATE APPROVING AUTHORITIES, SPECIFICATIONS AND REQUIREMENTS. CONTRACTOR SHALL CLEAR AND GRUB ALL AREAS UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK, EXISTING PAVEMENT AND ALL OTHER DELETERIOUS MATERIAL.
3. EXISTING UTILITIES SHOWN ARE LOCATED ACCORDING TO THE INFORMATION AVAILABLE TO THE ENGINEER AT THE TIME OF THE TOPOGRAPHIC SURVEY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR THE ENGINEER. GUARANTEE IS NOT MADE THAT ALL EXISTING UNDERGROUND UTILITIES ARE SHOWN OR THAT THE LOCATION OF THOSE SHOWN ARE ENTIRELY ACCURATE. FINDING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL BE DONE BEFORE HE COMMENCES ANY WORK IN THE VICINITY. FURTHERMORE, THE CONTRACTOR SHALL BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES DUE TO THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES. THE OWNER OR ENGINEER WILL ASSUME NO LIABILITY FOR ANY DAMAGES SUSTAINED OR COST INCURRED BECAUSE OF THE OPERATIONS IN THE VICINITY OF EXISTING UTILITIES OR STRUCTURES, NOR FOR TEMPORARY BRACING AND SHORING OF SAME. IF IT IS NECESSARY TO SHORE, BRACE, SWING OR RELOCATE A UTILITY, THE UTILITY COMPANY OR DEPARTMENT AFFECTED SHALL BE CONTACTED AND THEIR PERMISSION OBTAINED REGARDING THE METHOD TO USE FOR SUCH WORK.
4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES WHICH MAY HAVE BURIED OR AERIAL UTILITIES WITHIN OR NEAR THE CONSTRUCTION AREA BEFORE COMMENCING WORK. THE CONTRACTOR SHALL PROVIDE 48 HOURS MINIMUM NOTICE TO ALL UTILITY COMPANIES PRIOR TO BEGINNING CONSTRUCTION. A LIST OF THE UTILITY COMPANIES WHICH THE CONTRACTOR MUST CALL BEFORE COMMENCING WORK IS PROVIDED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS. THIS LIST SERVES AS A GUIDE ONLY AND IS NOT INTENDED TO LIMIT THE UTILITY COMPANIES WHICH THE CONTRACTOR MAY WISH TO NOTIFY.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL REQUIRED CONSTRUCTION PERMITS AND BONDS IF REQUIRED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL HAVE AVAILABLE AT THE JOB SITE AT ALL TIMES ONE COPY OF THE CONSTRUCTION DOCUMENTS INCLUDING PLANS, SPECIFICATIONS, AND SPECIAL CONDITIONS AND COPIES OF ANY REQUIRED CONSTRUCTION PERMITS.
7. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN ARE TO BE MADE WITHOUT PRIOR APPROVAL OF THE OWNER AND NOTIFICATION TO THE ENGINEER.
8. ALL COPIES OF COMPACTION, CONCRETE AND OTHER REQUIRED TEST RESULTS ARE TO BE SENT TO THE OWNER, DESIGN ENGINEER OF RECORD AND CITY OF PORT ST. LUCIE DIRECTLY FROM THE TESTING AGENCY.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUBMITTING TO THE ENGINEER A CERTIFIED RECORD SURVEY SIGNED AND SEALED BY A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF FLORIDA DEPICTING THE ACTUAL FIELD LOCATION OF ALL CONSTRUCTED IMPROVEMENTS THAT ARE REQUIRED BY THE JURISDICTIONAL AGENCIES FOR THE CERTIFICATION PROCESS. ALL SURVEY COSTS WILL BE THE CONTRACTORS RESPONSIBILITY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND MAINTAINING AS-BUILT INFORMATION WHICH SHALL BE RECORDED AS CONSTRUCTION PROGRESSES OR AT THE COMPLETION OF APPROPRIATE CONSTRUCTION INTERVALS AND SHALL BE RESPONSIBLE FOR PROVIDING AS-BUILT DRAWINGS TO THE OWNER FOR THE PURPOSE OF CERTIFICATION TO JURISDICTIONAL AGENCIES AS REQUIRED. ALL AS-BUILT DATA SHALL BE COLLECTED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR WHOSE SERVICES ARE ENGAGED BY THE CONTRACTOR.
11. ANY WELLS DISCOVERED ON SITE THAT WILL HAVE NO USE MUST BE PLUGGED BY A LICENSED WELL DRILLING CONTRACTOR IN A MANNER APPROVED BY ALL JURISDICTIONAL AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY WELL ABANDONMENT PERMITS REQUIRED.
12. ANY WELL DISCOVERED DURING EARTH MOVING OR EXCAVATION SHALL BE REPORTED TO THE APPROPRIATE JURISDICTIONAL AGENCIES WITHIN 24 HOURS AFTER DISCOVERY IS MADE.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS DO NOT CONFLICT WITH ANY KNOWN EXISTING OR OTHER PROPOSED IMPROVEMENTS. IF ANY CONFLICTS ARE DISCOVERED, THE CONTRACTOR SHALL NOTIFY THE OWNER PRIOR TO INSTALLATION OF ANY PORTION OF THE SITE WORK THAT WOULD BE AFFECTED. FAILURE TO NOTIFY OWNER OF AN IDENTIFIABLE CONFLICT PRIOR TO PROCEEDING WITH INSTALLATION RELIEVES OWNER OF ANY OBLIGATION TO PAY FOR A RELATED CHANGE ORDER.

## DEMOLITION NOTES

1. ALL MATERIAL REMOVED FROM THIS SITE BY THE CONTRACTOR SHALL BE DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER.
2. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING STRUCTURES, ETC., LOCATED WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING BUILDINGS, STRUCTURES, SLABS, CONCRETE, ASPHALT, DEBRIS PILES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. SOME ITEMS TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL EXTENT OF ITEMS TO BE REMOVED. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF SAID ITEMS.
3. THE CONTRACTOR SHALL REFER TO THE DEMOLITION PLAN FOR DEMOLITION/PRESERVATION OF EXISTING TREES. ALL TREES NOT SPECIFICALLY SHOWN TO BE PRESERVED OR RELOCATED SHALL BE REMOVED AS A PART OF THIS CONTRACT. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY DEMOLITION.

## PAVING, GRADING AND DRAINAGE NOTES

1. ALL PAVING, CONSTRUCTION, MATERIALS, AND WORKMANSHIP WITHIN CITY'S RIGHT-OF-WAY SHALL BE IN ACCORDANCE WITH LOCAL OR COUNTY SPECIFICATIONS AND STANDARDS (LATEST EDITION) OR FDOT SPECIFICATIONS AND STANDARDS (LATEST EDITION) IF NOT COVERED BY LOCAL OR COUNTY REGULATIONS.
2. THE CONTRACTOR SHALL DOCUMENT PRE-CONSTRUCTION CONDITIONS OF EXISTING FEATURES IN THE VICINITY OF THE WORK AREA WITH PHOTOGRAPHS OR VIDEO AND CORRESPONDING LOCATION MAP.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF EXISTING PAVEMENT FROM THE DRAINAGE ASSOCIATED WITH THE CONSTRUCTION ACTIVITIES. ANY AREAS OF PAVING DAMAGED AND DEEMED NECESSARY TO REPLACE BY THE CITY INSPECTOR SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. TRAFFIC CONTROL ON ALL FDOT, LOCAL AND COUNTY RIGHTS-OF-WAY SHALL MEET THE REQUIREMENTS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)(FHWA) AND THE REQUIREMENTS OF THE STATE AND ANY LOCAL AGENCY HAVING JURISDICTION. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
5. THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED AND SHALL REGRADE WASHOUTS WHERE THEY OCCUR AFTER EVERY RAINFALL UNTIL A GRASS STAND IS WELL ESTABLISHED OR ADEQUATE STABILIZATION OCCURS.
6. ALL OPEN AREAS WITHIN THE PROJECT SITE SHALL BE SODDED UNLESS INDICATED OTHERWISE ON THE LANDSCAPE PLAN.
7. ALL AREAS INDICATED AS PAVEMENT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTIONS AS INDICATED ON THE DRAWINGS.
8. WHERE EXISTING PAVEMENT IS INDICATED TO BE REMOVED AND REPLACED, THE CONTRACTOR SHALL SAW CUT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND REPLACE THE PAVEMENT WITH THE SAME TYPE AND DEPTH OF MATERIAL AS EXISTING OR AS INDICATED.
9. WHERE NEW PAVEMENT MEETS THE EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING PAVEMENT A MINIMUM 2" DEEP FOR A SMOOTH AND STRAIGHT JOINT AND MATCH THE EXISTING PAVEMENT ELEVATION WITH THE PROPOSED PAVEMENT UNLESS OTHERWISE INDICATED.
10. THE CONTRACTOR SHALL INSTALL FILTER FABRIC OVER ALL DRAINAGE STRUCTURES FOR THE DURATION OF CONSTRUCTION AND UNTIL ACCEPTANCE OF THE PROJECT BY THE OWNER. ALL DRAINAGE STRUCTURES SHALL BE CLEANED OF DEBRIS AS REQUIRED DURING AND AT THE END OF CONSTRUCTION TO PROVIDE POSITIVE DRAINAGE FLOWS.
11. IF DEWATERING IS REQUIRED, THE CONTRACTOR SHALL OBTAIN ANY APPLICABLE REQUIRED PERMITS. THE CONTRACTOR IS TO COORDINATE WITH THE OWNER AND THE DESIGN ENGINEER PRIOR TO ANY EXCAVATION.
12. STRIP TOPSOIL AND ORGANIC MATTER FROM ALL AREAS OF THE SITE AS REQUIRED. IN SOME CASES TOPSOIL MAY BE STOCKPILED ON SITE FOR PLACEMENT WITHIN LANDSCAPED AREAS BUT ONLY AS DIRECTED BY THE OWNER.
13. FIELD DENSITY TESTS SHALL BE TAKEN AT INTERVALS IN ACCORDANCE WITH THE LOCAL JURISDICTIONAL AGENCY OR TO FDOT STANDARDS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
14. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED AS PER PLANS. THE AREAS SHALL THEN BE SODDED OR SEEDED AS SPECIFIED IN THE PLANS, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE JOB SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER. ALL EARTHEN AREAS WILL BE SODDED OR SEEDED AND MULCHED AS SHOWN ON THE LANDSCAPING PLAN.
15. ALL CUT OR FILL SLOPES SHALL BE 4 (HORIZONTAL) :1 (VERTICAL) OR FLATTER UNLESS OTHERWISE SHOWN.
16. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONTROL OF DUST AND DIRT RISING AND SCATTERING IN THE AIR DURING CONSTRUCTION AND SHALL PROVIDE WATER SPRINKLING OR OTHER SUITABLE METHODS OF CONTROL. THE CONTRACTOR SHALL COMPLY WITH ALL GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION.
17. THE CONTRACTOR SHALL TAKE ALL REQUIRED MEASURES TO CONTROL TURBIDITY, INCLUDING BUT NOT LIMITED TO THE INSTALLATION OF TURBIDITY BARRIERS AT ALL LOCATIONS WHERE THE POSSIBILITY OF TRANSFERRING SUSPENDED SOLIDS INTO THE RECEIVING WATER BODY EXISTS DUE TO THE PROPOSED WORK. TURBIDITY BARRIERS MUST BE MAINTAINED IN EFFECTIVE CONDITION AT ALL LOCATIONS UNTIL CONSTRUCTION IS COMPLETED AND DISTURBED SOIL AREAS ARE STABILIZED. THEREAFTER, THE CONTRACTOR MUST REMOVE THE BARRIERS. AT NO TIME SHALL THERE BE ANY OFF-SITE DISCHARGE WHICH VIOLATES THE WATER QUALITY STANDARDS IN CHAPTER 17-302, FLORIDA ADMINISTRATIVE CODE.
18. SOD, WHERE CALLED FOR, MUST BE INSTALLED AND MAINTAINED ON EXPOSED SLOPES WITHIN 48 HOURS OF COMPLETING FINAL GRADING AND AT ANY OTHER TIME AS NECESSARY, TO PREVENT EROSION, SEDIMENTATION OR TURBID DISCHARGES.
19. THE CONTRACTOR MUST REVIEW AND MAINTAIN A COPY OF THE ENVIRONMENTAL RESOURCE PERMIT COMPLETE WITH ALL CONDITIONS, ATTACHMENTS, EXHIBITS, AND PERMIT MODIFICATIONS IN GOOD CONDITION AT THE CONSTRUCTION SITE. THE COMPLETE PERMIT MUST BE AVAILABLE FOR REVIEW UPON REQUEST BY WATER MANAGEMENT DISTRICT REPRESENTATIVES.
20. THE CONTRACTOR SHALL ENSURE THAT ISLAND PLANTING AREAS AND OTHER PLANTING AREAS ARE NOT COMPACTED AND DO NOT CONTAIN ROAD BASE MATERIALS. THE CONTRACTOR SHALL ALSO EXCAVATE AND REMOVE ALL UNDESIRABLE MATERIAL FROM ALL AREAS ON THE SITE TO BE PLANTED AND PROPERLY DISPOSED OF IN A LEGAL MANNER.
21. THE CONTRACTOR SHALL INSTALL ALL UNDERGROUND STORM WATER PIPING PER MANUFACTURER'S RECOMMENDATIONS.

## WATER AND SEWER UTILITY NOTES

1. THE CONTRACTOR SHALL CONSTRUCT GRAVITY SEWER LATERALS, MANHOLES GRAVITY SEWER LINES AND DOMESTIC WATER AND FIRE PROTECTION SYSTEM AS SHOWN ON THESE PLANS. THE CONTRACTOR SHALL FURNISH ALL NECESSARY MATERIALS, EQUIPMENT, MACHINERY, TOOLS, MEANS OF TRANSPORTATION AND LABOR NECESSARY TO COMPLETE THE WORK IN FULL AND COMPLETE ACCORDANCE WITH THE SHOWN, DESCRIBED AND REASONABLY INTENDED REQUIREMENTS OF THE CONTRACT DOCUMENTS AND JURISDICTIONAL AGENCY REQUIREMENTS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
2. ALL EXISTING UNDERGROUND UTILITY LOCATIONS SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL COMPLY WITH ALL REQUIREMENTS FOR UTILITY LOCATION AND COORDINATION IN ACCORDANCE WITH THE NOTES CONTAINED IN THE GENERAL CONSTRUCTION SECTION OF THIS SHEET.
3. THE CONTRACTOR SHALL RESTORE ALL DISTURBED VEGETATION IN KIND, UNLESS SHOWN OTHERWISE.
4. DEFLECTION OF PIPE JOINTS AND CURVATURE OF PIPE SHALL NOT EXCEED THE MANUFACTURER'S SPECIFICATIONS. SECURELY CLOSE ALL OPEN ENDS OF PIPE AND FITTINGS WITH A WATERTIGHT PLUG WHEN WORK IS NOT IN PROGRESS. THE INTERIOR OF ALL PIPES SHALL BE CLEAN AND JOINT SURFACES WIPED CLEAN AND DRY AFTER THE PIPE HAS BEEN LOWERED INTO THE TRENCH. VALVES SHALL BE PLUMB AND LOCATED ACCORDING TO THE PLANS.
5. ALL PHASES OF INSTALLATION, INCLUDING UNLOADING, TRENCHING, LAYING AND BACK FILLING, SHALL BE DONE IN A FIRST CLASS WORKMANLIKE MANNER. ALL PIPE AND FITTINGS SHALL BE CAREFULLY STORED FOLLOWING MANUFACTURER'S RECOMMENDATIONS. CARE SHALL BE TAKEN TO AVOID DAMAGE TO THE COATING OR LINING IN ANY D.I. PIPE FITTINGS. ANY PIPE OR FITTING WHICH IS DAMAGED OR WHICH HAS FLAWS OR IMPERFECTIONS WHICH, IN THE OPINION OF THE ENGINEER OR OWNER, RENDERS IT UNFIT FOR USE, SHALL NOT BE USED. ANY PIPE NOT SATISFACTORY FOR USE SHALL BE CLEARLY MARKED AND IMMEDIATELY REMOVED FROM THE JOB SITE, AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
6. WATER FOR FIRE FIGHTING SHALL BE AVAILABLE FOR USE PRIOR TO COMBUSTIBLES BEING BROUGHT ON SITE.
7. ALL UTILITY AND STORM DRAIN TRENCHES LOCATED UNDER AREAS TO RECEIVE PAVING SHALL BE COMPLETELY BACK FILLED IN ACCORDANCE WITH THE GOVERNING JURISDICTIONAL AGENCY'S SPECIFICATIONS. IN THE EVENT THAT THE CONTRACT DOCUMENTS AND THE JURISDICTIONAL AGENCY REQUIREMENTS ARE NOT IN AGREEMENT, THE MOST STRINGENT SHALL GOVERN.
8. UNDERGROUND LINES SHALL BE SURVEYED BY A STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR PRIOR TO BACK FILLING.
9. CONTRACTOR SHALL PERFORM, AT HIS OWN EXPENSE, ANY AND ALL TESTS REQUIRED BY THE SPECIFICATIONS AND/OR ANY AGENCY HAVING JURISDICTION. THESE TESTS MAY INCLUDE, BUT MAY NOT BE LIMITED TO, INFILTRATION AND EXFILTRATION, TELEVISION INSPECTION AND A MANDREL TEST ON GRAVITY SEWER. A COPY OF THE TEST RESULTS SHALL BE PROVIDED TO THE UTILITY PROVIDER, OWNER AND JURISDICTIONAL AGENCY AS REQUIRED.

## EROSION CONTROL NOTES

1. THE STORM WATER POLLUTION PREVENTION PLAN ("SWPPP") IS COMPRISED OF THE EROSION CONTROL PLAN, THE STANDARD DETAILS, THE PLAN NARRATIVE, ATTACHMENTS INCLUDED IN SPECIFICATIONS OF THE SWPPP, PLUS THE PERMIT AND ALL SUBSEQUENT REPORTS AND RELATED DOCUMENTS.
2. ALL CONTRACTORS AND SUBCONTRACTORS INVOLVED WITH STORM WATER POLLUTION PREVENTION SHALL OBTAIN A COPY OF THE STORM WATER POLLUTION PREVENTION PLAN AND THE STATE OF FLORIDA NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT (NPDES PERMIT) AND BECOME FAMILIAR WITH THEIR CONTENTS.
3. THE CONTRACTOR SHALL IMPLEMENT BEST MANAGEMENT PRACTICES AS REQUIRED BY THE SWPPP. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.
4. BEST MANAGEMENT PRACTICES (BMP'S) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, AS APPLICABLE. THE CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY THE PERMITTING AGENCY OR OWNER.
5. EROSION CONTROL PLAN MUST CLEARLY DELINEATE ALL STATE WATERS. PERMITS FOR ANY CONSTRUCTION ACTIVITY IMPACTING STATE WATERS OR REGULATED WETLANDS MUST BE MAINTAINED ON SITE AT ALL TIMES.
6. THE CONTRACTOR SHALL MINIMIZE CLEARING TO THE MAXIMUM EXTENT PRACTICAL OR AS REQUIRED BY THE GENERAL PERMIT.
7. CONTRACTOR SHALL DENOTE ON PLAN THE TEMPORARY PARKING AND STORAGE AREA WHICH SHALL ALSO BE USED AS THE EQUIPMENT MAINTENANCE AND CLEANING AREA, EMPLOYEE PARKING AREA, AND AREA FOR LOCATING PORTABLE FACILITIES, OFFICE TRAILERS, AND TOILET FACILITIES.
8. ALL WASH WATER (CONCRETE TRUCKS, VEHICLE CLEANING, EQUIPMENT CLEANING, ETC.) SHALL BE DETAINED AND PROPERLY TREATED OR DISPOSED.
9. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE MAINTAINED ON SITE OR READILY AVAILABLE TO CONTAIN AND CLEAN-UP FUEL OR CHEMICAL SPILLS AND LEAKS.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DUST CONTROL ON SITE. THE USE OF MOTOR OILS AND OTHER PETROLEUM BASED OR TOXIC LIQUIDS FOR DUST SUPPRESSION OPERATIONS IS PROHIBITED.
11. RUBBISH, TRASH, GARBAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEALED CONTAINERS. MATERIALS SHALL BE PREVENTED FROM LEAVING THE PREMISES THROUGH THE ACTION OF WIND OR STORM WATER DISCHARGE INTO DRAINAGE DITCHES OR WATERS OF THE STATE.
12. ALL STORM WATER POLLUTION PREVENTION MEASURES PRESENTED ON THE PLAN, SHALL BE INITIATED AS SOON AS PRACTICABLE.

## EROSION CONTROL NOTES (CONT.)

13. STABILIZATION PRACTICES SHOULD BE INITIATED AS SOON AS PRACTICAL, BUT IN NO CASE MORE THAN 7 DAYS WHERE CONSTRUCTION HAS TEMPORARILY CEASED. △1
14. DISTURBED PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITY HAS PERMANENTLY STOPPED SHALL BE PERMANENTLY SEEDED. THESE AREAS SHALL BE SEEDED NO LATER THAN 7 DAYS AFTER THE LAST CONSTRUCTION ACTIVITY OCCURRED IN THESE AREAS. REFER TO SECTION 981 OF THE "FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" FOR SEEDING AND MAINTENANCE REQUIREMENTS.
15. IF THE ACTION OF VEHICLES TRAVELING OVER THE GRAVEL CONSTRUCTION ENTRANCES IS NOT SUFFICIENT TO REMOVE THE MAJORITY OF DIRT OR MUD, THEN THE TIRES MUST BE WASHED BEFORE THE VEHICLES ENTER A PUBLIC ROAD. IF WASHING IS USED, PROVISIONS MUST BE MADE TO INTERCEPT THE WASH WATER AND TRAP THE SEDIMENT BEFORE IT IS CARRIED OFF THE SITE.
16. ALL MATERIALS SPILLED, DROPPED, WASHED, OR TRACKED FROM VEHICLES ONTO ROADWAYS OR INTO STORM DRAINS MUST BE REMOVED AS SOON AS POSSIBLE.
17. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING SEDIMENT IN THE DETENTION POND AND ANY SEDIMENT THAT MAY HAVE COLLECTED IN THE STORM SEWER DRAINAGE SYSTEMS IN CONJUNCTION WITH THE STABILIZATION OF THE SITE.
18. ON-SITE & OFF SITE SOIL STOCKPILE AND BORROW AREAS SHALL BE PROTECTED FROM EROSION AND SEDIMENTATION THROUGH IMPLEMENTATION OF BEST MANAGEMENT PRACTICES. STOCKPILE AND BORROW AREA LOCATIONS SHALL BE NOTED ON THE EROSION CONTROL PLAN AND PERMITTED IN ACCORDANCE WITH GENERAL PERMIT REQUIREMENTS.
19. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.
20. DUE TO GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (SILT FENCES, ETC.) TO PREVENT EROSION.
21. ALL CONSTRUCTION SHALL BE STABILIZED AT THE END OF EACH WORKING DAY. THIS INCLUDES BACK FILLING OF TRENCHES FOR UTILITY CONSTRUCTION AND PLACEMENT OF GRAVEL OR BITUMINOUS PAVING FOR ROAD CONSTRUCTION.

## MAINTENANCE

ALL MEASURES STATED ON THE EROSION AND SEDIMENT CONTROL PLAN, AND IN THE STORM WATER POLLUTION PREVENTION PLAN, SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR A COMPLETED PHASE OF WORK OR FINAL STABILIZATION OF THE SITE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CHECKED BY A QUALIFIED PERSON AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A 0.5" RAINFALL EVENT, AND CLEANED AND REPAIRED IN ACCORDANCE WITH THE FOLLOWING:

1. INLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING, OR DETERIORATION.
2. ALL SEEDED AREAS SHALL BE CHECKED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED, WATERED AND RESEEDED AS NEEDED. FOR MAINTENANCE REQUIREMENTS REFER TO SECTION 981 OF THE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" (LATEST EDITION).
3. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCES WHEN IT REACHES ONE-HALF THE HEIGHT OF THE SILT FENCE.
4. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE CONSTRUCTION ENTRANCES AS CONDITIONS DEMAND.
5. THE TEMPORARY PARKING AND STORAGE AREA SHALL BE KEPT IN GOOD CONDITION (SUITABLE FOR PARKING AND STORAGE). THIS MAY REQUIRE PERIODIC TOP DRESSING OF THE TEMPORARY PARKING AS CONDITIONS DEMAND.
6. OUTLET STRUCTURES IN THE SEDIMENTATION BASINS SHALL BE MAINTAINED IN OPERATIONAL CONDITIONS AT ALL TIMES. SEDIMENT SHALL BE REMOVED FROM SEDIMENT BASINS OR TRAPS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 25 CUBIC YARDS / ACRE.
7. ALL MAINTENANCE OPERATIONS SHALL BE DONE IN A TIMELY MANNER BUT IN NO CASE LATER THAN 2 CALENDAR DAYS FOLLOWING THE INSPECTION.

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

CALL 2 WORKING DAYS BEFORE YOU DIG
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DIAL 811
811 Know what's below. Call before you dig.
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 4 | CITY COMMENTS | 08/08/2016 | YKY |
| 3 | CITY COMMENTS | 07/20/2016 | YKY |
| 2 | CITY COMMENTS | 05/16/2016 | YKY |
| 1 | | | |

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WWW.KIMLEY-HORN.COM CA 00000696

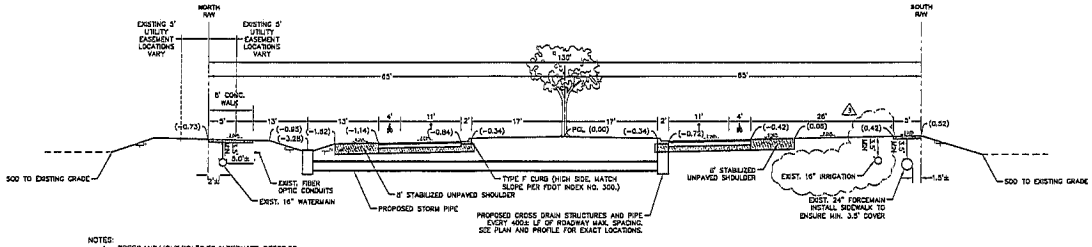
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

GENERAL NOTES

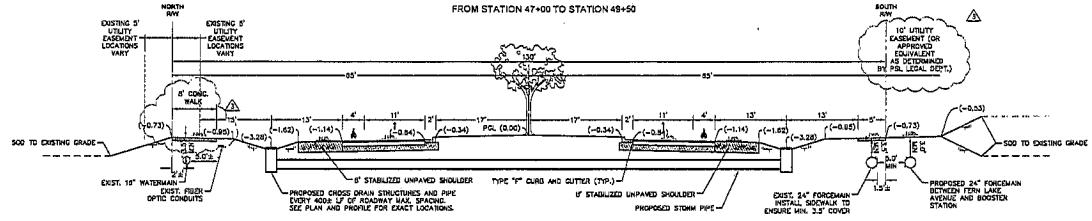
SHEET NUMBER
C-001




NOTES:
1. TREES AND LIGHT POLES TO ALTERNATE. REFER TO LANDSCAPE PLANS AND PHOTOMETRIC PLANS FOR MORE DETAILS.
2. TREES AND LIGHT POLES SHALL MEET FDOT CLEAR ZONE AND SIGHT DISTANCE REQUIREMENTS.

## TRADITION PARKWAY TYPICAL SUPERELEVATED RURAL ROAD SECTION
130' RIGHT-OF-WAY

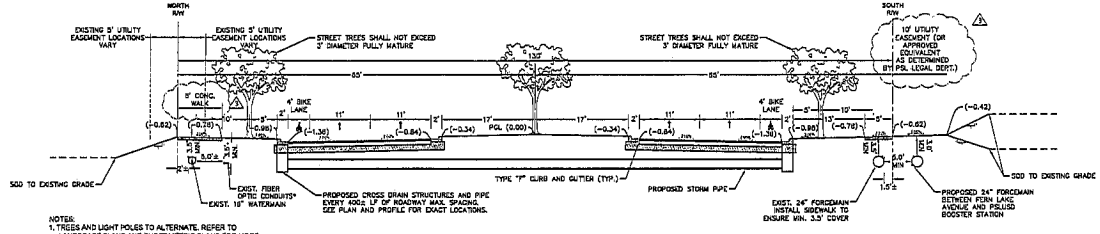
FROM STATION 47+00 TO STATION 49+50




NOTES:
1. TREES AND LIGHT POLES TO ALTERNATE. REFER TO LANDSCAPE PLANS AND PHOTOMETRIC PLANS FOR MORE DETAILS.
2. TREES AND LIGHT POLES SHALL MEET FDOT CLEAR ZONE AND SIGHT DISTANCE REQUIREMENTS.

## TRADITION PARKWAY TYPICAL CROWNED RURAL ROAD SECTION
130' RIGHT-OF-WAY

FROM STATION 10+68.5 TO STATION 39+50




NOTES:
1. TREES AND LIGHT POLES TO ALTERNATE. REFER TO LANDSCAPE PLANS AND PHOTOMETRIC PLANS FOR MORE DETAILS.
2. FIBER OPTIC LINE LOCATION VARIES. REFER TO PLAN AND PROFILE PLANS FOR MORE DETAILS.
3. TREES AND LIGHT POLES SHALL MEET FDOT CLEAR ZONE AND SIGHT DISTANCE REQUIREMENTS.

## TRADITION PARKWAY TYPICAL CROWNED ULTIMATE FUTURE BUILD-OUT SECTION
130' RIGHT-OF-WAY

REFER TO SHEET C-602 FOR PAVEMENT SECTION DETAILS

DESIGN SPEED 45 MPH
POSTED SPEED 40 MPH

PORT ST. LUCIE PROJECT #P15-054

| No | REVISIONS | DATE | BY |
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| 1 | CITY COMMENTS | 05/18/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

TYPICAL SECTIONS

SHEET NUMBER
C-200

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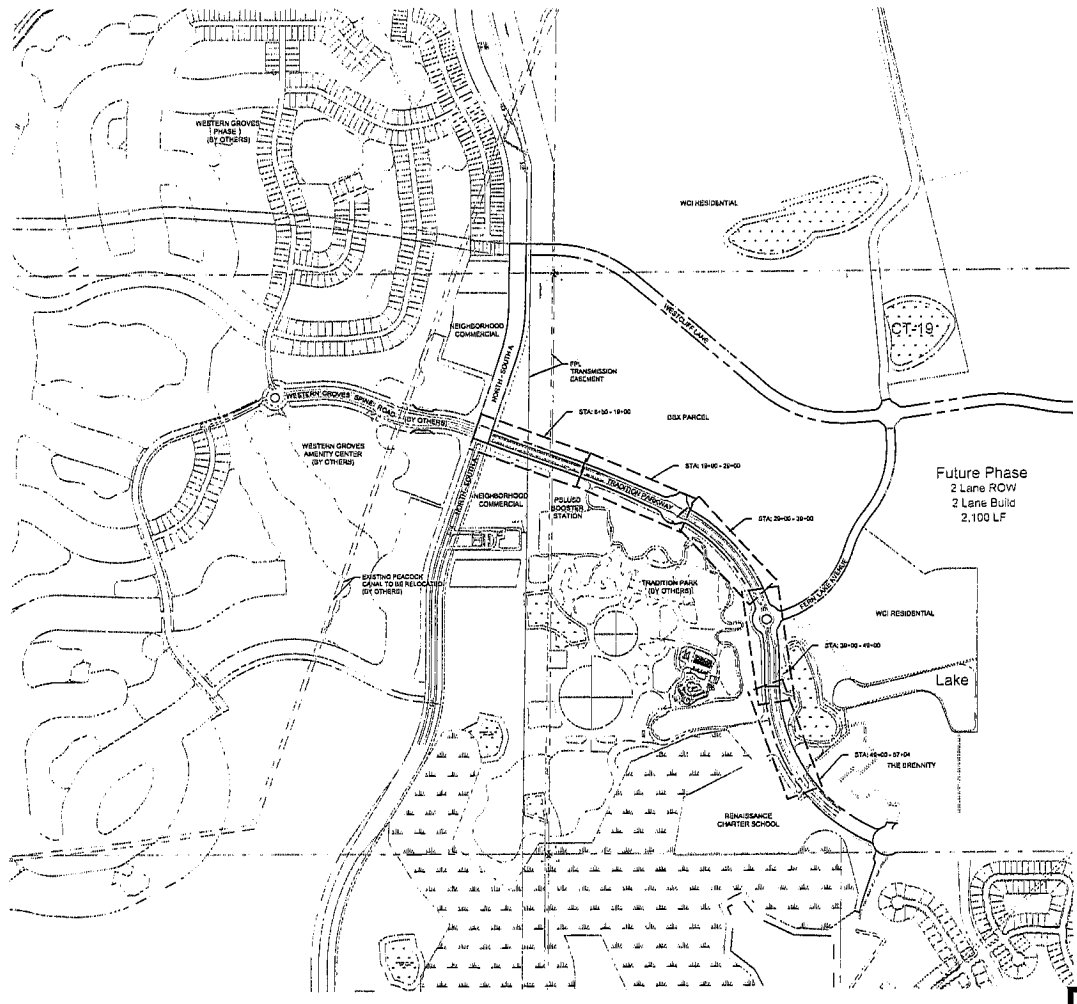


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| 3 | CITY COMMENTS | 08/05/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/16/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

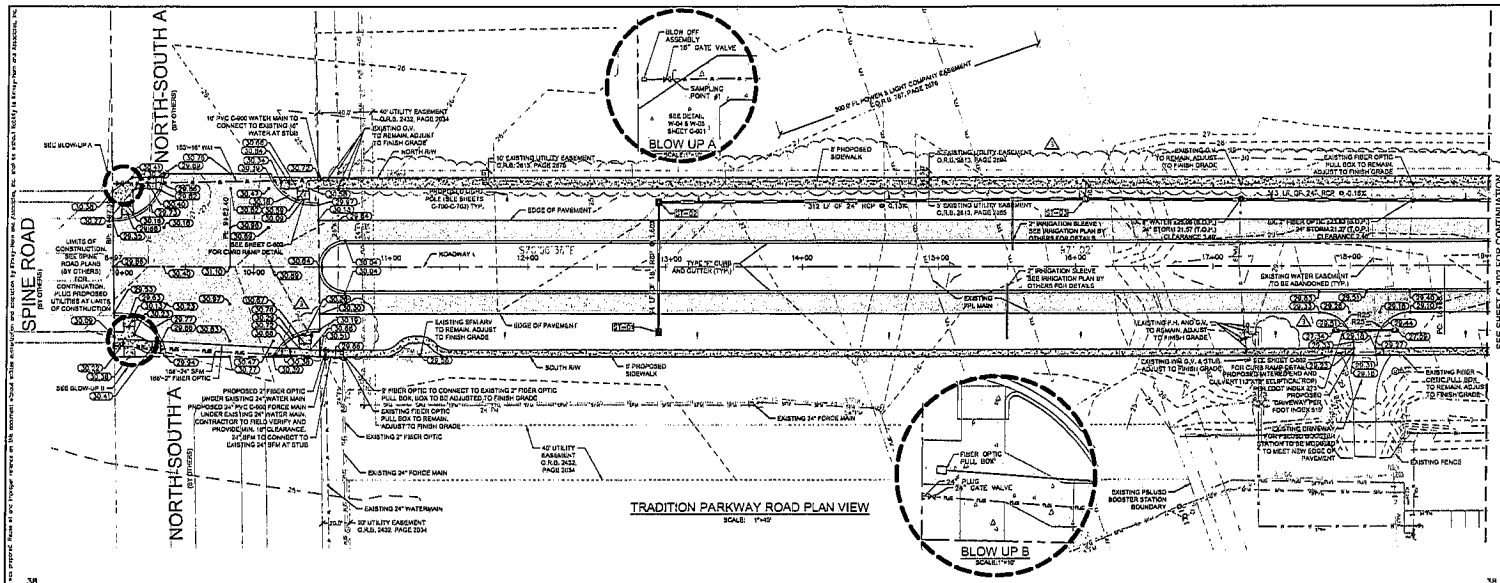
# WESTERN GROVES TRADITION PARKWAY

PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

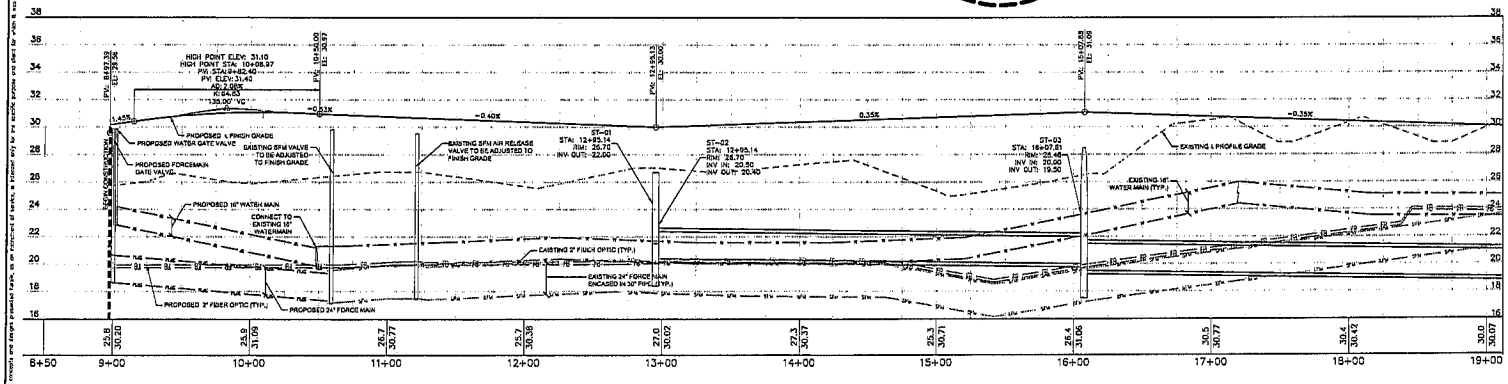
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52775
DATE ____

## OVERALL KEY MAP

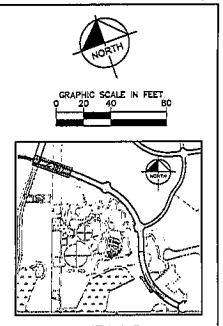
SHEET NUMBER
C-300




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'



TRADITION PARKWAY ROAD PROFILE VIEW
HORIZ. SCALE: 1"=40'
VERT. SCALE: 1"=4'




KEY MAP
N.T.S.

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- PROPOSED TYPE "E" STORM INLET
- PROPOSED TYPE P5 STORM CURB INLET
- PROPOSED TYPE P8 STORM CURB INLET
- PROPOSED 4' DIAMETER MANHOLE
- EXISTING STORM DRAIN
- PROPOSED EDGE DRAIN
- PROPOSED SANITARY FORCE MAIN
- PROPOSED FIBER OPTIC LINE
- PROPOSED WATER LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING FIBER OPTIC LINE
- EXISTING WATER LINE
- EXISTING CONTOUR ELEVATIONS
- EXISTING UTILITY EASEMENTS
- PROPOSED UTILITY EASEMENTS
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRUCK APRON PAVERS
- PROPOSED ASPHALT PAVEMENT
- UTILITY CROSSING
- PROPOSED SPOT ELEVATION
- MATCH EXISTING ELEVATION

CONTRACTOR TO VERIFY ALL EXISTING UTILITIES ON SITE AND MAINTAIN THE MINIMUM REQUIRED VERTICAL AND HORIZONTAL PIPE SEPARATION FROM PROPOSED PIPES. EXISTING VALVE BOXES AND OTHER APPURTENANCES SHALL BE ADJUSTED TO FINISHED GRADE.

REFER TO SHEET C-400 TO C-403 FOR DETAILS. AT SANITARY FORCEMAIN CONFLICTS, SPM PIPE SHALL BE CENTERED ON THE CONFLICT.

## NOTES

STRUCTURES ST-01, AND ST-02 SHALL BE FOOT TYPE "E" DITCH BOTTOM INLET NO. USP 9-20-3 WITH U.S.F. NO. 6016. OR APPROVED EQUAL. STRUCTURE ST-03 SHALL BE FOOT 4' DIAMETER MANHOLE. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ENGINEER FOR APPROVAL. ALL STORM PIPES SHALL BE HDP OR HDPE. WATER MAIN AND FORCE MAIN SHALL BE PVC C-900 OR APPROVED EQUAL.

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #16-054

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| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 3 | CITY COMMENTS | 06/18/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

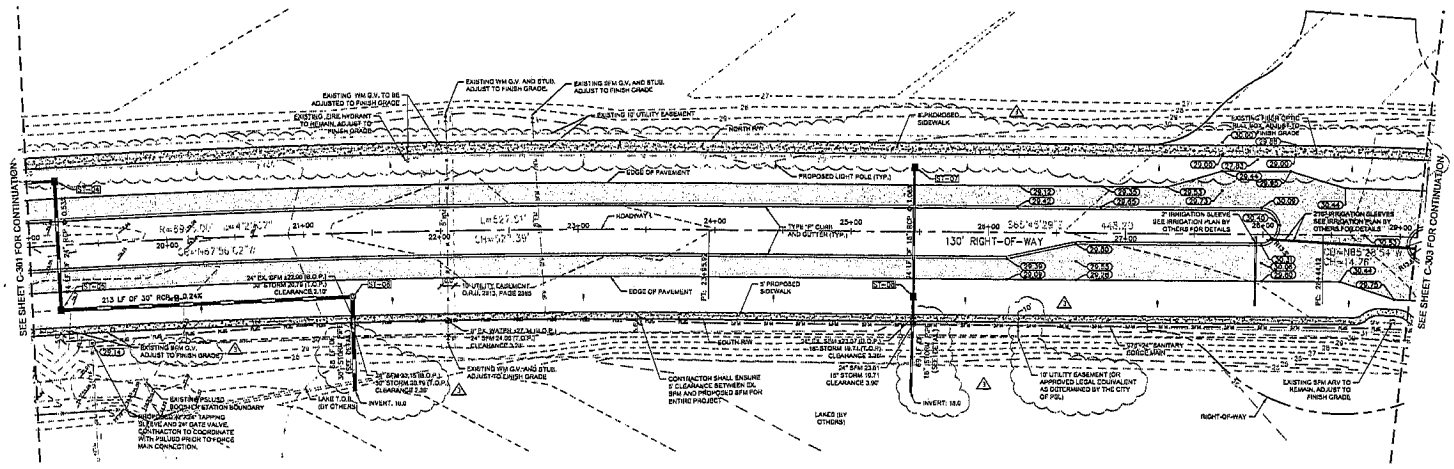
# WESTERN GROVES TRADITION PARKWAY

PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

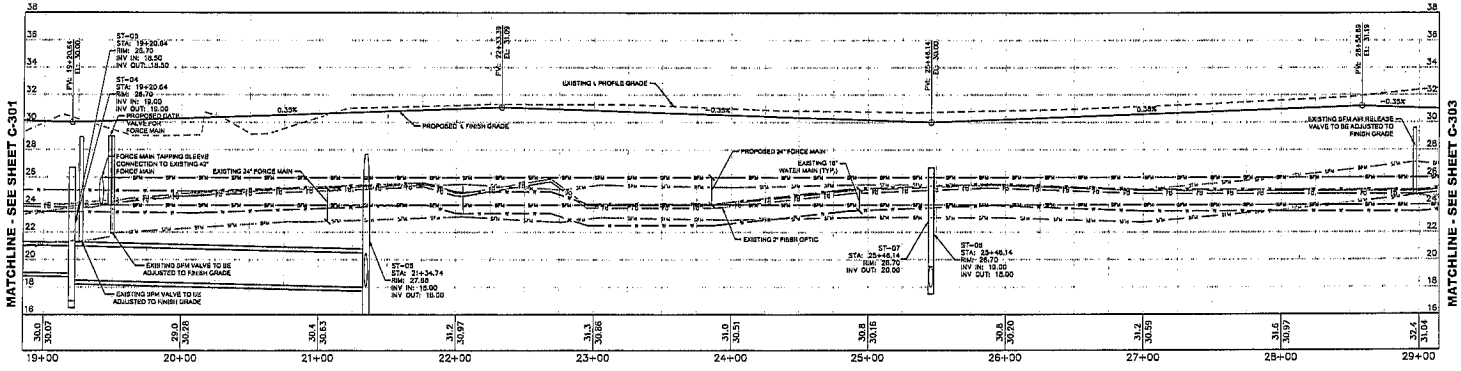
PLAN AND PROFILE

SHEET NUMBER
C-301



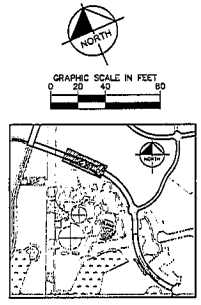

TRADITION PARKWAY ROAD PLAN VIEW

SCALE 1"=40'




TRADITION PARKWAY ROAD PROFILE VIEW

HORZ. SCALE: 1"=40'
VERT. SCALE: 1"=4'




KEYMAP

N.T.S.

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- PROPOSED TYPE "E" STORM INLET
- PROPOSED TYPE P8 STORM CURB INLET
- PROPOSED TYPE P9 STORM CURB INLET
- PROPOSED 4' DIAMETER MANHOLE
- EXISTING STORM DRAIN
- PROPOSED EDGE DRAIN
- PROPOSED SANITARY FORCE MAIN
- PROPOSED FIBER OPTIC LINE
- PROPOSED WATER LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING FIBER OPTIC LINE
- EXISTING WATER LINE
- EXISTING CONTOUR ELEVATIONS
- EXISTING UTILITY EASEMENTS
- PROPOSED UTILITY EASEMENTS
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRUCK APRON PAVERS
- PROPOSED ASPHALT PAVEMENT
- UTILITY CROSSING
- PROPOSED SPOT ELEVATION
- MATCH EXISTING ELEVATION

CONTRACTOR TO VERIFY ALL EXISTING UTILITIES ON SITE AND MAINTAIN THE MINIMUM REQUIRED VERTICAL AND HORIZONTAL PIPE SEPARATION FROM PROPOSED PIPES. EXISTING VALVE BOXES AND OTHER APPURTENANCES SHALL BE ADJUSTED TO FINISHED GRADE.

REFER TO SHEET C-400 TO C-403 FOR DETAILS. AT SANITARY FORCEMAIN CONFLICTS, BFM PIPE SHALL BE CENTERED ON THE CONFLICT.

## NOTES

STRUCTURES ST-04, ST-05, ST-07, AND ST-08 SHALL BE FDOT TYPE "E" DITCH BOTTOM INLET NO. USF 2-30-8 WITH U.S.F. NO. 6510, OR APPROVED EQUAL. STRUCTURE ST-06 SHALL BE FOOT 4' DIAMETER MANHOLE. STRUCTURE ST-06 AND ST-05 SHALL HAVE A P8S PER DETAIL PINCH TO OUTFALL. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ENGINEER FOR APPROVAL. OUTFALL INVERTS INTO LAKES SHALL BE AT ELEVATION 18.00 UNLESS OTHERWISE NOTED. ALL STORM PIPES SHALL BE RCP OR HDPE. WATER MAIN AND FORCE MAIN SHALL BE PVC C-900 OR APPROVED EQUAL.

VERTICAL DATUM
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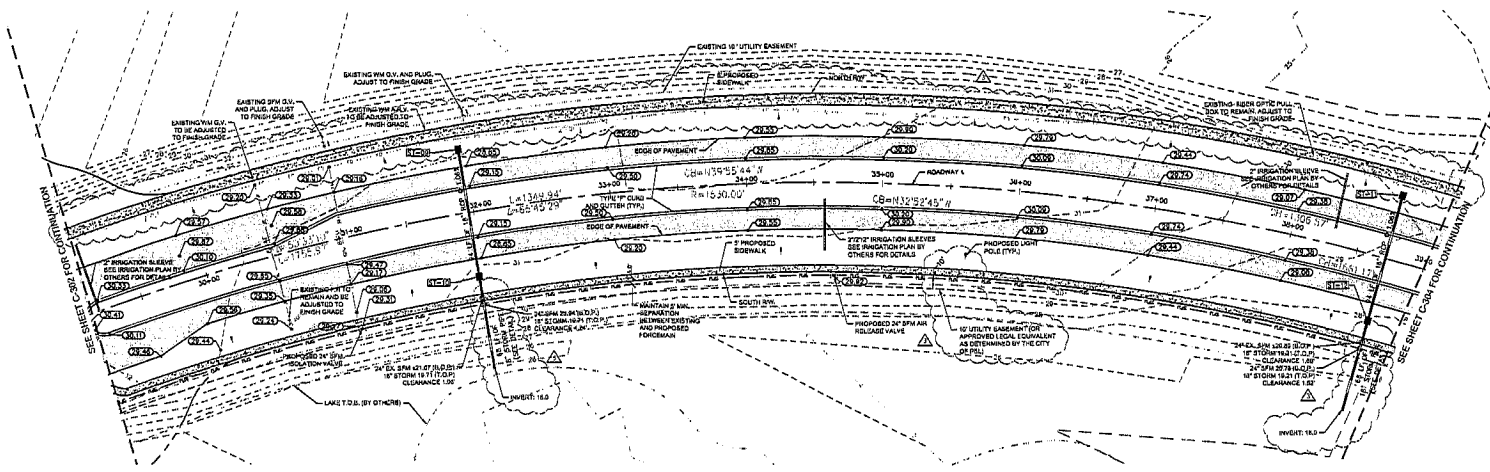
KHA PROJECT 043407010
DATE AUG 2015
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE ____

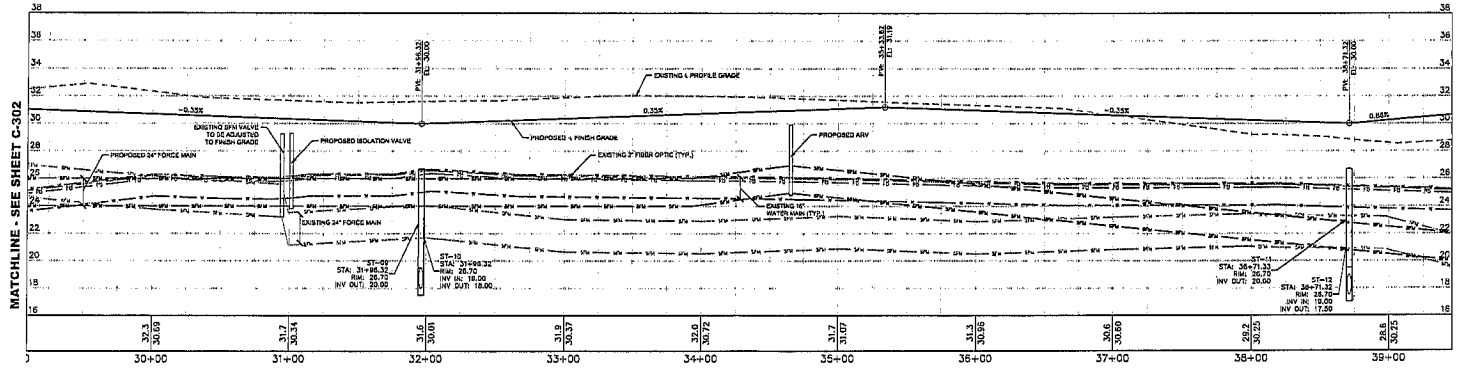
PLAN AND PROFILE

SHEET NUMBER
C-302



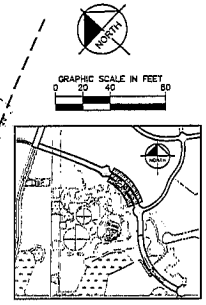

TRADITION PARKWAY ROAD PLAN VIEW

SCALE: 1"=40'




TRADITION PARKWAY ROAD PROFILE VIEW

HORIZ. SCALE: 1"=40'
VERT. SCALE: 1"=4'




KEY MAP

N.T.S.

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- PROPOSED TYPE "E" STORM INLET
- PROPOSED TYPE P5 STORM CURB INLET
- PROPOSED TYPE P3 STORM CURB INLET
- PROPOSED 4' DIAMETER MANHOLE
- EXISTING STORM DRAIN
- PROPOSED EDGE DRAIN
- PROPOSED SANITARY FORCE MAIN
- PROPOSED FIBER OPTIC LINE
- PROPOSED WATER LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING FIBER OPTIC LINE
- EXISTING WATER LINE
- EXISTING CONTOUR ELEVATIONS
- EXISTING UTILITY EASEMENTS
- PROPOSED UTILITY EASEMENTS
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRUCK APRON PAVERS
- PROPOSED ASPHALT PAVEMENT
- UTILITY CROSSING
- PROPOSED SPOT ELEVATION
- MATCH EXISTING ELEVATION

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REFER TO SHEET C-500 TO C-503 FOR DETAILS. AT SANITARY FORCEMAIN CONFLICTS, SPM PIPE SHALL BE CENTERED ON THE CONFLICT.

## NOTES

STRUCTURES ST-09, ST-10, ST-11, AND ST-12 SHALL BE FDOT TYPE "E" DITCH BOTTOM INLET NO. 1301 3-30-0 (WITH U.S.F. NO. 6015, OR APPROVED EQUAL. STRUCTURE ST-10 AND ST-12 SHALL HAVE A PIPE PER DETAIL PRIOR TO OUTFALL. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ENGINEER FOR APPROVAL. OUTFALL INVERTS INTO LAKES SHALL BE AT ELEVATION 18.0' UNLESS OTHERWISE NOTED. ALL STORM PIPES SHALL BE RCP OR HDPE. WATER MAIN AND FORCE MAIN SHALL BE PVC C900 OR APPROVED EQUAL.

VERTICAL DATUM
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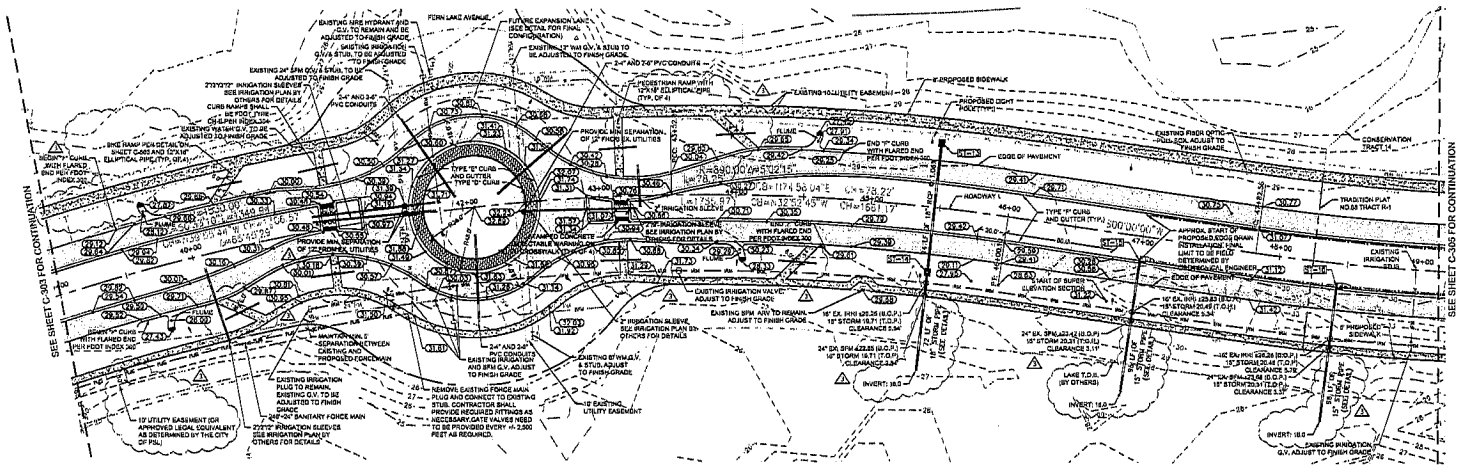
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

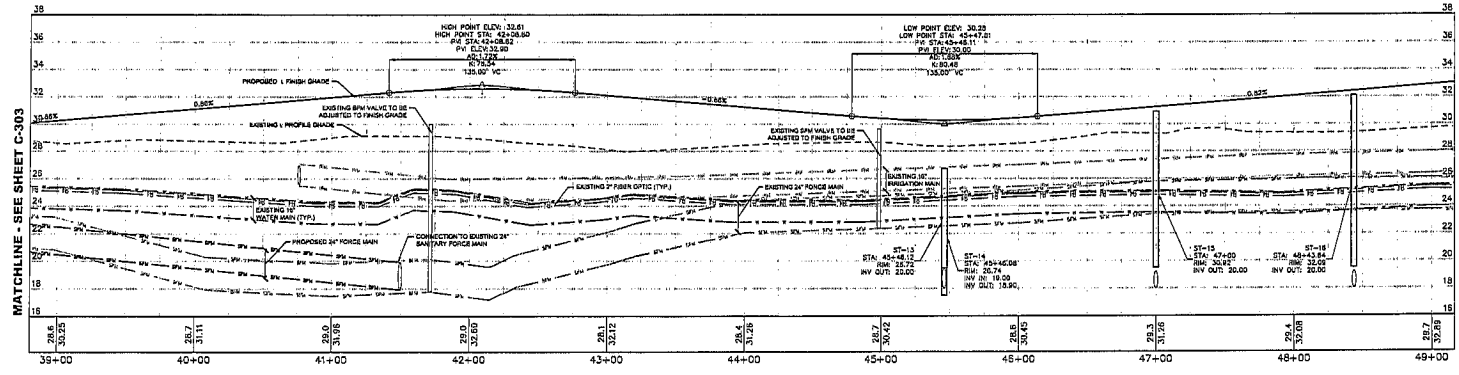
PLAN AND PROFILE

SHEET NUMBER
C-303



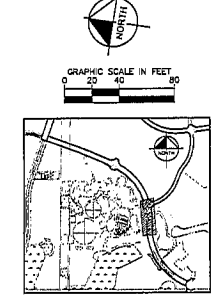

TRADITION PARKWAY ROAD PLAN VIEW

SCALE: 1"=40'




TRADITION PARKWAY ROAD PROFILE VIEW

HORZ. SCALE: 1"=40'
VERT. SCALE: 1"=4'




KEY MAP

N.T.S.

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- PROPOSED TYPE "E" STORM INLET
- PROPOSED TYPE P5 STORM CURB INLET
- PROPOSED TYPE P9 STORM CURB INLET
- PROPOSED 4' DIAMETER MANHOLE
- EXISTING STORM DRAIN
- PROPOSED EDGE DRAIN
- PROPOSED SANITARY FORCE MAIN
- PROPOSED FIBER OPTIC LINE
- PROPOSED WATER LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING FIBER OPTIC LINE
- EXISTING WATER LINE
- EXISTING CONTOUR ELEVATIONS
- EXISTING UTILITY EASEMENTS
- PROPOSED UTILITY EASEMENTS
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRUCK APRON PAVERS
- PROPOSED ASPHALT PAVEMENT
- UTILITY CROSSING
- PROPOSED SPOT ELEVATION
- MATCH EXISTING ELEVATION

CONTRACTOR TO VERIFY ALL EXISTING UTILITIES ON SITE AND MAINTAIN THE MINIMUM REQUIRED VERTICAL AND HORIZONTAL PIPE SEPARATION FROM PROPOSED PIPES. EXISTING VALVE BOXES AND OTHER APPURTENANCES SHALL BE ADJUSTED TO FINISHED GRADE.

REFER TO SHEET C-400 TO C-403 FOR DETAILS. AT SANITARY FORCEMAIN CONFLICTS, SPM PIPE SHALL BE CENTERED ON THE CONFLICT.

## NOTES

STRUCTURES ST-13 AND ST-14 SHALL BE FDOT TYPE "D" DITCH BOTTOM INLET NO. LGIP 3-2E-9 WITH U.S.F. NO. 6816, OR APPROVED EQUAL. STRUCTURE ST-15 AND ST-16 SHALL BE FDOT TYPE "P-9" INLET NO. LGIP 3-2E-9 WITH U.S.F. NO. 5670-881 OR APPROVED EQUAL. STRUCTURE ST-14, ST-15 AND ST-16 SHALL HAVE A PRO PER DETAIL PRIOR TO OUTFALL. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ENGINEER FOR APPROVAL. OUTFALL INVERTS INTO LAKES SHALL BE AT ELEVATION 18.00 UNLESS OTHERWISE NOTED. ALL STORM PIPES SHALL BE RCP OR HDPE. WATER MAIN AND FORCE MAIN SHALL BE PVC C-900 OR APPROVED EQUAL.

VERTICAL DATUM
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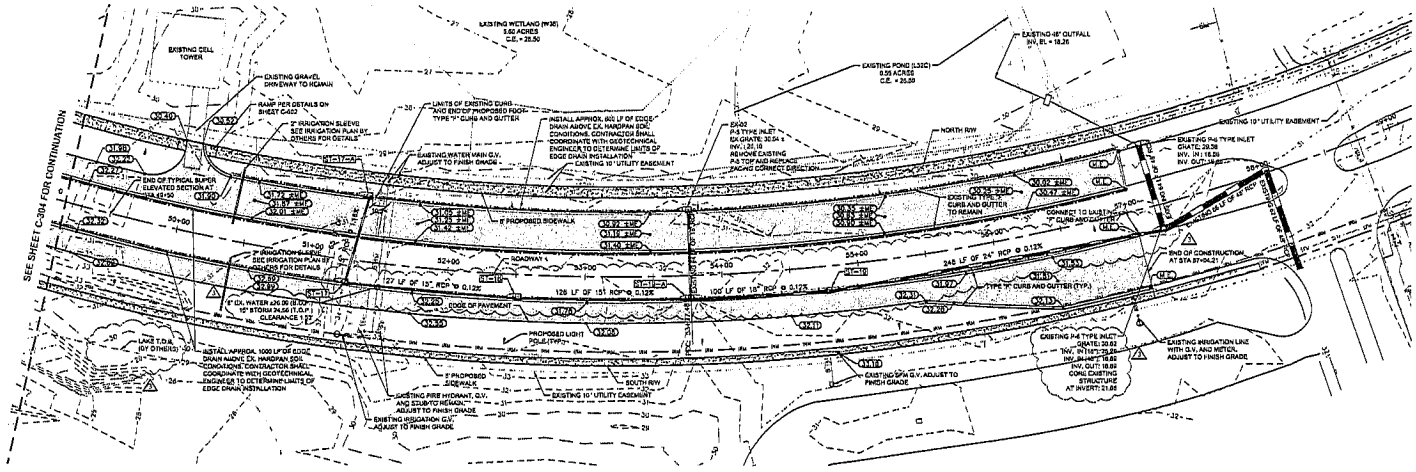
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

PLAN AND PROFILE

SHEET NUMBER
C-304

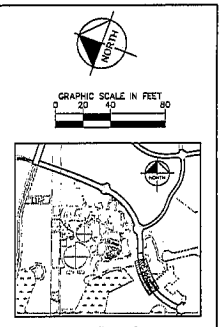



TRADITION PARKWAY ROAD PLAN VIEW

SCALE: 1"=10'

TRADITION PARKWAY ROAD PROFILE VIEW

HORZ. SCALE: 1"=10'
VERT. SCALE: 1"=5'




KEY MAP

N.T.S.

## LEGEND

- RIGHT OF WAY LINE
- PROPOSED STORM DRAIN
- PROPOSED TYPE "E" STORM INLET
- PROPOSED TYPE P8 STORM CURB INLET
- PROPOSED TYPE P8 STORM CURB INLET
- PROPOSED 4' DIAMETER MANHOLE
- EXISTING STORM DRAIN
- PROPOSED EDGE DRAIN
- PROPOSED SANITARY FORCE MAIN
- PROPOSED FIBER OPTIC LINE
- PROPOSED WATER LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING FIBER OPTIC LINE
- EXISTING WATER LINE
- EXISTING CONTOUR ELEVATIONS
- EXISTING UTILITY EASEMENTS
- PROPOSED UTILITY EASEMENTS
- PROPOSED CONCRETE SIDEWALK
- PROPOSED TRUCK APRON PAVERS
- PROPOSED ASPHALT PAVEMENT
- UTILITY CROSSING
- PROPOSED SPOT ELEVATION
- MATCH EXISTING ELEVATION

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REFER TO SHEET C-400 TO C-403 FOR DETAILS. AT SANITARY FORCEMAIN CONFLICTS, SPM PIPE SHALL BE CENTERED ON THE CONFLICT.

## NOTES

STRUCTURES ST-17, ST-17A, ST-18 AND ST-19 SHALL BE FDOT TYPE "P8" INLET NO. LSP 3-37.2 WITH U.S.F. NO. 5870-6011 OR APPROVED EQUAL. STRUCTURE ST-19A SHALL BE A TYPE "P8" INLET NO. LSP 3-37.2 WITH U.S.F. NO. 5870-6011 OR APPROVED EQUAL. CONTRACTOR TO VERIFY EXISTING STRUCTURE, INVERTS AND ELEVATIONS IN FIELD. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS TO ENGINEER FOR APPROVAL. ALL STORM PIPES SHALL BE RCP OR HDPE. WATER MAIN AND FORCE MAIN SHALL BE PVC C-900 OR APPROVED EQUAL.

VERTICAL DATUM
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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

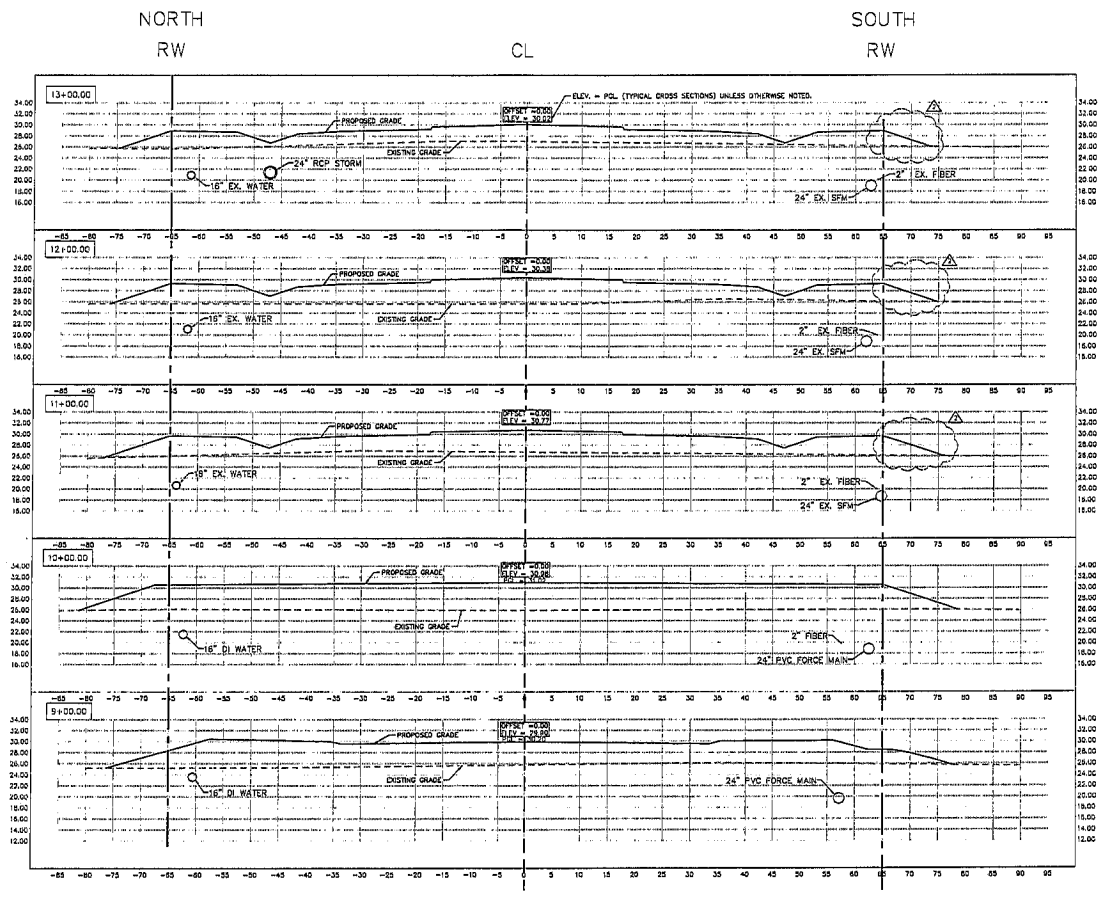
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

PLAN AND PROFILE

SHEET NUMBER
C-305

GRAPHIC SCALE IN FEET
HORIZONTAL 0 5 10 20
VERTICAL 0 5 10 20




NOTE:
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VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

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| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/16/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 9+00 - 13+00

SHEET NUMBER
C-400

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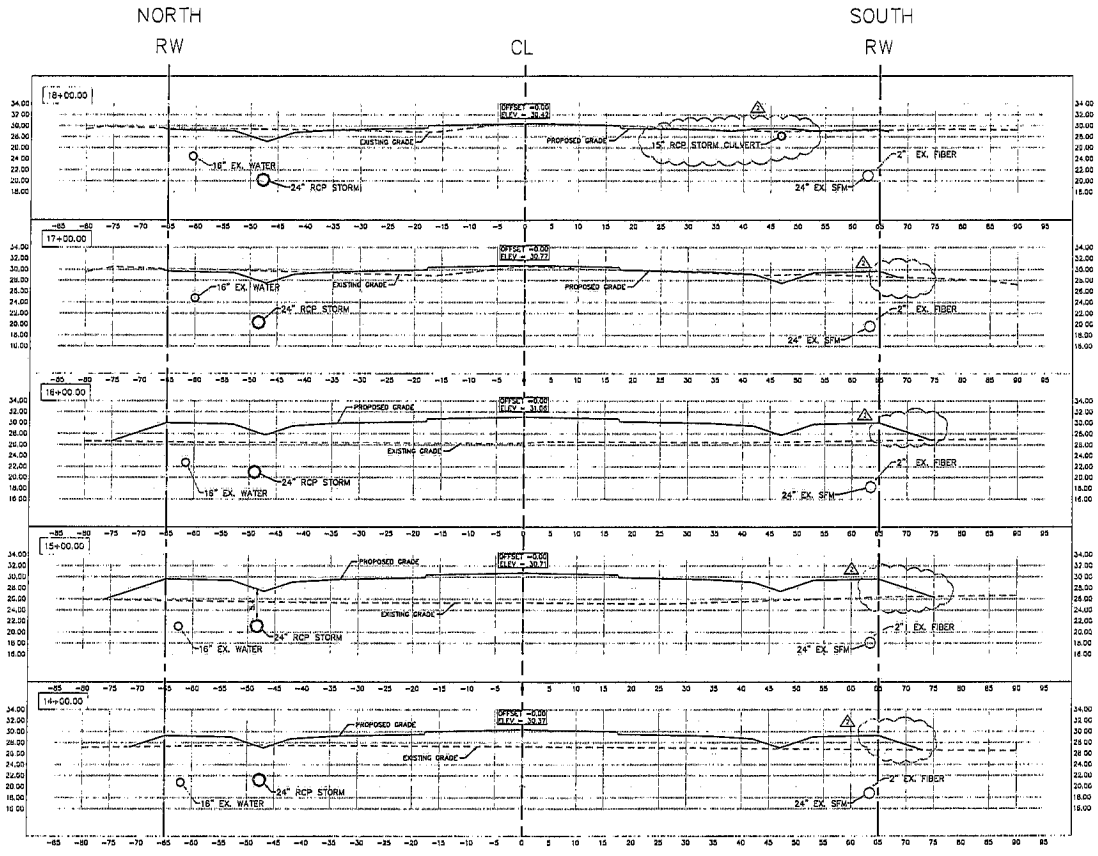
GRAPHIC SCALE IN FEET
0 5 10 20
HORIZONTAL
0 5 10 20
VERTICAL

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PORT ST. LUCIE PROJECT #P15-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/16/2016 | YXY |

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WWW.KIMLEY-HORN.COM CA 00000696

KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 14+00 - 18+00

SHEET NUMBER
C-401

GRAPHIC SCALE IN FEET
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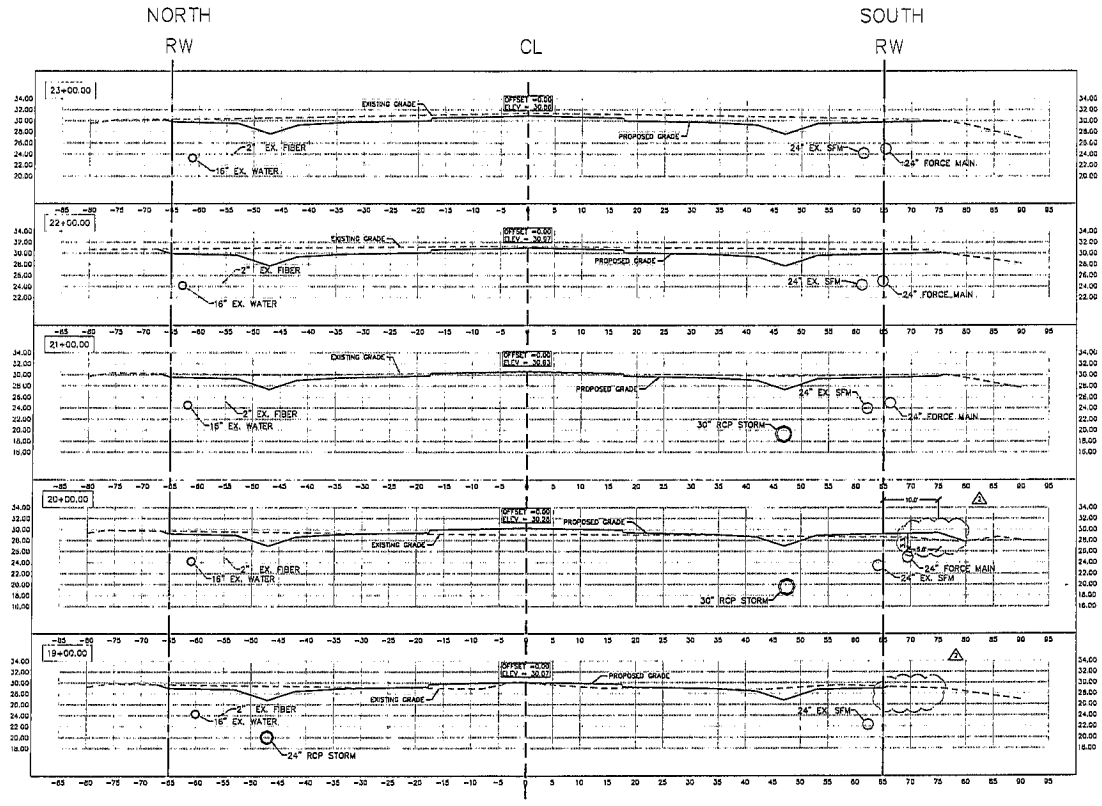
VERTICAL 0 5 10 20




NOTE:
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VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/22/2016 | YXY |
| 1 | CITY COMMENTS | 05/18/2016 | YXY |

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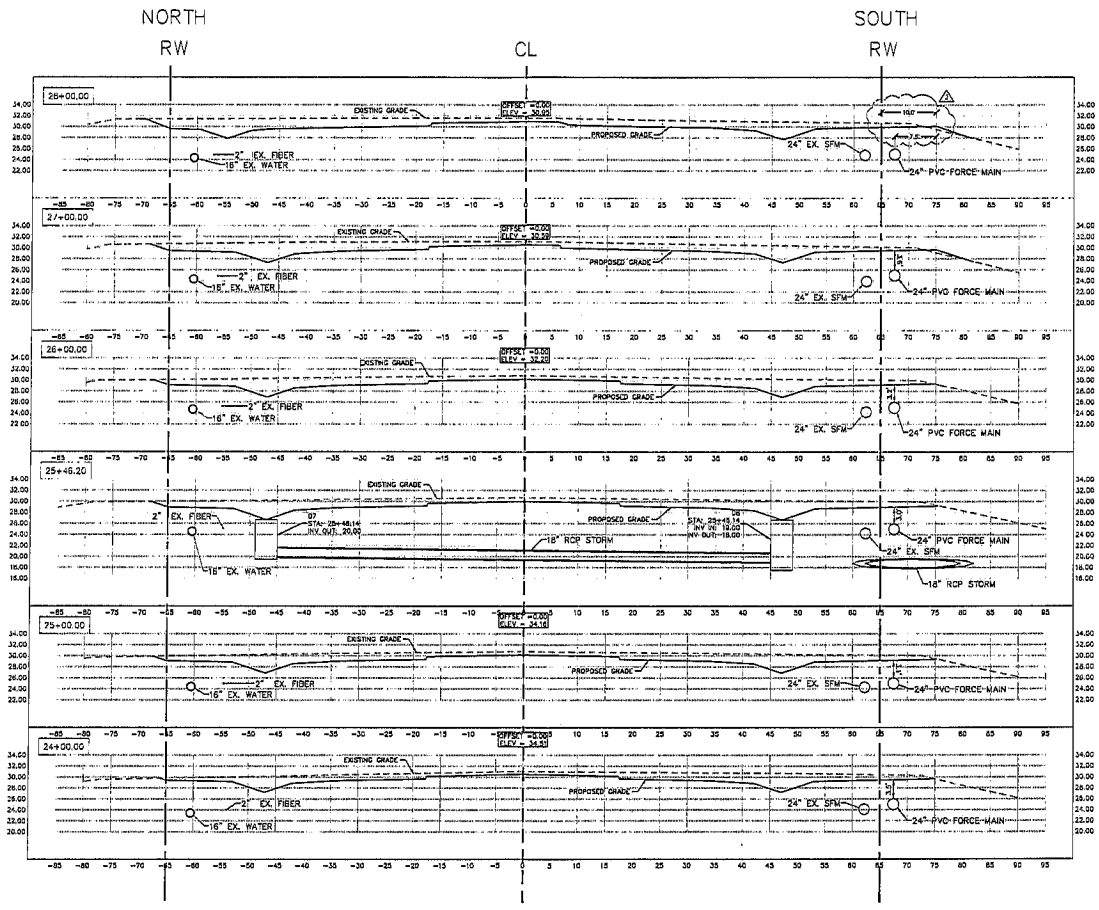
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE ____

CROSS SECTIONS STA 19+00 - 23+00

SHEET NUMBER
C-402




GRAPHIC SCALE IN FEET
0 5 10 20
HORIZONTAL
0 5 10 20
VERTICAL

NOTE:
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/16/2016 | YXY |

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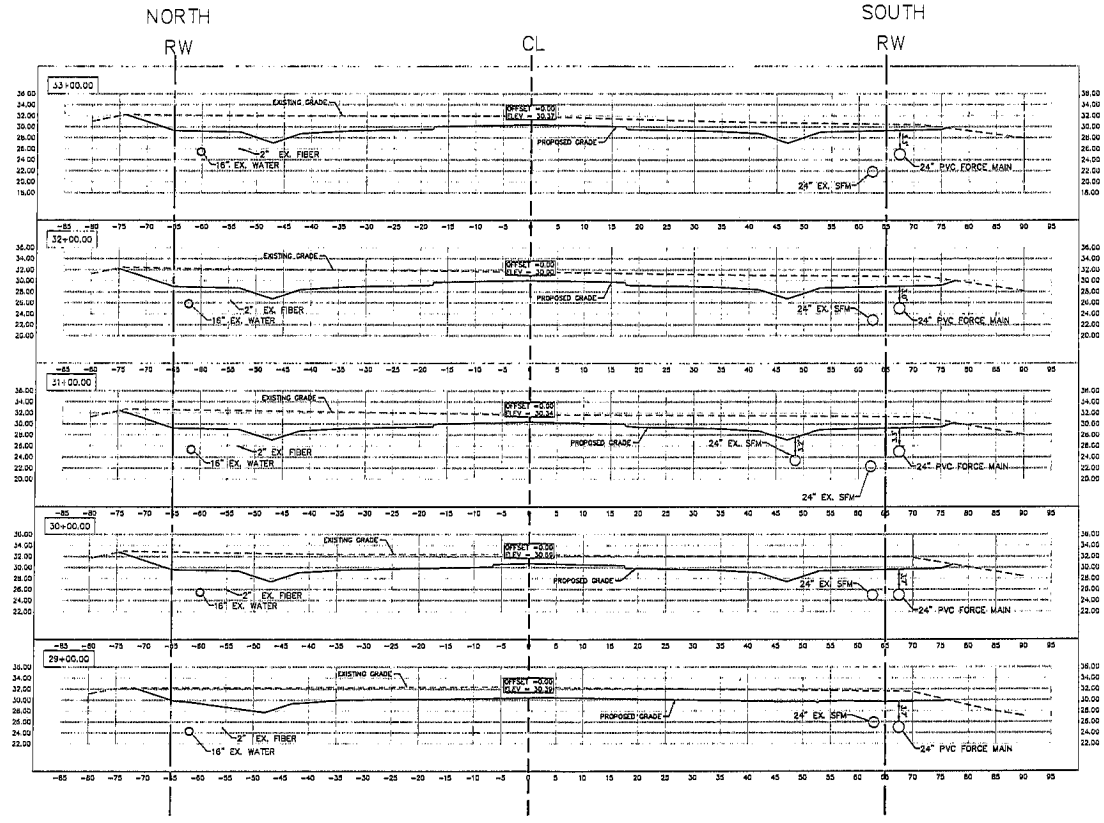
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

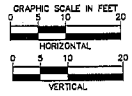
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 24+00 - 28+00

SHEET NUMBER
C-403

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VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/18/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE ____

CROSS SECTIONS STA 29+00 - 33+00

SHEET NUMBER
C-404

GRAPHIC SCALE IN FEET
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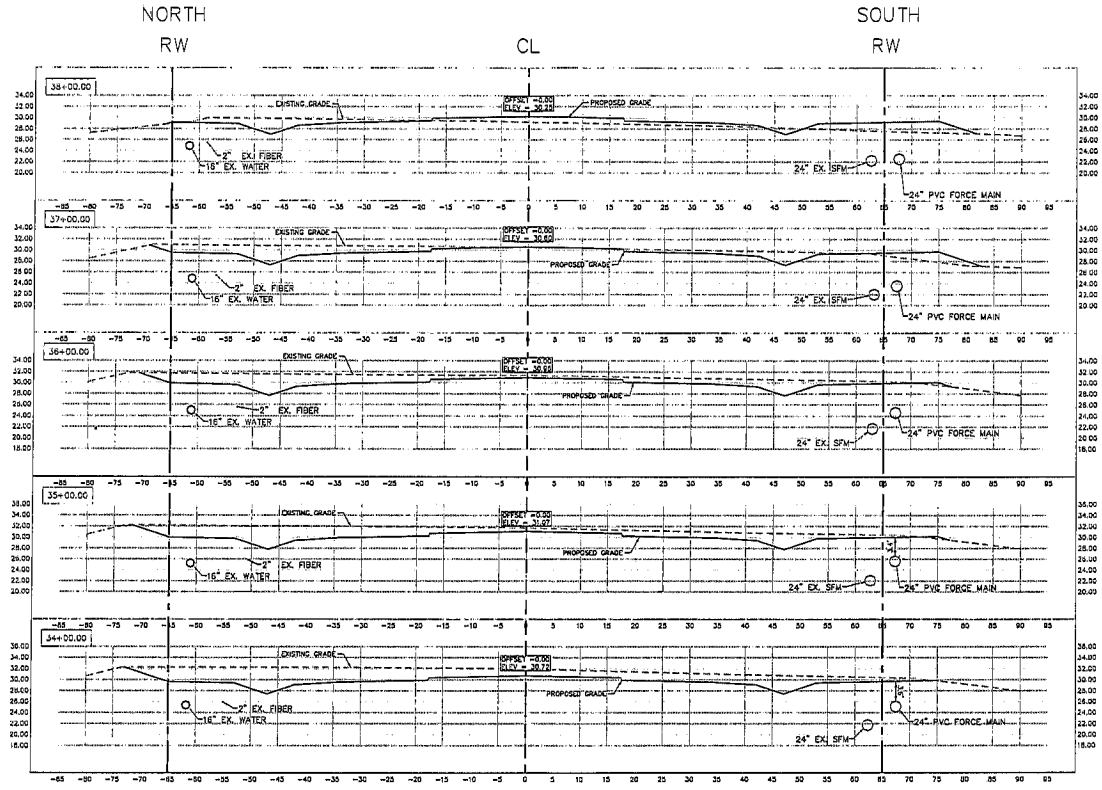
HORIZONTAL
0 5 10 20
VERTICAL

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VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
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| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 08/18/2016 | YXY |

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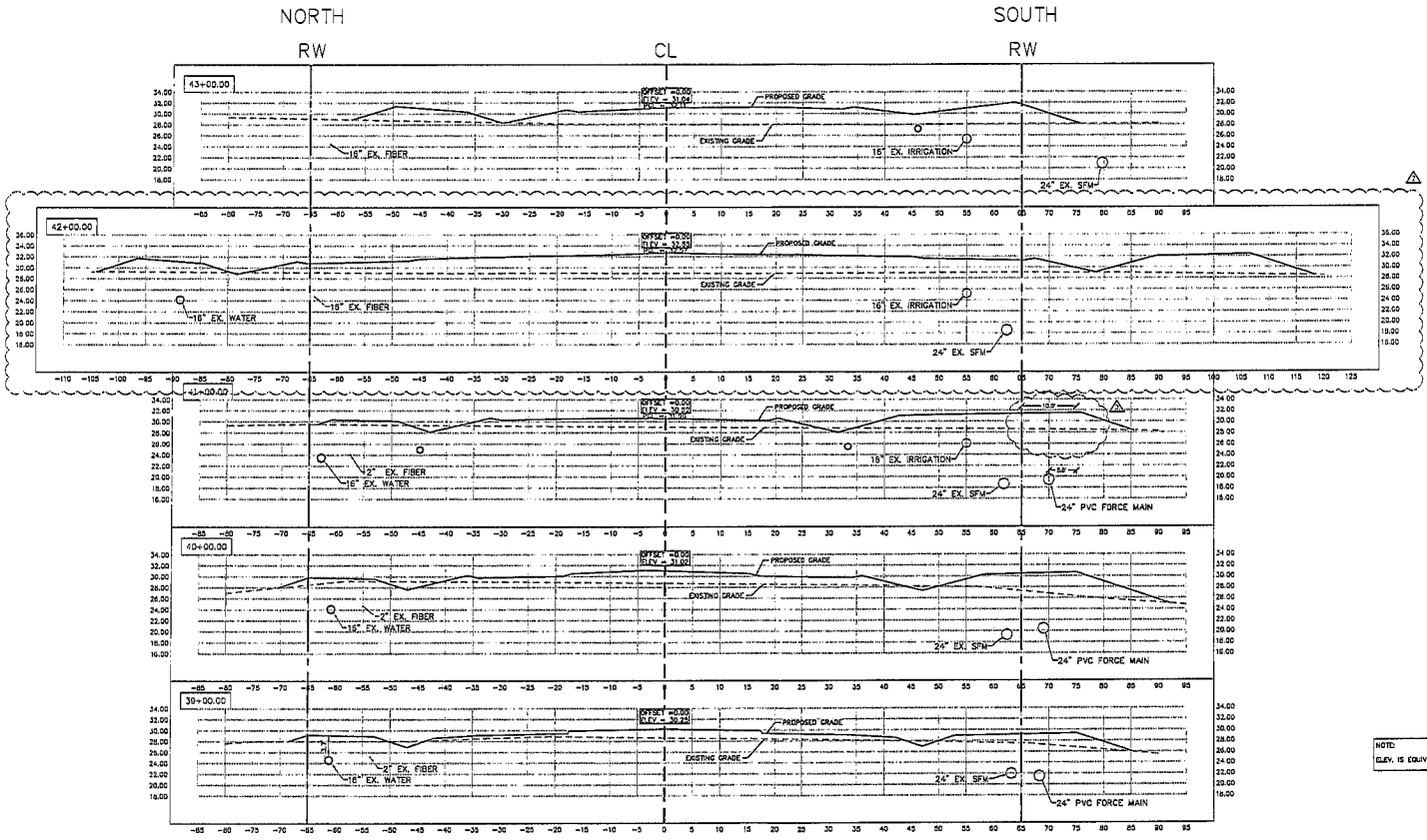
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

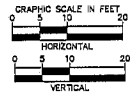
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 34+00 - 38+00

SHEET NUMBER
C-405

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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/16/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D SPRUCE, P.E.
FL LICENSE NUMBER 52775
DATE: ____

CROSS SECTIONS STA 39+00 - 43+00

SHEET NUMBER
C-406

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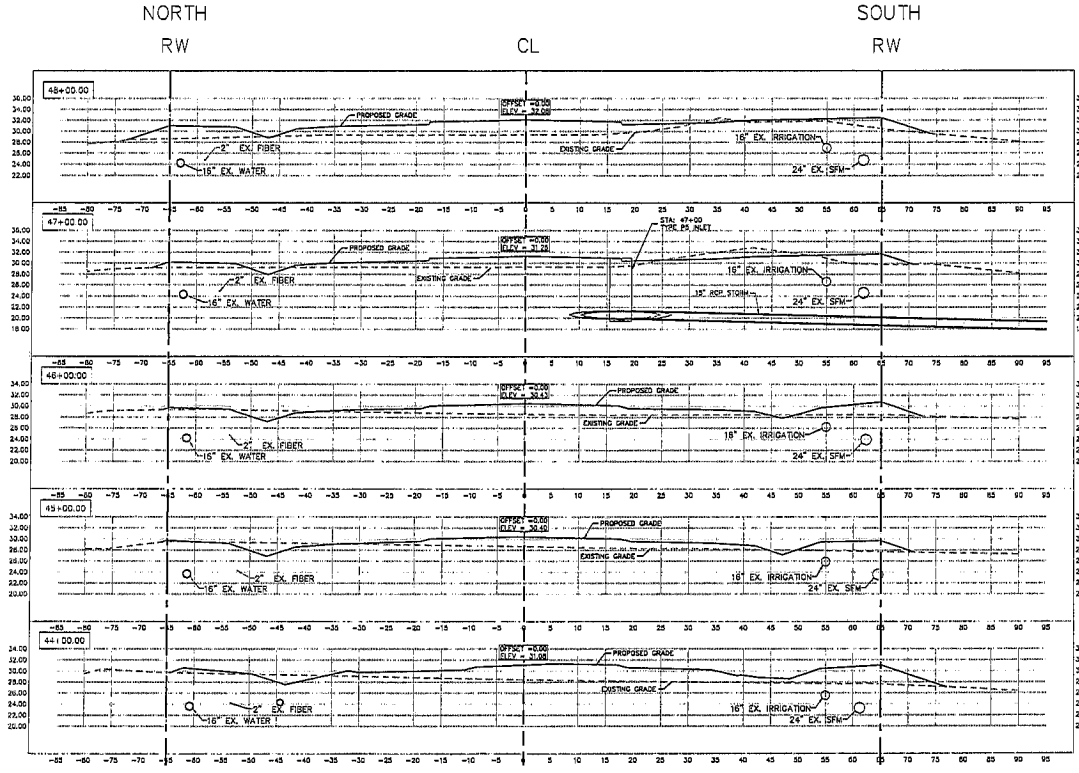
GRAPHIC SCALE IN FEET
HORIZONTAL 0 5 10 20
VERTICAL 0 5 10 20

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PORT ST. LUCIE PROJECT #P18-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/25/2016 | YXY |
| 1 | CITY COMMENTS | 05/15/2016 | YXY |

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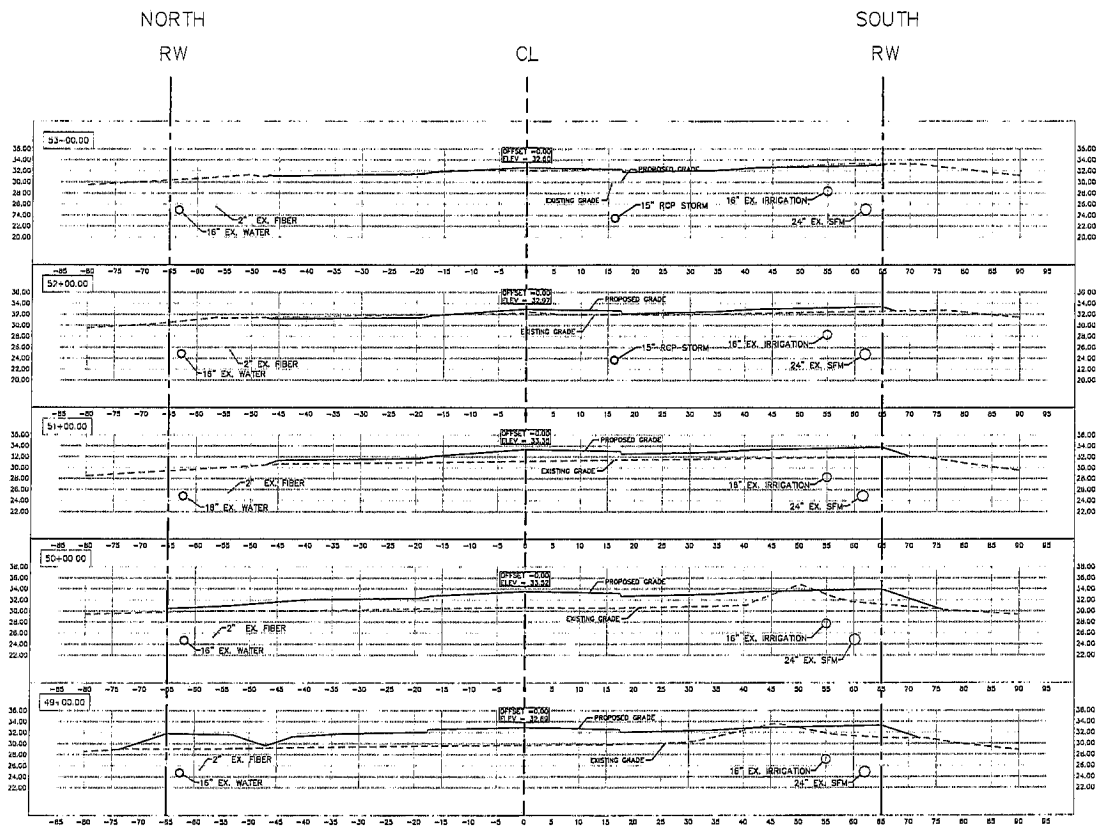
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 44+00 - 48+00

SHEET NUMBER
C-407




GRAPHIC SCALE IN FEET
0 5 10 20
HORIZONTAL
0 5 10 20
VERTICAL

NOTE:
ELEV. IS EQUIVALENT TO PCL ELEVATION UNLESS OTHERWISE NOTED.

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 1 | CITY COMMENTS | 08/08/2016 | YKY |
| 2 | CITY COMMENTS | 07/20/2016 | YKY |
| 3 | CITY COMMENTS | 05/18/2016 | YKY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
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PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 49+00 - 53+00

SHEET NUMBER
C-408

GRAPHIC SCALE IN FEET
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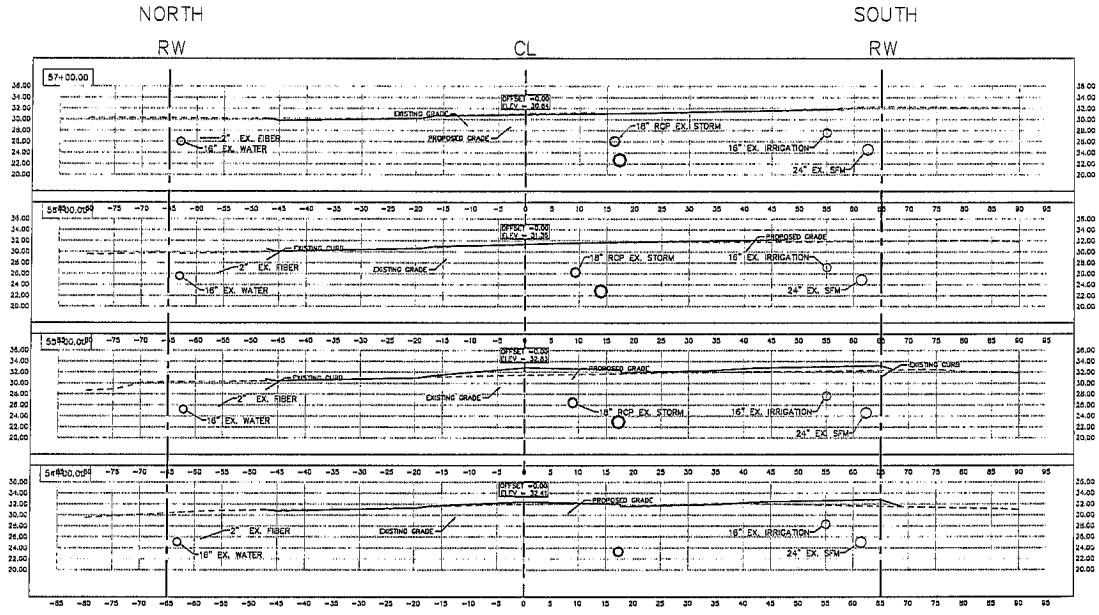
HORIZONTAL
0 5 10 20
VERTICAL

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| No. | REVISIONS | DATE | BY |
|---|---|---|---|
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| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/15/2016 | YXY |

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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

CROSS SECTIONS STA 54+00 - 57+00

SHEET NUMBER
C-409

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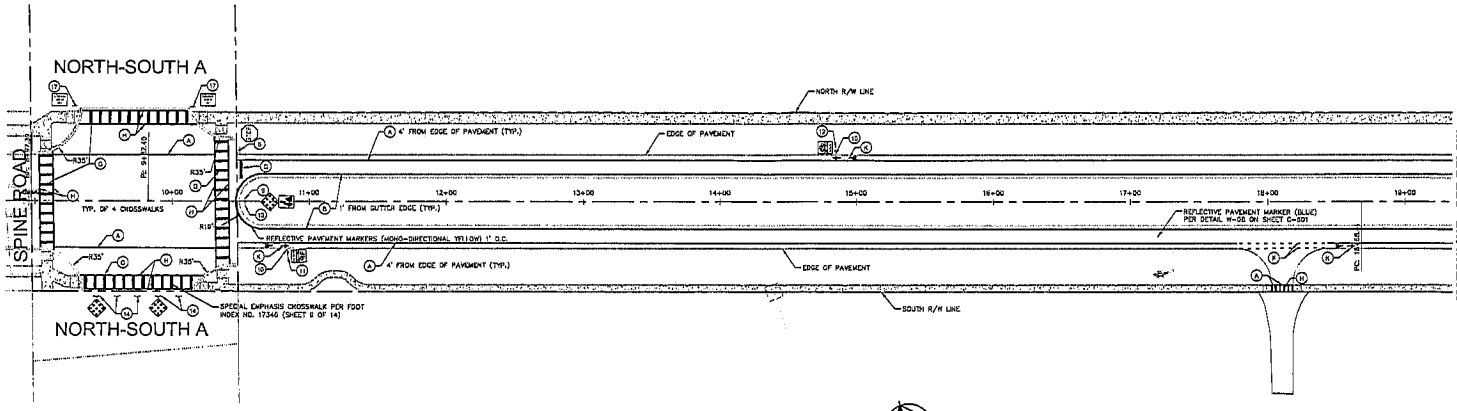
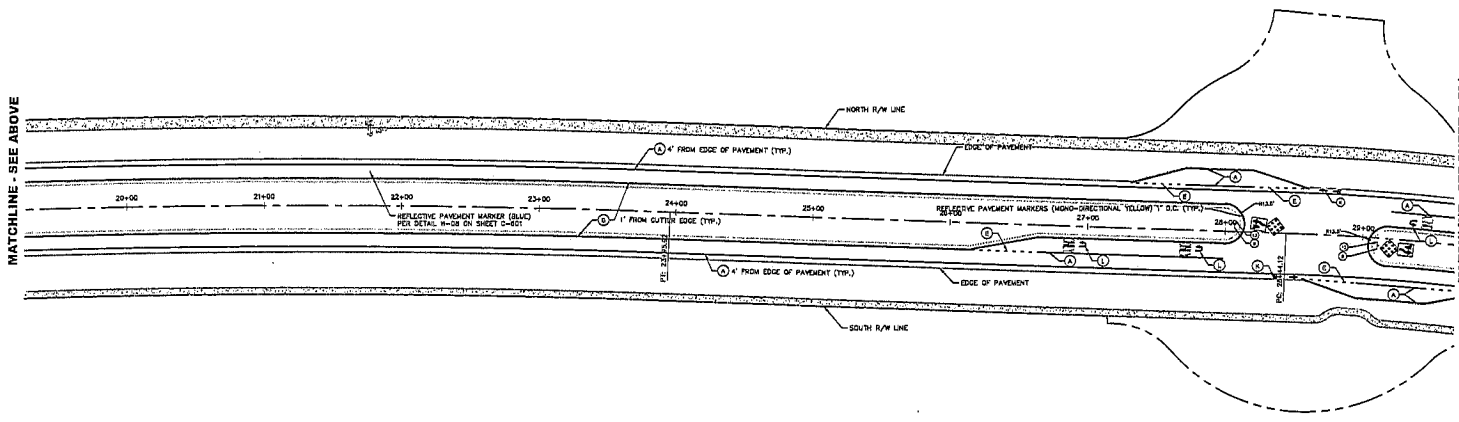



TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

GRAPHIC SCALE IN FEET
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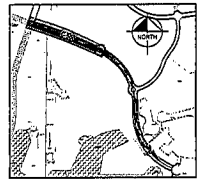


KEY MAP
N.T.S.

STRIPING KEY

A = 5" SOLID WHITE
B = 5" SOLID YELLOW
C = 5" SKIP WHITE TYP (10'-30')
D = 5" SKIP WHITE TYP (2'-6')
E = 5" SKIP WHITE TYP (2'-4')
F = 15" SKIP WHITE TYP (2'-6')
G = 24" SOLID WHITE
H = 12" SOLID WHITE
I = 6" SKIP WHITE TYP (8'-10')
J = 18" SOLID WHITE
K = BIKE LANE MARKINGS
L = U-TURN ONLY MARKINGS
M = LANE REDUCTION ARROW
N = ROUNDABOUT FISH HOOK ARROW

SIGNING KEY

1 = YIELD (R1-2)
2 = SPEED LIMIT (R2-1)
3 = ROUNDABOUT CIRCULATION PLAQUE (R6-3P)
4 = LANE ENDS (W4-2)
5 = STOP (R1-1)
6 = RIGHT LANE MUST TURN RIGHT (R3-7R)
7 = REDUCED SPEED LIMIT AHEAD (W3-5)
8 = BEGIN RIGHT TURN LANE YIELD TO BIKES (R4-4)
9 = KEEP RIGHT (R4-7)
10 = BIKE LANE (R3-17)
11 = AHEAD (R3-17aP)
12 = ENDS (R3-17bP)
13 = OBJECT MARKER (OM 1-1)
14 = OBJECT MARKER (OM 4-1)
15 = ROUNDABOUT DIRECTIONAL ARROW (R5-4)
16 = ROUNDABOUT AHEAD WARNING (W2-6)
17 = AUTHORIZED VEHICLES ONLY (R5-11)
18 = PAVEMENT ENDS (W3-3)

NOTES:

1. STATIONING STARTS AT SECTION 23/375/3RE, D.P.=6+97.30
2. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FDOT STANDARD INDEX AND THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
3. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH CITY OF PORT ST. LUCIE TYPICALS FOR PAVEMENT MARKINGS, SIGNING & GEOMETRICS.
4. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC OR APPROVED EQUAL.

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 1 | CITY COMMENTS | 06/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 3 | CITY COMMENTS | 08/19/2016 | YXY |

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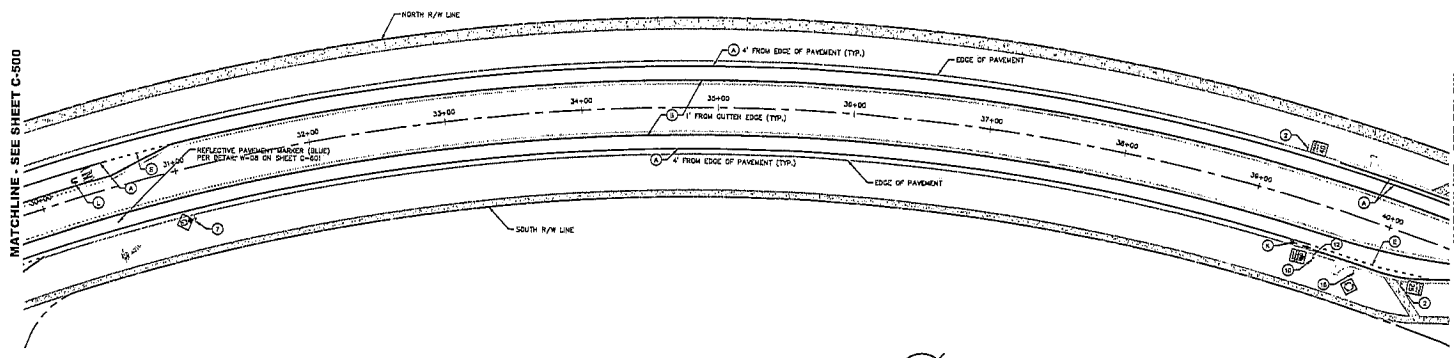
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY SMT
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

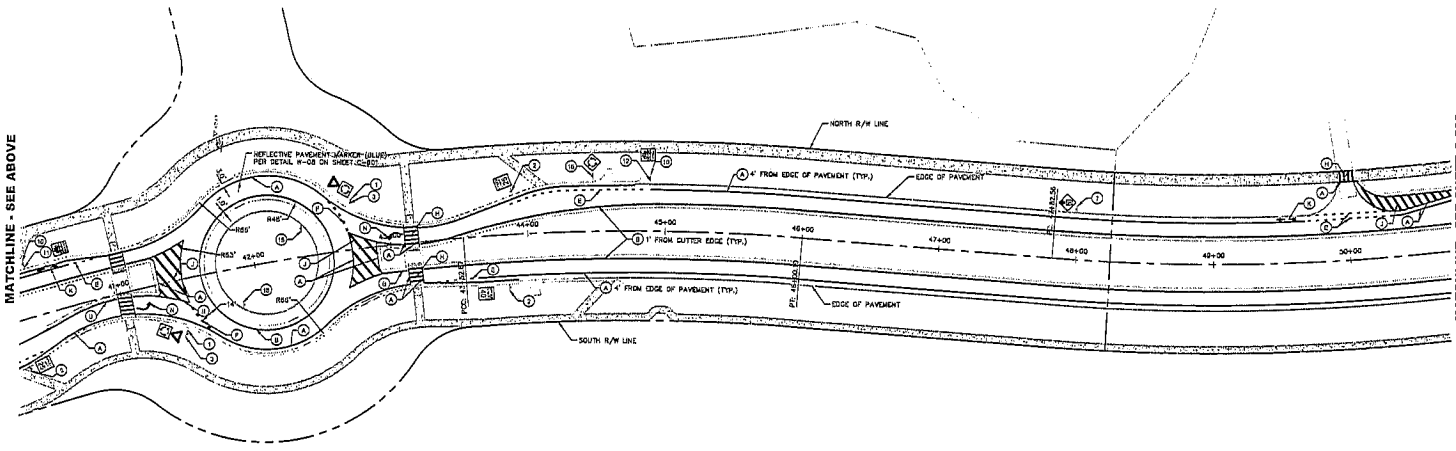
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE ____

SIGNING AND PAVEMENT MARKING PLAN

SHEET NUMBER
C-500

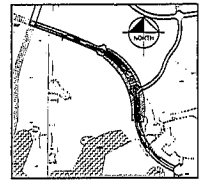



TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

GRAPHIC SCALE IN FEET
0 20 40 80




KEY MAP
N.T.S.

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A = 6" SOLID WHITE
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C = 6" SKIP WHITE TYP (10'-30')
D = 6" SKIP WHITE TYP (2'-6')
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N = ROUNDABOUT FISH HOOK ARROW

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1 = YIELD (R1-2)
2 = SPEED LIMIT (R2-1)
3 = ROUNDABOUT CIRCULATION PLAQUE (R5-5P)
4 = LANE ENDS (W4-2)
5 = STOP (R1-1)
6 = RIGHT LANE MUST TURN RIGHT (R3-7R)
7 = REDUCED SPEED LIMIT AHEAD (W3-5)
8 = BEGIN RIGHT TURN LANE YIELD TO BIKES (R4-4)
9 = KEEP RIGHT (R4-7)
10 = BIKE LANE (R3-17)
11 = AHEAD (R3-17aP)
12 = ENDS (R3-17bP)
13 = OBJECT MARKER (OM 1-1)
14 = OBJECT MARKER (OM 4-1)
15 = ROUNDABOUT DIRECTIONAL ARROW (R5-4)
16 = ROUNDABOUT AHEAD WARNING (W2-6)
17 = AUTHORIZED VEHICLES ONLY (R3-11)

NOTES:

1. STATIONING STARTS AT SECTION 29/375/39E. B.P.=8+97.39
2. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FDOT STANDARD INDEX AND THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
3. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH CITY OF PORT ST. LUCIE TYPICALS FOR PAVEMENT MARKINGS, SIGNING & GEOMETRICS.
4. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC OR APPROVED EQUAL.

VERTICAL DATUM
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PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
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| 3 | CITY COMMENTS | 08/08/2016 | YKY |
| 2 | CITY COMMENTS | 07/20/2016 | YKY |
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KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY SMT
CHECKED BY MDS

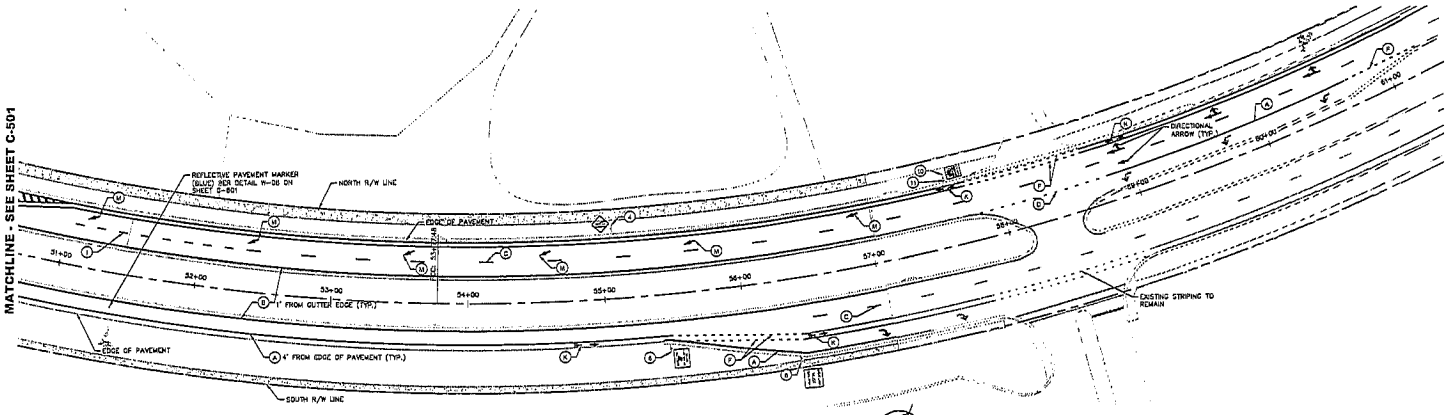
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

SIGNING AND PAVEMENT MARKING PLAN

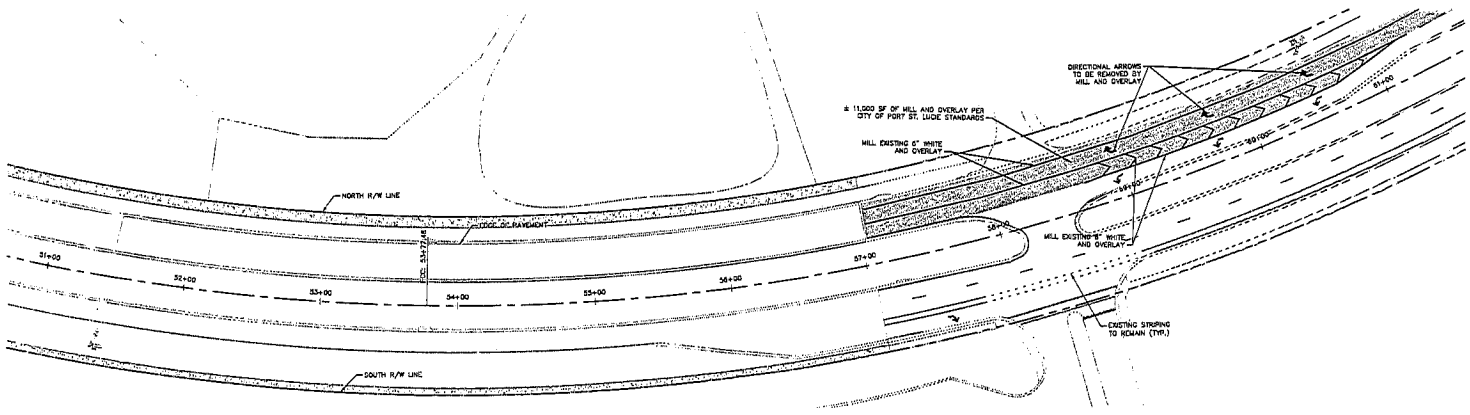
SHEET NUMBER
C-501

MATCHLINE - SEE SHEET C-501




TRADITION PARKWAY ROAD PLAN VIEW

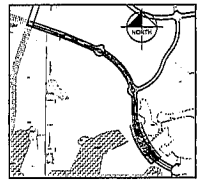
SCALE: 1"=40'




TRADITION PARKWAY STRIPING REMOVAL PLAN

SCALE: 1"=40'

GRAPHIC SCALE IN FEET
0 20 40 80




KEY MAP

N.T.S.

STRIPING KEY

A = 6" SOLID WHITE
B = 6" SOLID YELLOW
C = 6" SKIP WHITE TYP (10'-30')
D = 6" SKIP WHITE TYP (2'-6')
E = 6" SKIP WHITE TYP (2'-4')
F = 16" SKIP WHITE TYP (2'-4')
G = 24" SOLID WHITE
H = 12" SOLID WHITE
I = 6" SKIP WHITE TYP (6'-10')
J = 18" SOLID WHITE
K = BIKE LANE MARKINGS
L = U-TURN ONLY MARKINGS
M = LANE REDUCTION ARROW
N = ROUNDABOUT FISH HOOK ARROW

SIGNING KEY

1 = YIELD (R1-2)
2 = SPEED LIMIT (R2-1)
3 = ROUNDABOUT CIRCULATION PLAQUE (R5-5P)
4 = LANE ENDS (W4-2)
5 = STOP (R1-1)
6 = RIGHT LANE MUST TURN RIGHT (R3-7R)
7 = REDUCED SPEED LIMIT AHEAD (W3-5)
8 = BEGIN RIGHT TURN LANE YIELD TO BIKES (R4-4)
9 = KEEP RIGHT (R4-7)
10 = BIKE LANE (R3-17)
11 = AHEAD (R3-17aP)
12 = ENDS (R3-17bP)
13 = OBJECT MARKER (OM 1-1)
14 = OBJECT MARKER (OM 4-1)
15 = ROUNDABOUT DIRECTIONAL ARROW (R5-4)
16 = ROUNDABOUT AHEAD WARNING (W2-6)
17 = AUTHORIZED VEHICLES ONLY (R5-11)
18 = PAVEMENT ENDS (W8-3)

AREA TO BE MILLED AND OVERLAY

NOTES:

1. STATIONING STARTS AT SECTION 99/075/SBE B.P.=6+97.39
2. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH THE LATEST EDITION OF THE FDOT STANDARD INDEX AND THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
3. ALL CONSTRUCTION AND RESTORATION WORK SHALL COMPLY WITH CITY OF PORT ST. LUCIE TYPICALS FOR PAVEMENT MARKINGS, SIGNING & GEOMETRICS.
4. ALL PAVEMENT MARKINGS SHALL BE THERMOPLASTIC OR APPROVED EQUAL.

VERTICAL DATUM
ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.

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DIAL 811
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WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
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PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ____

SIGNING AND PAVEMENT MARKING PLAN

SHEET NUMBER
C-502

## MINIMUM SEPARATION BETWEEN PSLUSD FACILITIES AND OTHER UTILITIES

| OTHER PIPE | HORIZONTAL SEPARATION | CROSSINGS (1) | JOINT SPACING @ CROSSINGS (FULL JOINT CENTERED) |
|---|---|---|---|
| GRAVITY OR PRESSURE SANITARY SEWER, SANITARY SEWER FORCE MAIN, RECLAIMED WATER (2), VACUUM SANITARY SERVICE | WATER MAIN 10' MINIMUM | WATER MAIN 12" MINIMUM | WATER MAIN 6' MINIMUM |
| ALL OTHER FACILITIES, INCLUDING BUT NOT LIMITED TO: STORM SEWER, STORMWATER FORCE MAIN, RECLAIMED WATER (3), TELEPHONE, CABLE TV, POWER, ETC. | PSLUSD FACILITY (4) 5' MINIMUM | PSLUSD FACILITY (4) 12" MINIMUM | WATER MAIN 3' MINIMUM |
| ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM | 10' MINIMUM | ----- | ----- |

(1) WATER MAIN SHOULD CROSS OVER OTHER PIPE. WHEN WATER MAIN MUST BE BELOW OTHER PIPE, THE MINIMUM SEPARATION IS 12".

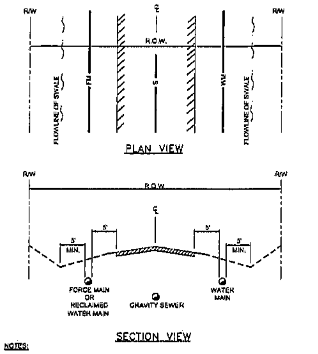
(2) RECLAIMED WATER REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C.

(3) RECLAIMED WATER NOT REGULATED UNDER PART III OF CHAPTER 62-610, F.A.C.

(4) A PSLUSD FACILITY INCLUDES MAINS AND STRUCTURES FOR POTABLE WATER, WASTEWATER AND RECLAIMED WATER. WHEN A GRAVITY SEWER IS TO BE INSTALLED PARALLEL TO A DRAINAGE PIPE GREATER THAN 15" DIAMETER A MINIMUM HORIZONTAL SEPARATION OF 10' SHALL BE MAINTAINED. GREATER SEPARATION MAY BE REQUIRED BY PSLUSD FOR PIPES LARGER THAN 24" IN DIAMETER. WHEN A FORCE MAIN OR RECLAIMED WATER MAIN IS TO BE INSTALLED PARALLEL TO A DRAINAGE PIPE A MINIMUM HORIZONTAL SEPARATION OF 5' SHALL BE MAINTAINED. A GREATER SEPARATION MAY BE REQUIRED FOR DRAINAGE PIPES LARGER THAN 48" IN DIAMETER.

MINIMUM CONSTRUCTION STANDARDS FOR CITY OF PORT ST. LUCIE

**STANDARD SEPARATION REQUIREMENTS** — DETAIL: G-01 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 1

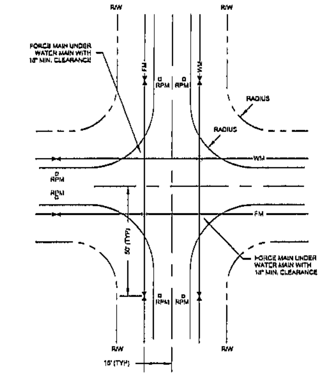



NOTES:

1. IF EXISTING SWALE FLOWLINES DIFFER FROM THESE TYPICAL GUIDELINES, THEN THE SWALE FLOWLINES SHALL DICTATE WHERE THE WATER MAINS (WM) AND THE FORCE MAINS (FM) ARE CONSTRUCTED WITHIN THE ROAD RIGHT-OF-WAY. UNDER NO CIRCUMSTANCES, SHALL WATER MAINS, FORCE MAINS AND LOW PRESSURE MAINS BE CONSTRUCTED BENEATH THE SWALE FLOWLINES.

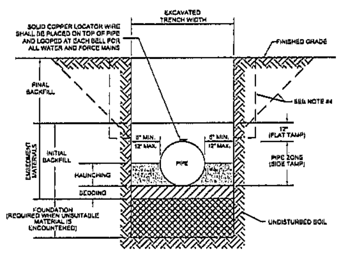
2. STANDARD SEPARATION TO OTHER PIPES AND UTILITIES SHALL BE PER DETAIL G-01 MINIMUM COVER SHALL BE MAINTAINED PER PSLUSD UTILITY STANDARDS.

**PSLUSD MAINS IN ROAD RIGHT-OF-WAY SWALE DRAINAGE** — DETAIL: G-02 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 1




NOTES:
1. REFLECTIVE PAVEMENT MARKERS (RPM) SHALL BE PER PSLUSD SPECIFICATIONS. WATER RPM'S "BLUE" AND SEWER RPM'S "GREEN".
2. RPM NOT TO BE INSTALLED IN CROSSWALKS OR PEDESTRIAN WALKWAYS.
3. WIDER RIGHTS-OF-WAY MAY REQUIRE ADJUSTMENT OF VALVE LOCATIONS.

**VALVE LOCATION GUIDELINES FOR INTERSECTIONS** — DETAIL: G-03 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 1




NOTES:

1. FOR TRENCHES REQUIRING SHEETING, SHORING, STAY BRACING, TRENCH JACKS OR TRENCH BOX, DIMENSIONS SHALL BE TAKEN FROM THE INSIDE FACE OF THE SUPPORTS.

2. IF THE MAXIMUM TRENCH WIDTH MUST BE EXCEEDED, THE AREA OUTSIDE OF THE MAXIMUM EMBEDMENT SHALL BE COMPACTED TO FINAL BACKFILL REQUIREMENTS. IF THE PIPE IS INSTALLED IN A COMPACTED EMBANKMENT, THE EMBANKMENT SHALL BE IN PLACE AND COMPACTED TO 12" MIN. COVER BEFORE INSTALLATION OF PIPE.

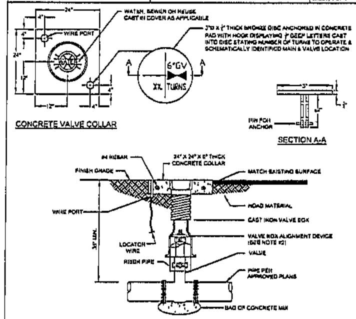
3. IF BEDDING IS REQUIRED TO BRING TRENCH BOTTOM UP TO GRADE AND PROVIDE UNIFORM AND ADEQUATE LONGITUDINAL SUPPORT UNDER THE PIPE, THEN A MINIMUM COMPACTED DEPTH OF 4 TO 6 INCHES OF SELECT EMBEDMENT MATERIAL IS REQUIRED.

4. THE CONTRACTOR SHALL COMPLY WITH REQUIREMENTS OF THE FLORIDA TRENCH SAFETY ACT.

5. AN APPROVED LOCATOR WIRE SHALL BE USED

6. EARTHWORK, EXCAVATION, BACKFILL AND COMPACTION SHALL BE IN ACCORDANCE WITH PSLUSD STANDARDS.

**STANDARD PIPE TRENCH CROSS SECTION** — DETAIL: G-04 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 1




NOTES:

1. WHEN TOP OF OPERATING NUT IS DEEPER THAN 30", A HIGH STRENGTH STEEL EXTENSION WILL BE REQUIRED TO BRING OPERATING NUT 24"-30" BELOW FINISHED GRADE. A STEEL CENTERING PLATE, WELDED TO THE EXTENSION, IS ALSO REQUIRED.

2. A VALVE BOX ALIGNMENT DEVICE SHALL BE PROVIDED TO ELIMINATE SHIFTING OF THE VALVE BOX AGAINST THE OPERATING NUT.

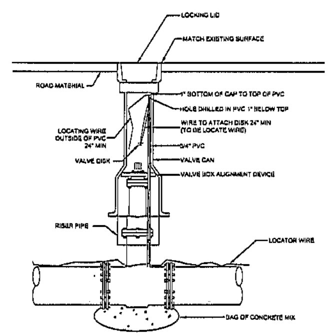
3. BOLT DOWN COVER SHALL BE USED IN ALL AREAS.

4. C900 P.V.C. RISER PIPE SHALL BE ADDED TO EXTEND THE VALVE BOX IF NEEDED

5. RPM'S SHALL NOT BE INSTALLED IN CROSSWALKS OR PEDESTRIAN WALKWAYS.

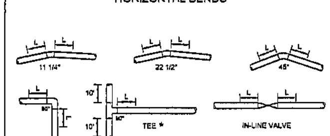
6. THE TOP SIDE OF THE VALVE BOX COVER AND THE INSIDE OF TOP SECTION OF THE VALVE BOX SHALL BE PAINTED BLUE FOR WATER MAINS, GREEN FOR SEWER MAINS AND PURPLE FOR RECLAIMED WATER MAINS

**TYPICAL VALVE BOX AND COLLAR** — DETAIL: G-07 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 2




**TYPICAL VALVE BOX IN ROADWAY** — DETAIL: G-07 | DATE: 2015 | SCALE: N.T.S. | SHEET: 2 OF 2

### HORIZONTAL BENDS




| HORIZONTAL - L (FEET) | | | | | | |
|---|---|---|---|---|---|---|
| DIAMETER | 11-1/4° | 22-1/2° | 45° | 90° | TEE* (BRANCH) | VALVES OR DEAD END |
| 4" | 2 | 4 | 6 | 18 | 20 | 39 |
| 6" | 3 | 5 | 11 | 25 | 30 | 56 |
| 8" | 4 | 7 | 14 | 33 | 62 | 72 |
| 10" | 4 | 8 | 16 | 39 | 65 | 87 |
| 12" | 5 | 9 | 19 | 48 | 80 | 102 |
| 14" | 5 | 11 | 21 | 51 | 93 | 116 |
| 16" | 6 | 12 | 24 | 57 | 107 | 131 |
| 18" | 7 | 13 | 26 | 63 | 120 | 145 |
| 20" | 7 | 14 | 29 | 69 | 133 | 159 |
| 24" | 8 | 16 | 33 | 79 | 157 | 185 |
| 30" | 10 | 19 | 38 | 93 | 192 | 222 |
| 36" | 11 | 21 | 44 | 108 | 226 | 257 |
| 42" | 12 | 24 | 48 | 117 | 254 | 290 |
| 48" | 13 | 28 | 53 | 126 | 283 | 321 |

NOTES:

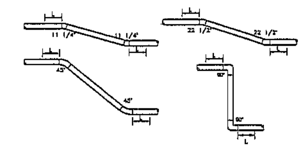
1. THE REQUIREMENTS SET FORTH ABOVE WERE CALCULATED FOR PVC PIPE BASED UPON THE FOLLOWING ASSUMPTIONS:

- SOIL CONDITIONS: SILTY SAND (SM)
- TRENCH TYPE 3 (PIPE BEDDED IN 4" MINIMUM OF LOOSE SOIL WITH BACKFILL LIGHTLY COMPACTED)
- MINIMUM COVER: 3 FT
- SAFETY FACTOR: 1.5
- TEST PRESSURE: 150 PSI
- * BASE ON SIZE TEE & 5' LENGTH ALONG RUN

2. IF FIELD CONDITIONS DIFFER FROM THE ABOVE, THE ENGINEER-OF-RECORD (EOR) SHALL SUBMIT CALCULATIONS BASED ON THE FIELD CONDITION FOR REVIEW AND APPROVAL OF PSLUSD

**PIPELINE RESTRAINT REQUIREMENTS (HORIZONTAL)** — DETAIL: G-08 | DATE: 2015 | SCALE: N.T.S. | SHEET: 1 OF 2

### VERTICAL BENDS




| VERTICAL OFFSET - L (FEET) | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| DIAMETER | 11-1/4° | | 22-1/2° | | 45° | | 90° | |
| | UPPER BEND | LOWER BEND | UPPER BEND | LOWER BEND | UPPER BEND | LOWER BEND | UPPER BEND | LOWER BEND |
| 4" | 4 | 2 | 5 | 3 | 17 | 6 | 38 | 11 |
| 6" | 6 | 2 | 11 | 4 | 23 | 7 | 65 | 15 |
| 8" | 4 | 2 | 16 | 4 | 30 | 9 | 72 | 20 |
| 10" | 9 | 3 | 18 | 6 | 36 | 10 | 87 | 24 |
| 12" | 11 | 3 | 21 | 6 | 43 | 12 | 102 | 28 |
| 14" | 12 | 4 | 24 | 7 | 49 | 14 | 116 | 32 |
| 16" | 13 | 4 | 27 | 8 | 50 | 16 | 131 | 36 |
| 18" | 15 | 4 | 29 | 8 | 60 | 17 | 145 | 40 |
| 20" | 16 | 6 | 32 | 9 | 64 | 19 | 158 | 44 |
| 24" | 19 | 6 | 37 | 11 | 77 | 22 | 185 | 51 |
| 30" | 22 | 7 | 45 | 13 | 92 | 26 | 222 | 62 |
| 36" | 26 | 8 | 52 | 15 | 107 | 30 | 256 | 71 |
| 42" | 29 | 8 | 58 | 18 | 120 | 34 | 289 | 80 |
| 48" | 32 | 9 | 64 | 19 | 133 | 37 | 320 | 89 |

NOTES:

1. THE REQUIREMENTS SET FORTH ABOVE WERE CALCULATED FOR PVC PIPE BASED UPON THE FOLLOWING ASSUMPTIONS:

- SOIL CONDITIONS: SILTY SAND (SM)
- TRENCH TYPE: 3 (PIPE BEDDED IN 4" MINIMUM OF LOOSE SOIL WITH BACKFILL LIGHTLY COMPACTED)
- UPPER SIDE MINIMUM COVER: 3 FT
- LOWER SIDE MINIMUM COVER: 6 FT
- SAFETY FACTOR: 1.5
- TEST PRESSURE: 150 PSI

2. WHEN CONDITIONS DIFFER FROM THE ABOVE, THE ENGINEER-OF-RECORD (EOR) SHALL SUBMIT CALCULATIONS FOR REVIEW AND APPROVAL OF PSLUSD.

3. ALL JOINTS BETWEEN UPPER AND LOWER BENDS SHALL BE RESTRAINED.

**PIPELINE RESTRAINT REQUIREMENTS (VERTICAL)** — DETAIL: G-09 | DATE: 2015 | SCALE: N.T.S. | SHEET: 2 OF 2

PORT ST. LUCIE PROJECT #P16-054

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KHA PROJECT 043407010
DATE AUG 2016
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DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

# WESTERN GROVES TRADITION PARKWAY

PREPARED FOR

WCI COMMUNITIES, LLC

PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ----

# UTILITY DETAILS

SHEET NUMBER C-600

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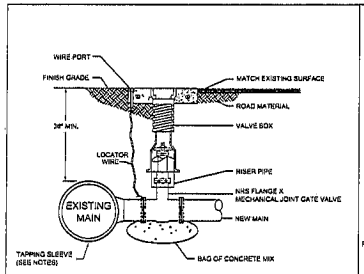
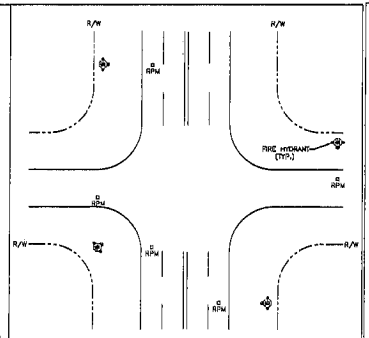



NOTES:

1. THE VALVE BOX AND COLLAR SHALL BE IN ACCORDANCE WITH STANDARD DETAIL G-07.
2. THRUST BLOCKS MAY BE REQUIRED AT THE UTILITY'S DIRECTION. (CASE BY CASE).
3. NO TAP WILL BE ALLOWED CLOSER THAN 3 FEET FROM ANY JOINT, FITTING OR EXISTING TAP ALONG THE MAIN.
4. ALL COUPONS MUST BE PROVIDED TO PSLUSD WITH DATE, LOCATION AND PIPE SIZE DOCUMENTED.
5. SIZE ON SIZE TAPS ARE NOT ALLOWED UNLESS APPROVED IN WRITING BY PSLUSD.

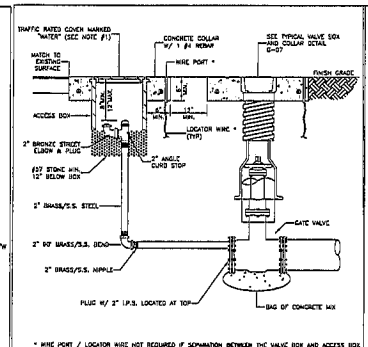
**TAPPING SLEEVE AND VALVE ASSEMBLY**




NOTES:

1. MARKER COLOR IS BLUE, PLACE IN CENTER OF THE LANE CLOSEST TO THE HYDRANT.
2. IF HYDRANT IS LOCATED WITHIN THE RADIUS OF AN INTERSECTION PLACE A MARKER ON EACH ROADWAY IN THE CENTER LANES CLOSEST TO THE HYDRANT.
3. MARKER IS PLACED PERPENDICULAR (90 DEGREES) TO THE HYDRANT.

**FIRE HYDRANT REFLECTIVE PAVEMENT MARKER PLACEMENT GUIDELINE**

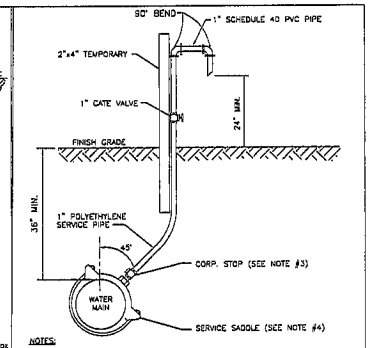



* WIRE PORT / LOCATOR WIRE NOT REQUIRED IF SEPARATION BETWEEN THE VALVE BOX AND ACCESS BOX IS 8' OR LESS.

NOTES:

1. COVER SHALL BE PAINTED BLUE FOR "WATER".
2. THE PIPE, FITTINGS AND APPURTENANCES USED SHALL BE ON THE PSLUSD QUALIFIED PRODUCTS LIST.

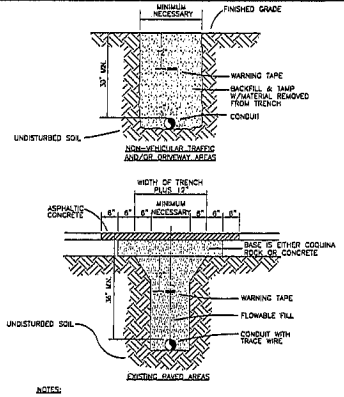
**BLOW-OFF ASSEMBLY**




NOTES:

1. SAMPLING POINTS SHALL BE LOCATED AS SHOWN ON PLANS APPROVED BY PSLUSD AND AS REQUIRED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.
2. THE EXCAVATED HOLE FOR THIS INSTALLATION SHALL BE BACKFILLED TO FINISHED GRADE PRIOR TO DISCHARGING ANY WATER ON THE GROUND.
3. AFTER BACTERIOLOGICAL CLEARANCE IS RECEIVED, THE CONTRACTOR SHALL TURN CORPORATION STOP OFF, REMOVE TUBING AND PLUG CORPORATION STOP WITH BRASS PLUG/CAP.
4. SERVICE SADDLE SHALL BE PER QUALIFIED PRODUCTS LIST. NO DIRECT TAPS SHALL BE PERMITTED.

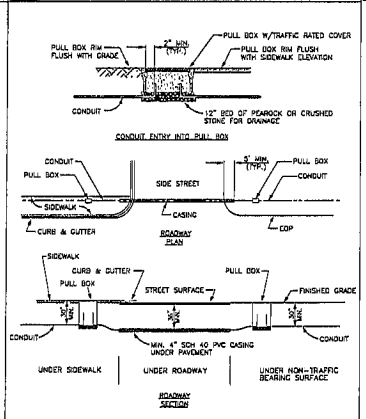
**WATER SAMPLING POINT**




NOTES:

1. MINIMUM CONDUIT DEPTHS MAY BE ADJUSTED BASED UPON FIELD CONDITIONS WHICH MUST BE APPROVED BY EOR AND PSLUSD.
2. RIGID CONDUIT MUST BE USED WHEN JACKING UNDER EXISTING PAVEMENT AT 3 FT. MINIMUM DEPTH.

**CONDUIT INSTALLATION DETAILS**




**CONDUIT AND PULL BOX INSTALLATION DETAILS**

PORT ST. LUCIE PROJECT #PLG-054

| No. | REVISIONS | DATE | BY |
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MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ——

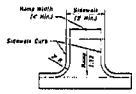
UTILITY DETAILS

SHEET NUMBER
C-601

REFER TO FLORIDA DEPARTMENT OF TRANSPORTATION FY 2016-17 DESIGN STANDARDS, INDEX 304 SHEET 3 OF 7

PICTORIAL VIEW

CR-E

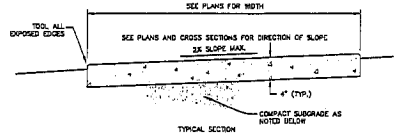



PLAN VIEW

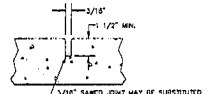
CR-E

SIDEWALK CURB RAMPS
N.T.S

1. ALL ACCESSIBLE COMPONENTS CONSTRUCTED AS PART OF THESE PLANS SHALL COMPLY WITH CHAPTER 11 OF THE FLORIDA BUILDING CODE.
2. ACCESSIBLE ROUTE TO ACCESSIBLE SPACES, BUILDING ENTRANCES, AND PUBLIC STREETS SHALL NOT EXCEED 5% RUNNING SLOPE AND 2% CROSS SLOPE.
3. UNLESS OTHERWISE SHOWN ON THE PLANS, THE MINIMUM CLEAR ROUTE SHALL BE 36" WIDE WITH A 60" X 60" PASSING SPACE EVERY 200 FEET.
4. ACCESSIBLE ROUTES THROUGH PLANTERS SHALL BE LEVEL WITH THE SURROUNDING PAVEMENT OR PROVIDE CURB RAMPS AT EACH END WITH A MINIMUM 48" LEVEL LANDING IN BETWEEN.
5. THE ACCESSIBLE ROUTE IN FRONT OF PUBLIC – IN PARKING SHALL BE A MINIMUM OF 44" WIDE AND NOT REDUCED BY VEHICLE OVERHANGS, CURBING, SIGN POSTS, OR OTHER OBSTRUCTIONS.
6. SPECIAL RAMP RULES APPLY FOR ANY RISE GREATER THAN 6" INCLUDING BUT NOT LIMITED TO RESTRICTION ON SLOPE, TOTAL RISE BETWEEN LANDINGS, AND USE OF HANDRAILS. PER F.D.G 11-4.8.
7. PUBLIC SIDEWALK CURB RAMPS CONSTRUCTED WITHIN A PUBLIC RIGHT- OF -WAY, IN ABSENCE OF LOCAL ROADWAY GUIDELINES, SHALL MEET THE REQUIREMENTS OF F.D.O.T INDEX 304.
8. WHEN ACCESSIBLE PARKING ABUTS CURB OR EDGE OF PAVEMENT, PLEASE REFER TO DETAIL FOR STRIPING COLOR, STALL DIMENSIONS AND SLOPE.
9. CHANGE IN LEVEL ALONG ACCESSIBLE ROUTE IS NOT TO EXCEED ½" WITHOUT A RAMP PER SECTION 11-4.3.5.




TYPICAL SECTION



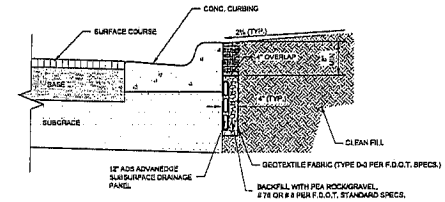

3/16" SAWED JOINT MAY BE SUBSTITUTED IF NOT MORE THAN 30-FOOT INTERVALS WITHIN 12 HOURS. ADDITIONAL JOINTS MAY BE CUT WITHIN 96 HOURS @ 5 FT. INTERVALS.

CONTRACTION JOINT
(5 FT. MAX. SPACING)

NOTES:

1. MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF CONCRETE SHALL BE 3,000 P.S.I. @ 28 DAYS FOR SIDEWALKS.
2. MINIMUM THICKNESS OF SIDEWALK SHALL BE 4" THICK CONCRETE, CONCRETE SIDEWALK SHALL BE MINIMUM THICKNESS OF 6" AT DRIVEWAY CROSSINGS.
3. FOR SIDEWALKS ON DRIVEWAYS WITHIN R.O.W., COMPACT SUBGRADE TO 98% OF MAXIMUM DENSITY AS DETERMINED BY ASTM1557. COMPACTION OUTSIDE R.O.W. MAY BE 95% OF MAXIMUM DENSITY.URS.

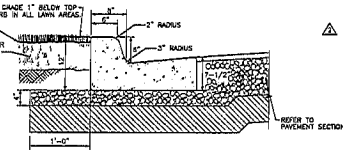
CONCRETE SIDEWALK DETAIL
N.T.S




NOTES:

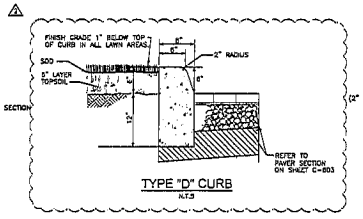
1) TOP 12" OF BACKFILL TO CONSIST OF A-3 MATERIAL COMPACTED TO A MINIMUM OF 92%, AND A MAXIMUM OF 95% OF THE MAXIMUM DRY DENSITY PER AASHTO T-180.
2) BACKFILL TO BE PLACED IN 2 LIFTS. EACH LIFT TO BE COMPACTED TO 95% OF THE MAXIMUM DRY DENSITY PER AASHTO T-180.
3) ROADWAY EDGEDRAIN TO BE TIED INTO DRAINAGE PIPE OR STRUCTURE UTILIZING AN 8" ADS COUPLING (1472AA OR 1471AA) AND N-12 PIPE PER F.D.O.T. INDEX #250

EDGE DRAIN DETAIL
N.T.S

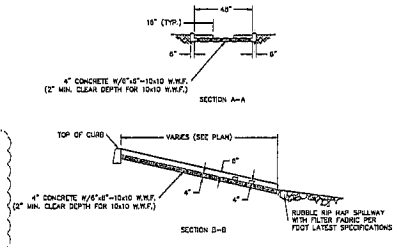


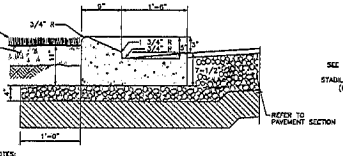

NOTES:
1. GUTTER SLOPE IS TO MATCH THE PAVEMENT SLOPE WHEN USED ON THE HIGH SIDE OF THE PAVEMENT.

TYPE "F" CURB
N.T.S




TYPE "D" CURB
N.T.S

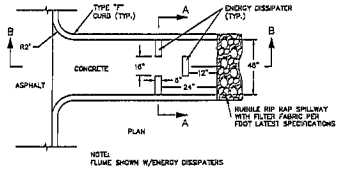



NOTES:
1. GUTTER SLOPE IS TO MATCH THE PAVEMENT SLOPE WHEN USED ON THE HIGH SIDE OF THE PAVEMENT.

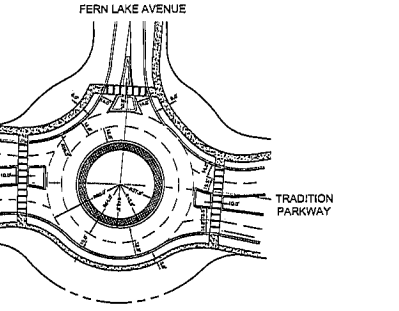
TYPE "E" CURB
N.T.S

STABILIZED SHOULDER PAVEMENT SECTION
N.T.S

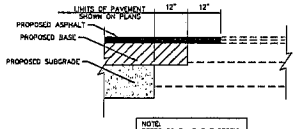



NOTE:
FLUME SHOWN W/ENERGY DISSIPATERS

CONCRETE FLUME
N.T.S

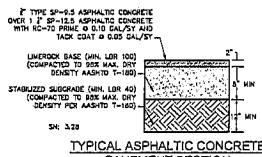



POLLUTION RETARDANT BAFFLE (PRB)
NOT TO SCALE

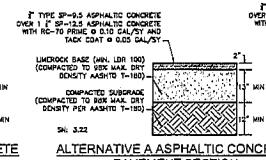



NOTE:
REFER TO PAVEMENT SECTION FOR MATERIAL THICKNESS

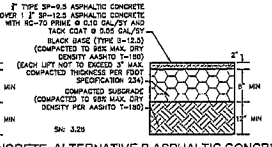
PAVEMENT MATCHING DETAIL
N.T.S




TYPICAL ASPHALTIC CONCRETE PAVEMENT SECTION
N.T.S




ALTERNATIVE A ASPHALTIC CONCRETE PAVEMENT SECTION
N.T.S




ALTERNATIVE B ASPHALTIC CONCRETE PAVEMENT SECTION
N.T.S.




FUTURE ULTIMATE ROUNDABOUT BUILDOUT EXHIBIT
SCALE: 1" = 50'

PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/18/2016 | YXY |

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WWW.KIMLEY-HORN.COM CA 00000696

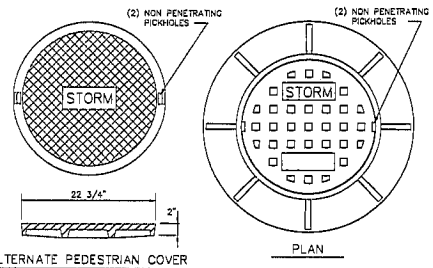
| | |
|---|---|
| KHA PROJECT | 043407010 |
| DATE | AUG 2016 |
| SCALE | AS SHOWN |
| DESIGNED BY | MDM |
| DRAWN BY | YXY |
| CHECKED BY | MDS |

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52775
DATE: ____

# PAVING, GRADING AND DRAINAGE DETAILS

SHEET NUMBER
C-602

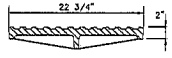



ALTERNATE PEDESTRIAN COVER

REQUIRED IN PEDESTRIAN AREAS/ SIDEWALKS



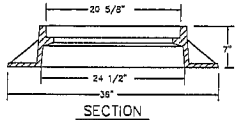

PLAN




TOP

STANDARD COVER

NOTES:
1- MATERIAL: ASTM-A48 CLASS 30B GRAY IRON.
2- RING WT: 240 LBS. APP.
3- STANDARD COVER (TYPE D) WT: 160 LBS. APP.
4- PEDESTRIAN COVER (TYPE D) WT: 125 LBS APP.



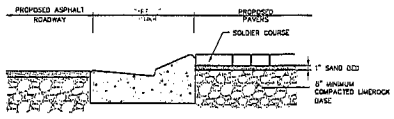

SECTION

N.T.S.

U.S. FOUNDRY #420-C RING AND COVER OR APPROVED EQUAL

STANDARD DRAINAGE MANHOLE RING AND COVER

NOT TO SCALE




VEHICULAR BRICK PAVERS AT 8' WIDE MEDIAN ROUNDABOUT

SCALE: N.T.S.

## PAVER NOTES

Contractor to stabilize the subgrade, install base material, and 1" bedding sand to the proper depths and grades as shown in the plans.

Pavement surface to be clean and free of all loose material, dust, dirt, caked clay, and other foreign material.

Protect precast concrete paving work in hot weather during installation. Provide a windbreak and artificial shade. Do not install pavers in wet weather or while pavers are damp.

All pavers shall be as listed below or equal, minimum 5000 psi per design per ASTM c-140 with the unit tested in the horizontal position.

1. 3-1/8 " depth pavers, color and type to be approved by the municipality. Submit samples of each size and product data/ pattern information for approval.

Pavers by Tremron Group (or approved equal):
- Roadway Paver Units:4X8X3-1/8" Color: Heritage (Red/Tan/Charcoal blend)
- Median Paver Units: 4X8X2-3/8" Color: Rustic (Red/Charcoal blend)

The installation of the Precast Concrete Paver shall be as follows:

A. Spread the bedding sand, conforming to ASTM C-144-66T, evenly over the base course and screed to plan thickness, not to exceed a thickness of 1". Do not disturb the screed sand. Place sufficient sand to stay ahead of the laid roadway paver stone. Do not use the bedding sand to fill depressions in the base course.

B.1. Lay 4 x 8 roadway paver stones in a herringbone pattern with a soldier course of 4 x 8 pavers outlining each paver field. Cut all pavers with motor driven saw equipment to provide clean, sharp, unchipped edges. Cut units to provide patterns shown and to fit in adjoining work neatly. Use full units without cutting wherever possible.

B.2. Lay 4 x 8 median paver stones in a basketweave pattern with a soldier course of 4 x 8 pavers outlining each paver field. Cut all pavers with motor driven saw equipment to provide clean, sharp, unchipped edges. Cut units to provide patterns shown and to fit in adjoining work neatly. Use full units without cutting wherever possible.

C. Joints between the pavers shall be laid hand tight.

D. Fill gaps at the edge of the paved area with cut roadway pavers.

E. Use a low amplitude vibrator capable of 150 psi with 75-100 hz frequency to vibrate and compact roadway pavers into bedding sand.

F. Vibrate the roadway pavers, sweeping polymeric joint sand into the joints and vibrating until the joints are full. Do not vibrate within 3 ft. of the unrestrained edges of the roadway pavers.

G. At the end of each day, all work within 3 ft. of laying face be left fully compacted, with sand-filled joints.

H. Sweep off the excess sand and seal pavers with Technisand paver sealant or approved equal.

I. Leave a final surface elevation of roadway pavers of 1/8" to 1/4" above adjacent drainage structures.

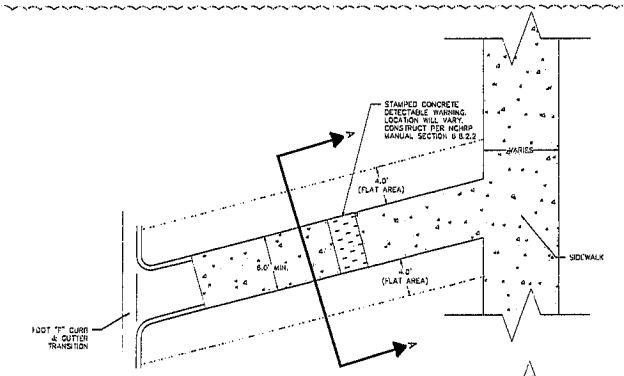
J. Do not permit the final surface elevation of the pavers deviate more than 3/8" under a 10 ft. straightedge.

PART 2 MATERIALS

Materials shall be per the FDOT "Standard Specifications for Roads and Bridge Construction".

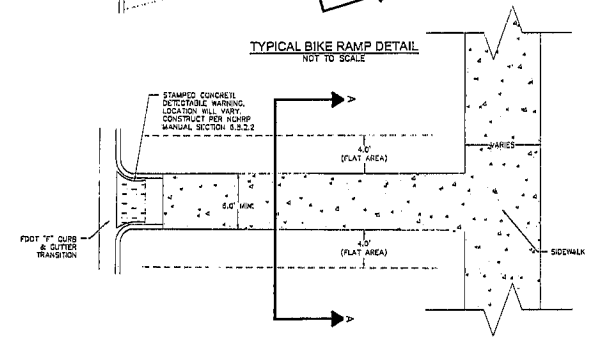
PART 3 EXECUTION

Execution shall be per the FDOT "Standard Specifications for Roads and Bridge Construction".



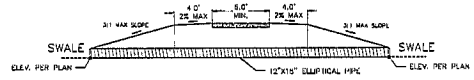

TYPICAL BIKE RAMP DETAIL

NOT TO SCALE

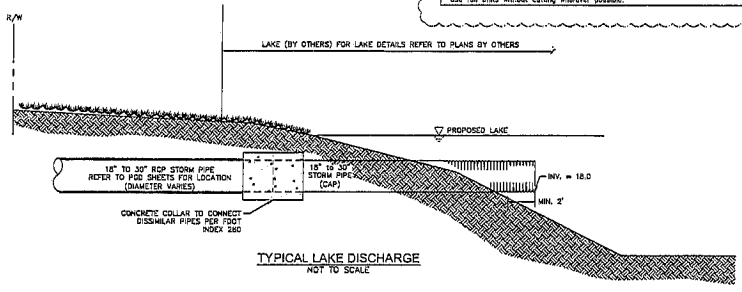



TYPICAL PEDESTRIAN RAMP DETAIL

NOT TO SCALE




SECTION A-A




TYPICAL LAKE DISCHARGE

NOT TO SCALE

PORT ST. LUCIE PROJECT #P16-054

| NO. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YKY |
| 2 | CITY COMMENTS | 07/29/2016 | YKY |
| 1 | CITY COMMENTS | 05/18/2016 | YKY |

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WWW.KIMLEY-HORN.COM CA 00000696

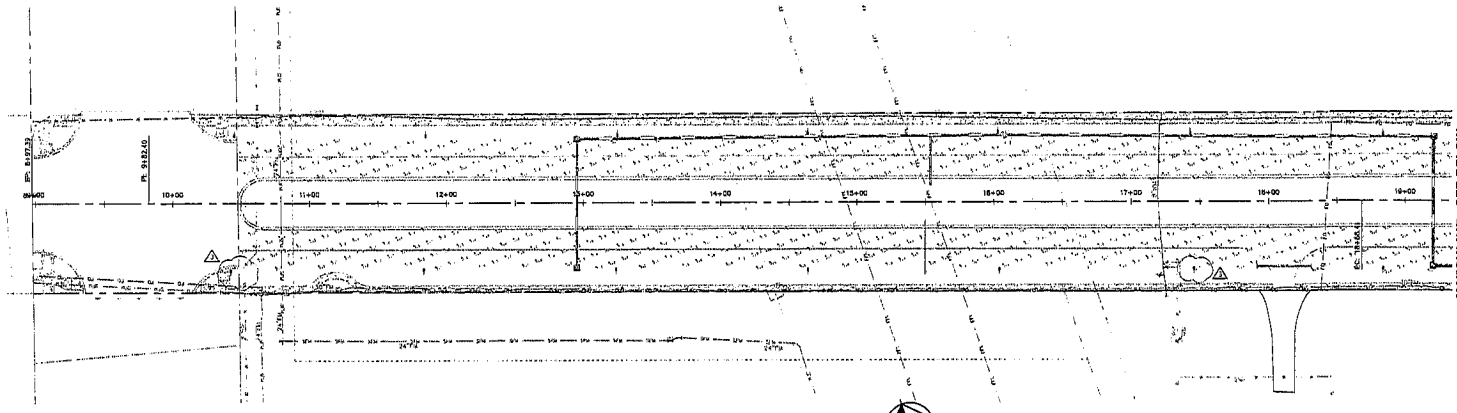
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YKY
CHECKED BY MDS

WESTERN GROVES TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

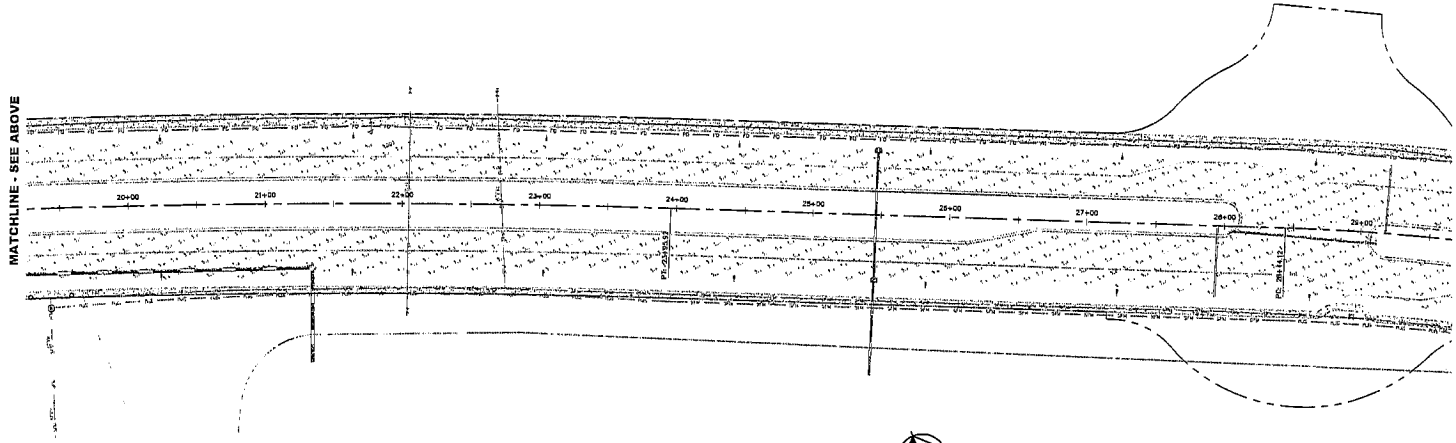
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATED ____

PAVING GRADING AND DRAINAGE DETAILS

SHEET NUMBER
C-603

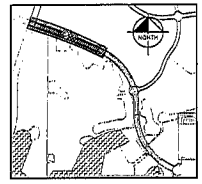



TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

GRAPHIC SCALE IN FEET
0 20 40 80




KEY MAP
N.T.S.

LIGHTING CRITERIA
AVERAGE: 1.5 f.c. MIN.
AVG/MIN RATIO 4 OR LESS
MAX/MIN RATIO 10 OR LESS

PB-UNIMATIC
MINIMUM = 0.5 AVG/MIN = 3.76
AVERAGE = 1.88
MAXIMUM = 4.2 MAX/MIN = 8.40

WD-UNIMATIC
MINIMUM = 0.5 AVG/MIN = 3.74
AVERAGE = 1.87
MAXIMUM = 4.2 MAX/MIN = 8.40

PORT ST. LUCIE PROJECT #P16-054

| No | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/29/2016 | YXY |
| 1 | CITY COMMENTS | 06/16/2016 | YXY |

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WWW.KIMLEY-HORN.COM CA 00000693

KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

# WESTERN GROVES TRADITION PARKWAY

PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE ____

## PHOTOMETRIC PLAN

SHEET NUMBER
C-700
3

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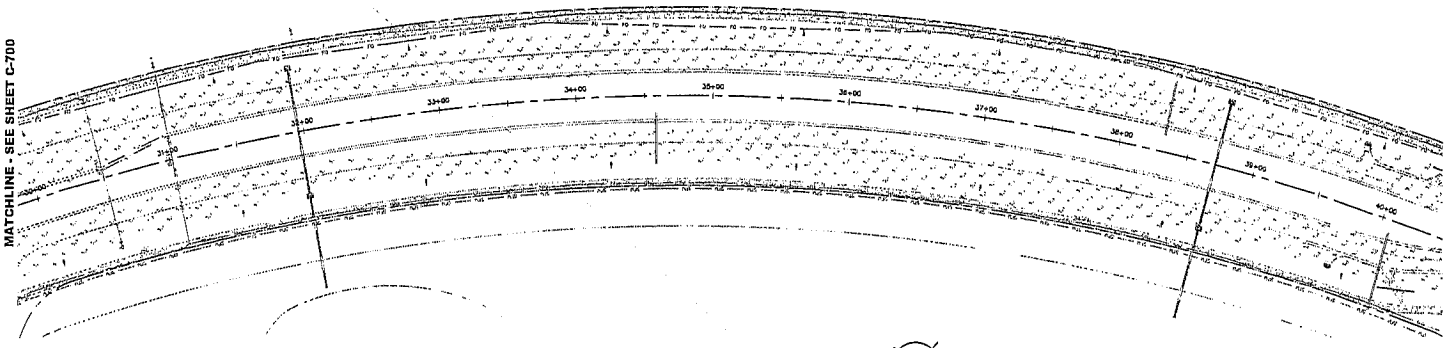
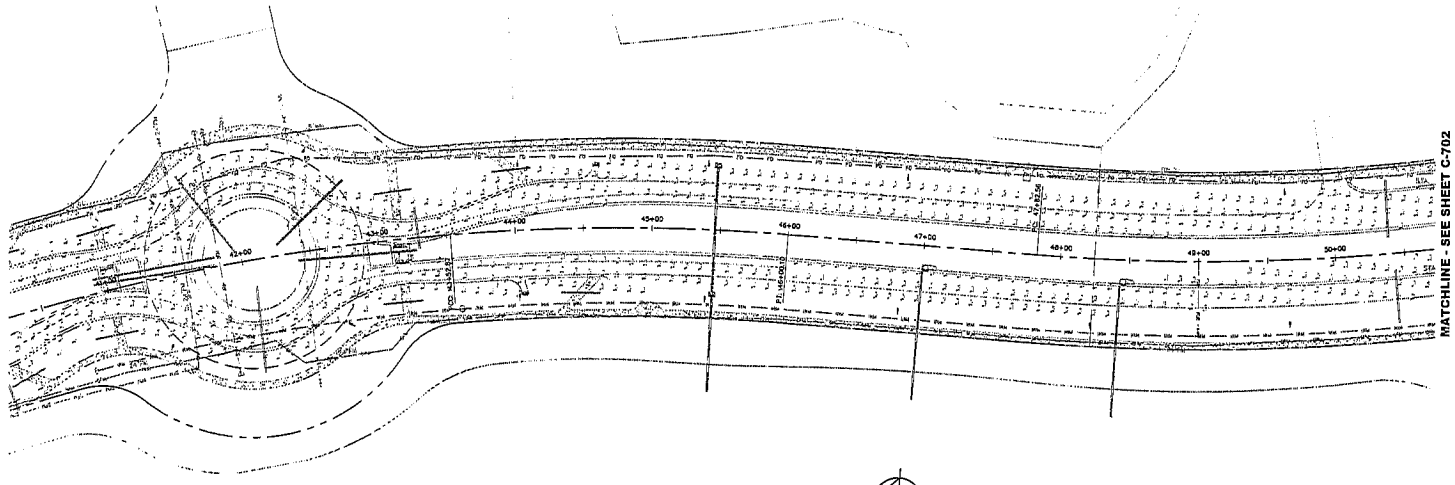
Plotted By: Yousuf Shaikh Set: Western Groves - Tradition Parkway Layout: C-700 PHOTOMETRIC PLAN August 17, 2016 01:41:03pm

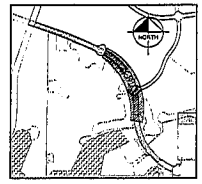



TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'




TRADITION PARKWAY ROAD PLAN VIEW
SCALE: 1"=40'

GRAPHIC SCALE IN FEET
0 20 40 80




KEY MAP
N.T.S.

LIGHTING CRITERIA
AVERAGE 1.5 f.c. MIN.
AVG/MIN RATIO 4 OR LESS
MAX/MIN RATIO 10 OR LESS

OVERHEAD
MINIMUM = 0.5 AVG/MIN = 3.78
AVERAGE = 1.89 MAX/MIN = 8.40
MAXIMUM = 4.2

BUILDING
MINIMUM = 0.5 AVG/MIN = 3.74
AVERAGE = 1.87
MAXIMUM = 4.2 MAX/MIN = 8.40

PORT ST. LUCIE
PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/09/2016 | YXY |
| 2 | CITY COMMENTS | 07/22/2016 | YXY |
| 1 | CITY COMMENTS | 05/18/2016 | YXY |

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WWW.KIMLEY-HORN.COM CA 00000696

KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

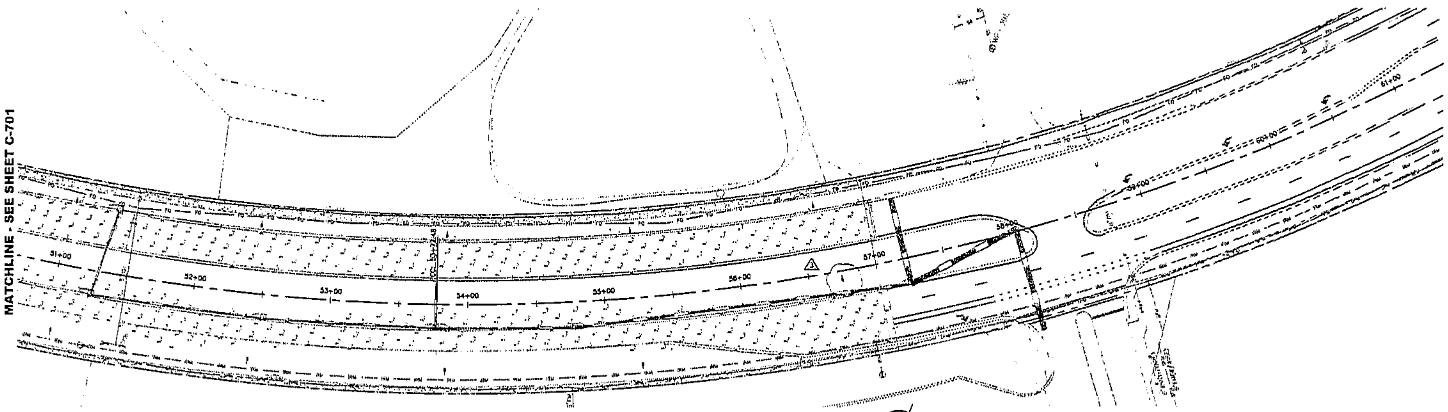
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ——

PHOTOMETRIC PLAN

SHEET NUMBER
C-701
3

Plotted By: YXY Sheet: 5A1-Western Groves - Tradition Parkway Layout: C-701 PHOTOMETRIC PLAN August 17, 2016 01:45:19pm K:\MCO_Civil\043407010 - Western Groves\CADD\Northern-Ext\Tradition\C-700 PHOTOMETRIC PLAN.dwg

MATCHLINE - SEE SHEET C-701

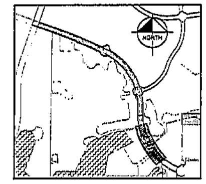


TRADITION PARKWAY ROAD PLAN VIEW

SCALE: 1"=40'

GRAPHIC SCALE IN FEET

0 20 40 80



KEY MAP

N.T.S.

LIGHTING CRITERIA
AVERAGE 1.5 f.c. MIN.
AVG/MIN RATIO 4 OR LESS
MAX/MIN RATIO 10 OR LESS

EB ULTIMATE
MINIMUM = 0.5
AVERAGE = 1.89
MAXIMUM = 4.2
AVG/MIN = 3.78
MAX/MIN = 8.40

WB ULTIMATE
MINIMUM = 0.5
AVERAGE = 1.87
MAXIMUM = 4.2
AVG/MIN = 3.74
MAX/MIN = 8.40

PORT ST. LUCIE
PROJECT #P16-054

| NO. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/18/2016 | YXY |

Kimley»Horn

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1690 S CONGRESS AVE, SUITE 100, DELRAY BEACH, FL 33445
PHONE: 561-330-2345 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000696

KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDM
DRAWN BY YXY
CHECKED BY MDS

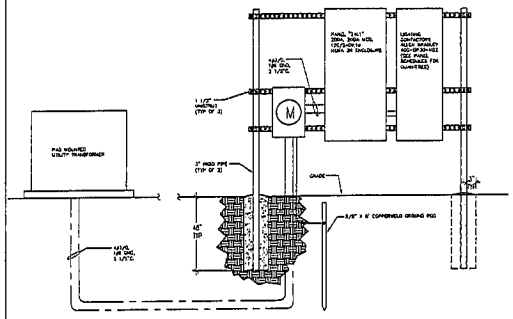
WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC

PORT ST. LUCIE FL

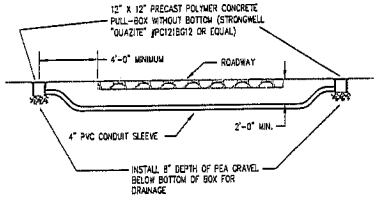
LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52776
DATE: ——

PHOTOMETRIC PLAN

SHEET NUMBER
C-702



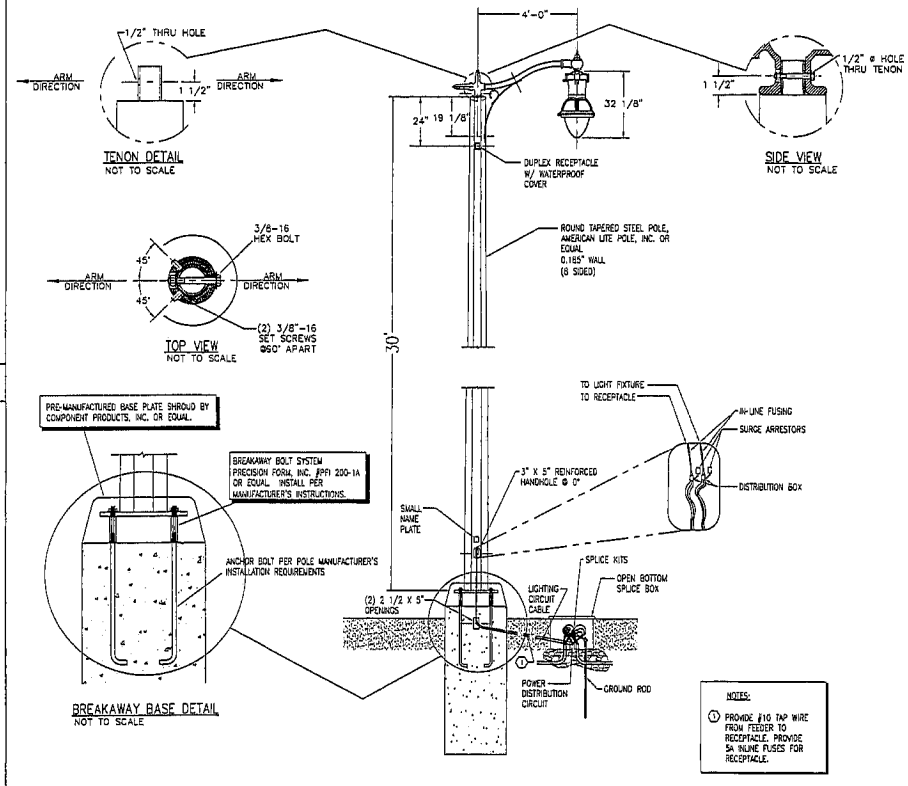

TYPICAL POWER RISER DIAGRAM
No Scale
1




UNDER ROADWAY SLEEVING
No Scale
2

SITE LIGHT FIXTURE SCHEDULE

| TYPE | DESCRIPTION | MANUFACTURER'S CATALOG NUMBER | VOLTAGE | LAMP | REMARKS |
|---|---|---|---|---|---|
| RLA | DECORATIVE TEARDROP COMPACT LUMINAIRE WITH DECORATIVE ARM, TYPE IV DISTRIBUTION, 250 W METAL HALIDE LAMP, 37"-H" CONCRETE POLE, BLACK FINISH | KIMZ #R54-240-(1)-250(MOG)MH -240(MT)-KPL30-BK KIMS ARM #RA-30-1-22"-BK AMERICAN LITEPOLE, TAPERED STEEL, POWDER-COAT FINISH, BLACK | 120/240 | 1-250W(MOG)MH | PROVIDE DUPLEX GFCI OUTLET IN POLE. SEE DETAIL BELOW FOR MOUNTING HEIGHT. |




NOTES:

1. PROVIDE #10 TAP WIRE FROM FEEDER TO RECEPTACLE. PROVIDE 5A IN-LINE FUSES FOR RECEPTACLE.

ROADWAY LIGHT POLE (TYPE RLA)
No Scale
3

PORT ST. LUCIE PROJECT #P16-054

| No. | REVISIONS | DATE | BY |
|---|---|---|---|
| 3 | CITY COMMENTS | 08/08/2016 | YXY |
| 2 | CITY COMMENTS | 07/20/2016 | YXY |
| 1 | CITY COMMENTS | 05/19/2016 | YXY |

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PHONE: 561-330-2345 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM CA 00000696

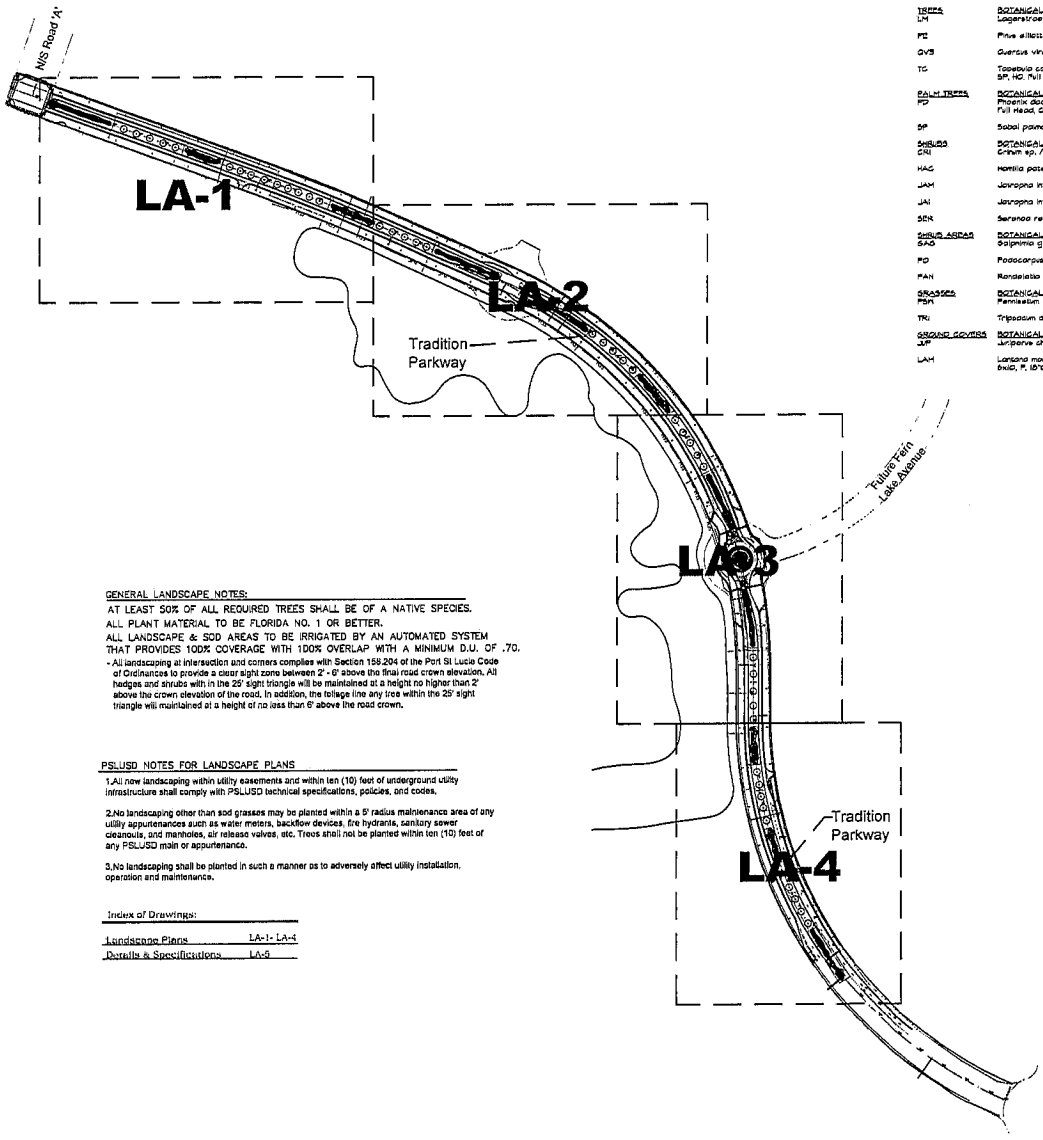
KHA PROJECT 043407010
DATE AUG 2016
SCALE AS SHOWN
DESIGNED BY MDW
DRAWN BY YXY
CHECKED BY MDS

WESTERN GROVES
TRADITION PARKWAY
PREPARED FOR
WCI COMMUNITIES, LLC
PORT ST. LUCIE FL

LICENSED PROFESSIONAL
MICHAEL D. SPRUCE, P.E.
FL LICENSE NUMBER 52775
DATE: ____

PHOTOMETRIC DETAILS

SHEET NUMBER
C-703




## PLANT SCHEDULE TRADITION PARKWAY

| TREES | BOTANICAL NAME / COMMON NAME | CONT | | QTY |
|---|---|---|---|---|
| LM | Lagerstroemia indica 'Muskogee' / Multi-Trunked Muskogee Crape Myrtle | F5, 12'HT x 6' SPR, ML, SP, HO | | 30 |
| PE | Pinus elliottii / Slash Pine | F5, 14'-16' HT x 7' SPR, F, SP, HO | | 44 |
| QVS | Quercus virginiana / Southern Live Oak | F5, 25' HT x 20' SPR, 10'G, CH, SP | | 44 |
| TC | Tabebuia caraiba / Silver Trumpet SP, HO, Full | F5, 12' HT x 6' SPR, 3.5'G, F, SP | | 11 |
| PALM TREES | BOTANICAL NAME / COMMON NAME | CONT | | QTY |
| PD | Phoenix dactylifera 'Medjool' / Medjool Date Palm Full Head, Disease Free Specimen | F5, 18' OT, CERT, SP | | 4 |
| SP | Sabal palmetto / Sabal Palm | F5, 12'-16', OT HT, HV CAL, SP | | 64 |
| SHRUBS | BOTANICAL NAME / COMMON NAME | SIZE | | QTY |
| CNI | Crinum sp. / Green Crinum | 150, 3' OA, SP | | 6 |
| HAC | Hamelia patens 'Compacta' / Dwarf Firebush | 36, 30" HT x 24" SPR, FTB, 36" OC | | 140 |
| JAM | Jatropha integerrima / Jatropha | 156, 4' OA, ML, SP | | 11 |
| JAI | Jatropha integerrima / Jatropha | 66, 6' HT x 5' SPR, STD, SP | | 42 |
| SER | Serenoa repens 'Cinerea' / Silver Saw Palmetto | 400, 5' H x 5' SPR | | 102 |
| SHRUB AREAS | BOTANICAL NAME / COMMON NAME | CONT | SPACING | QTY |
| GAO | Galphimia glauca / Thryallis | 36, 15" OA, FTB, | 24" o.c. | 378 |
| PO | Podocarpus macrophyllus 'Nana' / Dwarf Podocarpus | 36, 12" OA, F | 18" o.c. | 1,544 |
| RAN | Rondeletia leucophylla / Panama Rose | 36, 15" OA, F | 30" o.c. | 807 |
| GRASSES | BOTANICAL NAME / COMMON NAME | CONT | SPACING | QTY |
| PSM | Pennisetum setaceum 'White' / White Fountain Grass | 36, 24" OA, F | 24" o.c. | 2,074 |
| TRI | Tripsacum dactyloides nana / Dwarf Fakahatchee Grass | 36, 18" OA, F | 24" o.c. | 1,033 |
| GROUND COVERS | BOTANICAL NAME / COMMON NAME | CONT | SPACING | QTY |
| JP | Juniperus chinensis 'Parsonii' / Parson's Juniper | 36, 18" HT x 18" SPR, F | 24" o.c. | 1,168 |
| LAM | Lantana montevidensis 'Purple' / Purple Trailing Lantana 6x10, F, 15"OC | 18, 6" HT x 18" SPR, F | 15" o.c. | 1,600 |

GENERAL LANDSCAPE NOTES:

AT LEAST 50% OF ALL REQUIRED TREES SHALL BE OF A NATIVE SPECIES.

ALL PLANT MATERIAL TO BE FLORIDA NO. 1 OR BETTER.

ALL LANDSCAPE & SOD AREAS TO BE IRRIGATED BY AN AUTOMATED SYSTEM THAT PROVIDES 100% COVERAGE WITH 100% OVERLAP WITH A MINIMUM D.U. OF .70.

- All landscaping at intersection and corners complies with Section 158.204 of the Port St Lucie Code of Ordinances to provide a clear sight zone between 2' - 6' above the final road crown elevation. All hedges and shrubs with in the 25' sight triangle will be maintained at a height no higher than 2' above the crown elevation of the road. In addition, the foliage line any tree within the 25' sight triangle will maintained at a height of no less than 6' above the road crown.

PSLUSD NOTES FOR LANDSCAPE PLANS

1.All new landscaping within utility easements and within ten (10) feet of underground utility infrastructure shall comply with PSLUSD technical specifications, policies, and codes.

2.No landscaping other than sod grasses may be planted within a 5' radius maintenance area of any utility appurtenances such as water meters, backflow devices, fire hydrants, sanitary sewer cleanouts, and manholes, air release valves, etc. Trees shall not be planted within ten (10) feet of any PSLUSD main or appurtenance.

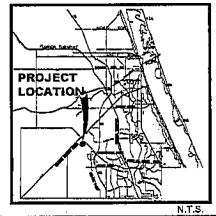
3.No landscaping shall be planted in such a manner as to adversely affect utility installation, operation and maintenance.

Index of Drawings:

| | |
|---|---|
| Landscape Plans | LA-1- LA-4 |
| Details & Specifications | LA-5 |


lucido & associates
701 E Ocean Blvd., Stuart, Florida 34994 (772) 286-1900, Fax (772) 223-0250
150 Avenue A Suite 3A, Fort Pierce, Florida 34950 (772) 467-1301, Fax (772) 467-1302
927 North Thornton Avenue, Orlando Florida 32803 (407) 896-0021, Fax (407) 896-0148


Key / Location:




Project Team:

Kimley»Horn

Cardno & Wilmer Inc.
EDC
Civil Engineers

MacKenzie
Engineering & Planning, Inc.

WCI℠
Your Best Address.

# Tradition Parkway Extension

(From existing terminus to N/S Road A)

Landscape Plan

| Date | By | Description |
|---|---|---|
| 3/9/16 | TJ | Initial Submittal |
| 5/18/16 | KV | Resubmittal |
| 7/20/16 | KV | 2nd Resubmittal |
| 8/23/16 | TJ | Response to comments |

NORTH

SCALE: 1" = 200'

0 100' 200' 400'

REG. # 1016
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | TJ | Sheet |
| Manager | SG | CV |
| Project Number | 15-005 | |
| Municipal Number | --- | |
| Computer File | Tradition Parkway-Landscape.dwg | |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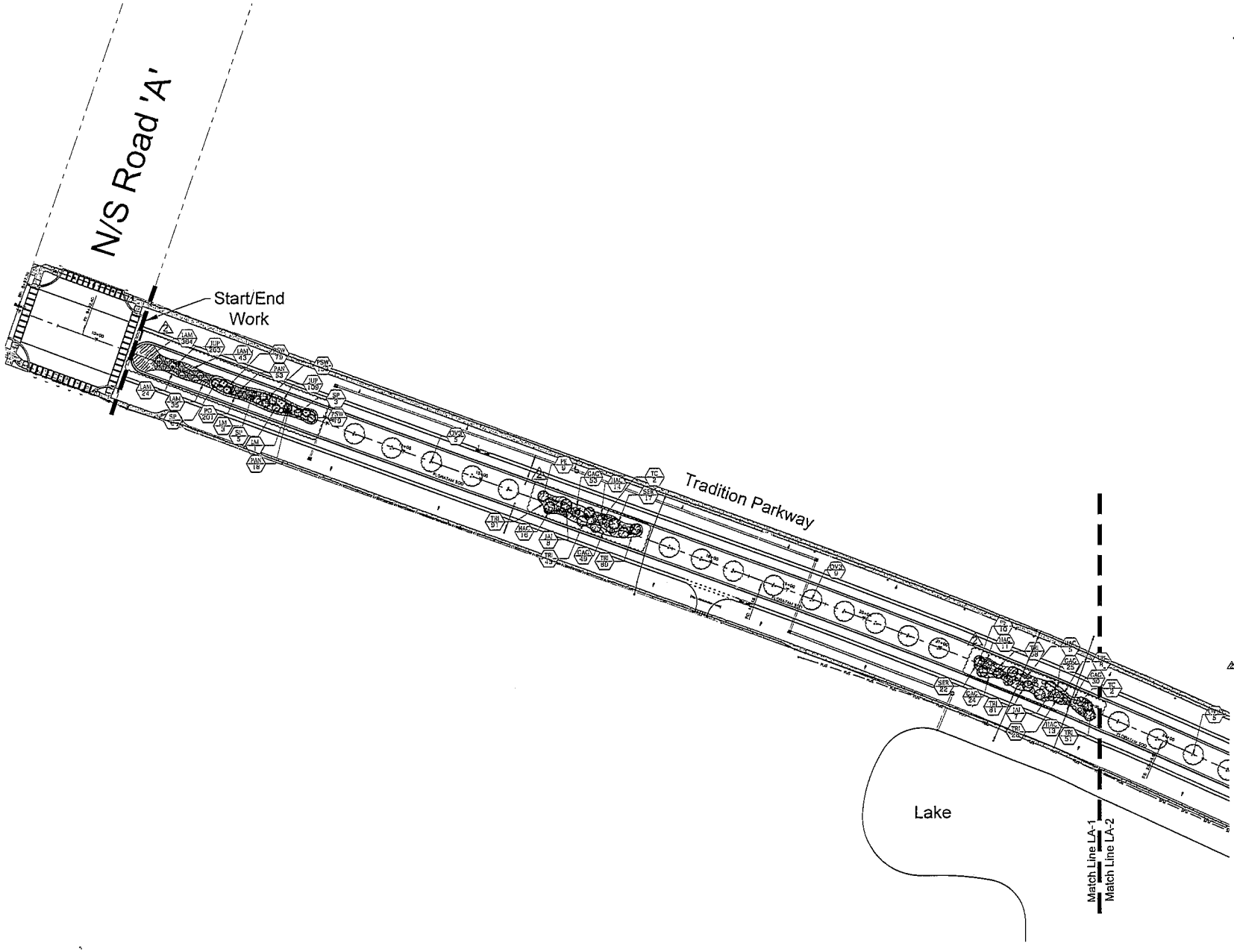


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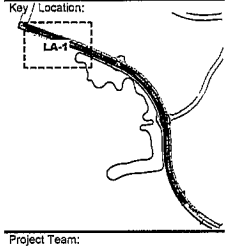
Key / Location:




Project Team:

Kimley»Horn

EDC Civil Engineers

MacKenzie Engineering & Planning, Inc.

WCI

Your Best Address.

Tradition Parkway Extension

(From existing terminus to N/S Road A)

Landscape Plan

| Date | By | Description |
|---|---|---|
| 3/8/16 | TJ | Initial Submittal |
| 5/18/16 | KV | Resubmittal |
| 7/20/16 | KV | 2nd Resubmittal |
| 8/23/16 | TJ | Response to comments |

NORTH

SCALE: 1" = 50'

0 25' 50' 100'

REG. # 1016
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | S.L.S. | Sheet |
| Manager | S.D.G. | LA-1 |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-Landscape.dwg | |

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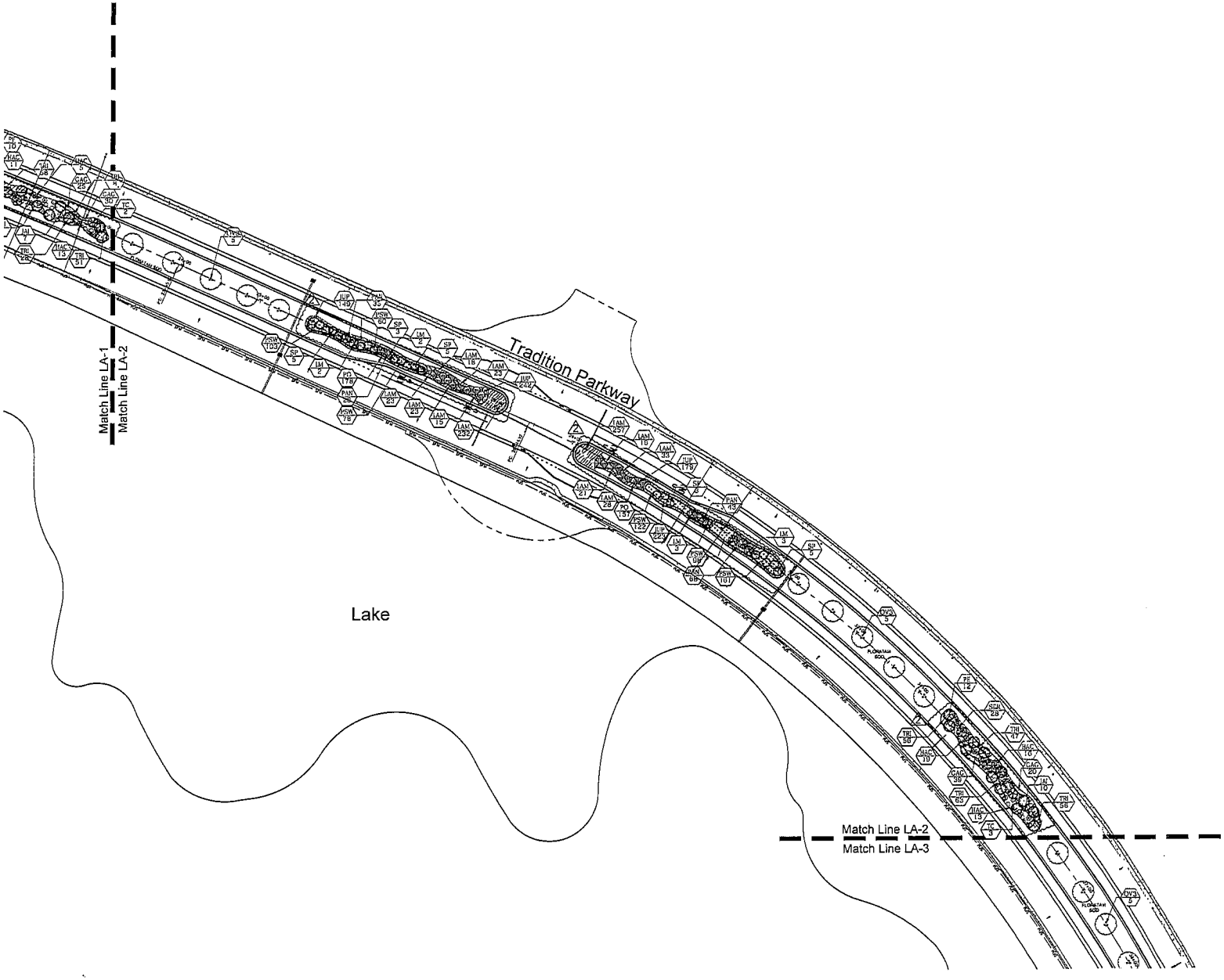


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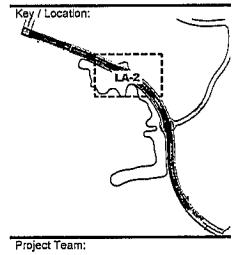


Project Team:

Kimley»Horn

EDC
Civil Engineers

MacKenzie
Engineering & Planning, Inc.

WCI℠
Your Best Address.

# Tradition Parkway Extension

(From existing terminus to N/S Road A)

Landscape Plan

| Date | By | Description |
|---|---|---|
| 3/9/16 | TJ | Initial Submittal |
| 5/18/16 | KV | Resubmittal |
| 7/20/16 | KV | 2nd Resubmittal |
| 8/23/16 | TJ | Response to comments |

NORTH

SCALE: 1" = 50'

0 25' 50' 100'

REG. # 1016
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | S.L.S. | Sheet |
| Manager | S.D.G. | **LA-2** |
| Project Number | 15-005 | |
| Municipal Number | -- | |
| Computer File | Tradition Parkway-Landscape.dwg | |

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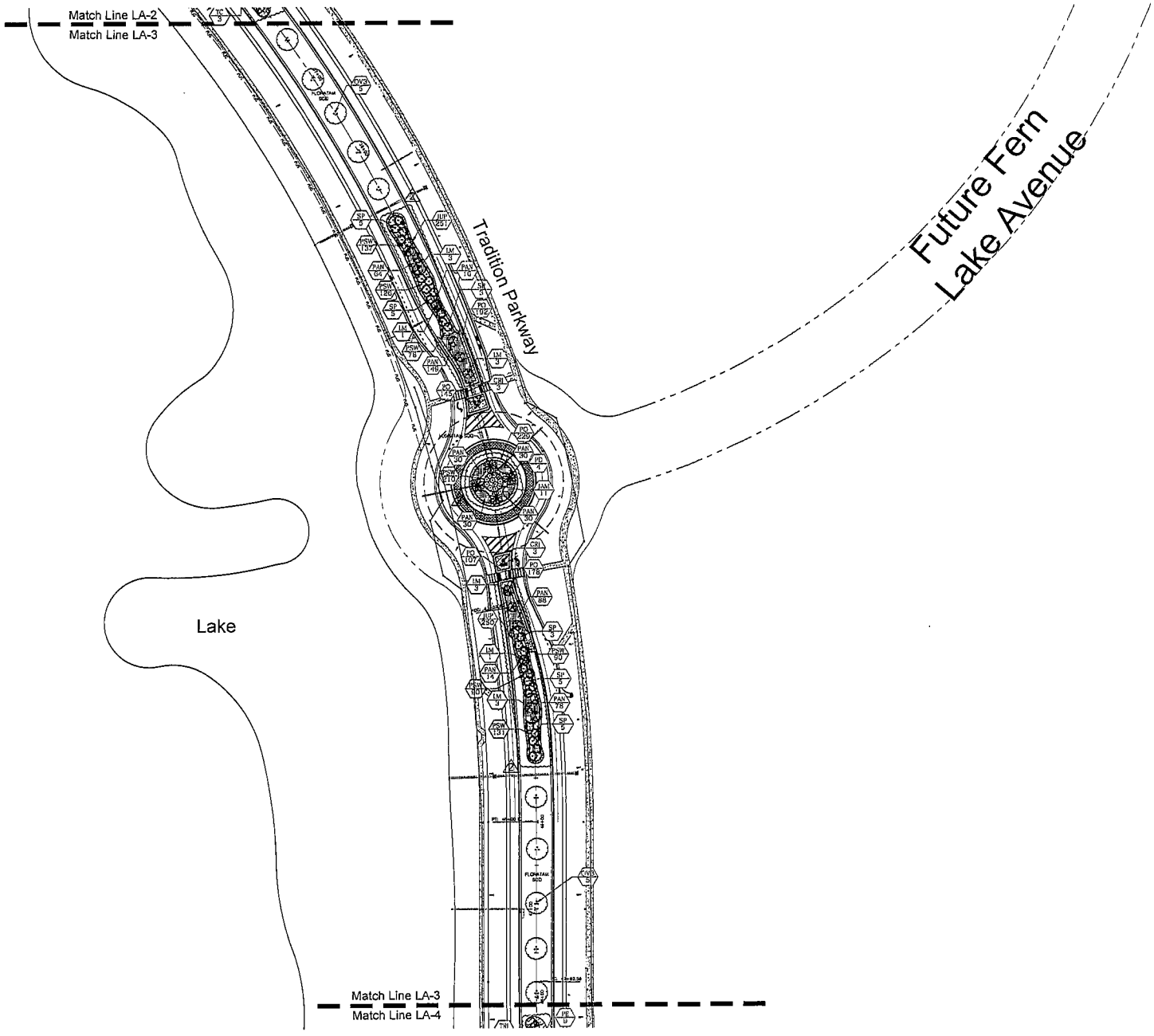


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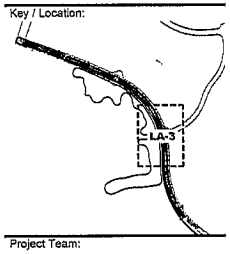


Project Team:

Kimley»Horn

EDC Civil Engineers

MacKenzie Engineering & Planning, Inc.

WCI℠

Your Best Address.

Tradition Parkway Extension

(From existing terminus to N/S Road A)

Landscape Plan

| Date | By | Description |
|---|---|---|
| 3/9/16 | TJ | Initial Submittal |
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| 7/20/16 | KV | 2nd Resubmittal |
| 8/23/16 | TJ | Response to comments |

NORTH

SCALE: 1" = 50'

0 25' 50' 100'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | S.L.S. | Sheet |
| Manager | S.D.G. | LA-3 |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-Landscape.dwg | |

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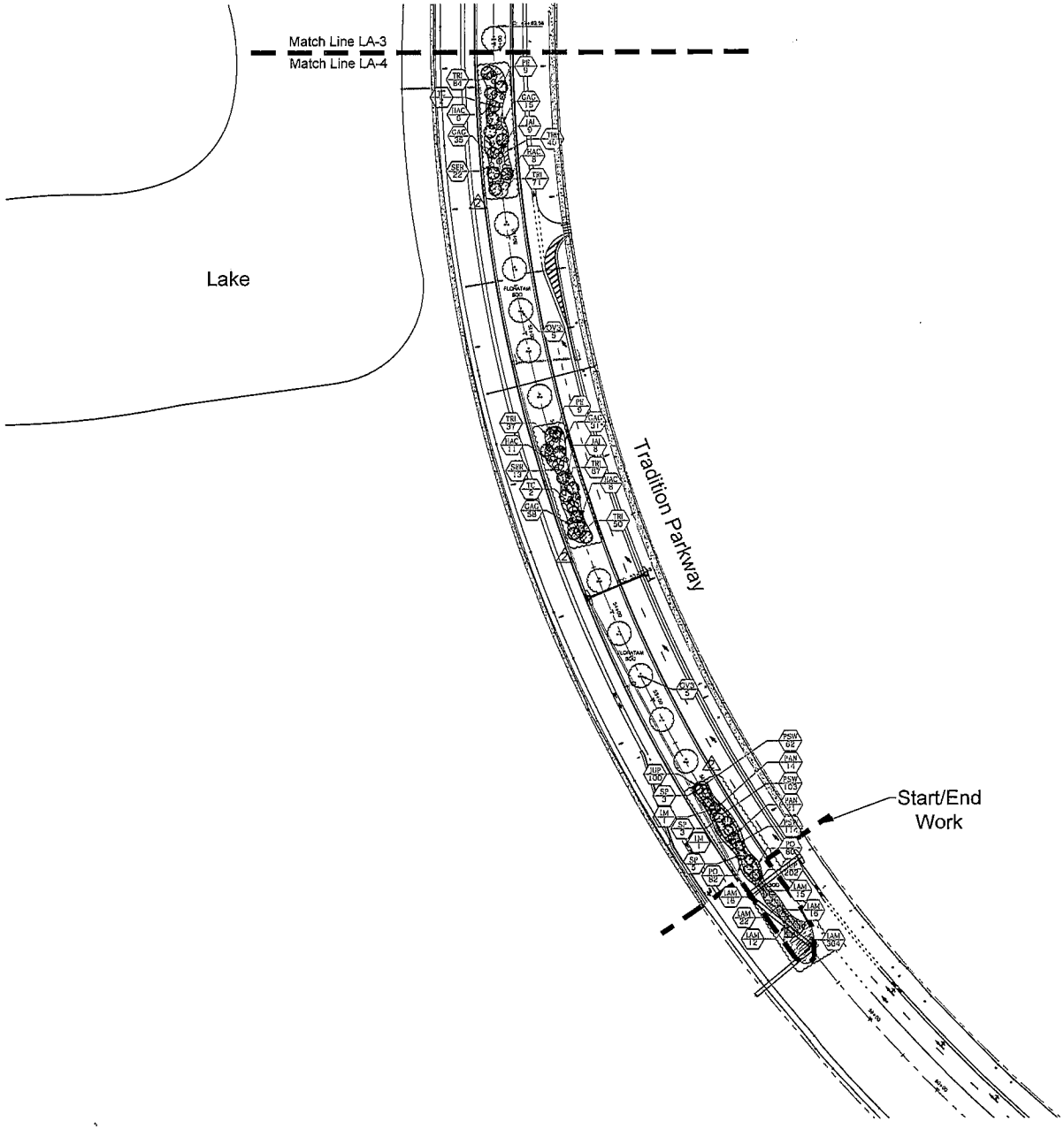


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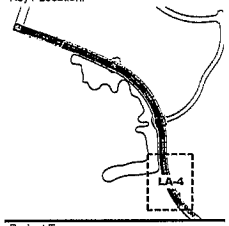
Key / Location:




Project Team:

Kimley»Horn

EDC Civil Engineers

MacKenzie Engineering & Planning, Inc.

WCI

Your Best Address.

# Tradition Parkway Extension

(From existing terminus to N/S Road A)

Landscape Plan

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| 8/23/16 | TJ | Response to comments |

NORTH

SCALE 1" = 50'

0 25' 50' 100'

REG. # 1018
Thomas P. Lucido

| | |
|---|---|
| Designer | S.L.S. |
| Manager | S.O.G. |
| Project Number | 15-005 |
| Municipal Number | — |
| Computer File | Tradition Parkway-Landscape.dwg |

Sheet

**LA-4**

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## LANDSCAPE SPECIFICATIONS

### PART 1: GENERAL CONDITIONS

1.01 SCOPE:
A. The landscape contract includes the supplying and planting of all trees, shrubs, vines, and ground cover together with all necessary labor, equipment, tools and materials needed for the successful completion, execution and maintenance of the landscape plans.

1.02 AGENCY STANDARDS.
A. Grades and standards of plant materials to be used shall be true to name, size, condition and graded Florida #1 or better as stated in: Grades and Standards of Florida Plant Materials published by the State of Florida Department of Agriculture, Tallahassee, Florida.

1.03 SITE EXAMINATION:
A. The Landscape Contractor shall personally examine the site and fully acquaint him/herself with all of the existing conditions in order that no mis-understanding may afterwards arise as to the character or extent of the work to be performed, and additionally, in order to acquaint him/herself with all precautions to be taken in order to avoid injury to property or persons. No additional compensation will be granted because of any unusual difficulties which may be encountered in the execution or maintenance of any portion of the work.

1.04 ERRORS AND OMISSIONS:
A. The plant list is a part of the drawings and is furnished as a convenience. The plant list indicates the name, size and quantities of specific plant materials as called for and is located on the drawings. The Landscape Contractor is responsible for his/her own quantity count, and any discrepancy between drawings and plant list shall be considered as correct on the drawings.

B. The Landscape Contractor shall not take advantage of errors or omissions in the specifications or contract drawings. Full instruction will be given if such errors are discovered. Upon the discovery of any discrepancies in, or omissions from the drawings or documents, or should the Landscape Contractor be in doubt as to their meaning, the Landscape Architect shall be notified and will determine the actions necessary to each query.

C. If plans and specifications are found to disagree after the contract is awarded, the Landscape Architect shall be the judge as to which was intended.

1.05 EXECUTION OF THE WORK.
A. The Landscape Contractor shall have his labor crews controlled and directed by a Foreman well versed in plant materials, planting methods, reading blueprints, and coordination between job and nursery in order to execute installation correctly and in a timely manner.

B. The Landscape Contractor shall provide a competent English-speaking Foreman on the project at all times, who shall be fully authorized as the Contractor's agent on the work. The Superintendent shall be capable of reading and thoroughly understanding the Plans, Specifications and other Contract Documents. If the Superintendent is deemed incompetent by the Landscape Architect, he (the superintendent) shall be immediately replaced.

C. The Landscape Contractor shall be available for any meetings with the Owner and/or Landscape Architect during implementation of the job. Any additional work or changes required as a result of failure to communicate with the Owner or Landscape Architect during implementation will be the responsibility of the Landscape Contractor.

1.06 PROTECTION OF PUBLIC AND PROPERTY:
A. The Landscape Contractor shall protect all materials and work against injury from any cause and shall provide and maintain all necessary safeguards for the protection of the public. He shall be held responsible for any damage or injury to persons or property which may occur as a result of his fault or negligence in the execution of the work, i.e. damage to underground pipes or cables.

1.07 CHANGES AND EXTRAS:
A. The Contractor shall not start work on any changes or "extras" in the project until a written agreement setting forth the adjusted prices has been executed by the Owner and the Contractor. Any work performed on changes or "extras" prior to execution of a written agreement may or may not be compensated for by the Owner at his discretion.

1.08 GUARANTEE:
A. The Landscape Contractor shall furnish a written guarantee warranting all materials, workmanship and plant materials, except sod, for a period of ONE (1) YEAR from the time of completion and acceptance by the Landscape Architect and Owner. Sod shall be guaranteed to 90 calendar days after acceptance by the Landscape Architect and Owner. All plant material shall be alive and in satisfactory condition and growth for each specific kind of plant at the end of the guarantee period. The guaranteeing of plant material shall be construed to mean complete and immediate replacement with plant material of the same variety, type, size, quality and grade as that of the originally specified material. During the guarantee period it shall be the Landscape Contractor's responsibility to immediately replace any dead or unhealthy material as determined by the Landscape Architect. The guarantee will be null and void if plant material is damaged by lightning, hurricane force winds, or any other acts of God, as well as vandalism or lack of proper maintenance.

B. At the end of the specified guarantee period, any plant required under this contract that is dead or not in satisfactory condition, as determined by the Landscape Architect, shall be replaced. The Landscape Contractor shall be responsible for the full replacement cost of plant materials for the first replacement and share subsequent replacement (s) costs equally with the Owner, should the replacement plant fail to survive.

1.09 CARE AND MAINTENANCE:
A. The Landscape Contractor shall be responsible for the care and maintenance of all plant materials and irrigation when applicable until final acceptance by the Owner or Landscape Architect.

B. The Owner agrees to execute the instructions for such care and maintenance.

1.10 SAFETY:
A. It shall be the responsibility of the Landscape Contractor to protect all persons from injury and to avoid property damage. Adequate warning devices shall be placed and maintained during the progress of the work.

B. It shall be the contractor's responsibility to conform to all local, state, and federal safety laws and codes including the Federal Occupational Safety And Health Act (O.S.H.A.) .

1.11 CONTRACTOR QUALIFICATION:
A. The Owner may require the apparent contractor (s) to qualify him/herself to be a responsible entity by furnishing any or all of the following documentary data:
1. A financial statement showing assets and liabilities of the company current to date.
2. A listing of not less than (3) completed projects of similar scope and nature.
3. Permanent name and address of place of business.
4. The number of regular employees of the organization and length of time the organization has been in business under the present name.

1.12 INSURANCE AND BONDING:
A. The contractor (s) shall submit proof of insurance for this job for the time period that the work is done. The minimum amount of insurance shall be $300,000.00 per person and $300,000.00 per aggregate or as required by owner and agreed to in the contract.
The successful bidder shall be required to have this coverage in effect before beginning work on the site.

B. The Owner shall have the right to require the Contractor to furnish bonds covering faithful performance of the Contract and payment obligations arising thereunder as stipulated in bidding requirements or specifically required in the Contract Documents on the date of execution of the Contract.

1.13 PERMITS AND CERTIFICATES:
A. All contractors shall secure and pay for all permits and certificates required for his/her class of work.

### PART 2: MATERIALS

2.01 PLANT MATERIALS:
A. A complete list of plants is shown on the drawings, including a schedule of quantities, sizes, and such other requirements deemed necessary. In the event discrepancies occur, the specifications on the drawings shall govern.

B. Substitutions: Substitutions of plant materials or changes in size or spacing of materials will be permitted ONLY upon written authorization by the Owner or the Landscape Architect. If plant material is not of sufficient size to meet applicable codes, a letter of variance from the appropriate agency must be obtained by the Contractor prior to issuance of any change order. If material of smaller size is to be accepted, the quantity of material shall be increased, at no additional cost to the Owner, to meet the intent of the drawings.

C. All plant materials shall have a habit of growth that is normal for the species and shall be healthy, vigorous and equal to or exceed the measurements specified in the plant list, which are the minimum acceptable sizes. Plants shall be measured before pruning with branches in normal position. Any necessary pruning shall be done at the time of planting.

D. All plant materials shall be nursery grown, unless otherwise noted, Florida #1 or better and shall comply with all required inspections, grading standards and plant regulations as set forth by the Florida Department of Agriculture's Grades and Standards for Nursery Plants, most current addition and Grades and Standards for Nursery Plants, most current addition.

E. Plants that do not have the normal balance of height and spread typical for the respective plant shall not be acceptable.

F. The Landscape Contractor shall install each plant to display its best side. Adjustments may be required if plants are not installed properly and/or approved by the Landscape Architect at no additional cost to owner.

2.02 INSPECTION
A. The Landscape Architect and Owner may inspect trees and shrubs at place of growth or at site before planting, for compliance with requirements for genus, species, variety, size and quality. The Landscape Architect and Owner retain the right to further inspect trees and shrubs for size and condition of balls and root systems, insects, injuries and latent defects, and to reject unsatisfactory or defective material at any time during progress of work. Rejected plant materials shall be immediately removed from project site.

2.03 PROTECTION OF PLANT MATERIALS:
A. Balled and burlapped plants (B & B) shall be dug with firm natural balls of earth of sufficient diameter and depth to encompass the fibrous and feeding root system necessary for full recovery of the plant. Balls shall be firmly wrapped with burlap similar materials and bound with cord, rope, or wire mesh. All collected plants shall be balled and burlapped.

B. Plants with broken, damaged or insufficient rootballs will be rejected

C. All plant material shall be protected from possible bark injury or breakage of branches. All plants transported by open trucks shall be adequately covered to prevent windburn, drying or damage to plants.

D. Plants which cannot be planted immediately on delivery to the site shall be covered with moist soil, mulch or other protection from the drying of wind and sun. All plants shall be watered as necessary by the Landscape Contractor until planted.

2.04 STORAGE:
A. All plant materials shall be stored on the site in designated areas, specified by the Landscape Architect or Owner's agent.

B. No plant material shall be stored longer than seventy-two (72) hours unless approved by by Landscape Architect and/or owner.

C. The Landscape Architect reserves the right to reject any plant materials not in conformance with these specifications.

D. All rejected material shall be immediately removed from the site and replaced with acceptable material at no cost to the Owner.

2.05 PROTECTION DURING PLANTING:
A. Trees moved by winch or crane shall be thoroughly protected from chain marks, girdling or bark slippage by means of burlap, wood battens or other approved methods. Battens shall NOT be attached to the tree with nails.

2.06 PLANTING SOIL:
A. Planting soil for all plantings shall consist of existing native soil and shall be free of debris, roots, clay, stones, plants or other foreign materials which might be a hindrance to planting operations or be detrimental to good growth.

2.07 FERTILIZER:
A. Commercial fertilizer shall comply with the state fertilizer laws. Nitrogen shall not be less than 40% from organic source. Inorganic chemical nitrogen shall not be derived from the sodium form of nitrate. Fertilizers shall be delivered to the site in unopened original containers, each bearing the manufacturer's guaranteed analysis. Any fertilizer that becomes caked or otherwise damaged shall be rejected.

B. Thoroughly mixed 3 lbs. of commercial fertilizer to each cubic yard of planting soil.

C. Tabletized fertilizer shall be Agriform planting tablets 20-10-5 formula, 21 gram or equal. All trees and shrubs shall be fertilized with tabletized fertilizer as follows: while backfilling plant holes, fertilizer tablets shall be equally spaced and placed adjacent to the ball mid-way in depth in accordance with the following rates:

| | |
|---|---|
| 1 gallon container | 1 tablet |
| 3 gallon container | 2 tablets |
| 5 gallon container | 3 tablets |
| 7 gallon | 5 tablets |

Large tubs, wire baskets, grow bags, and balled and burlapped material shall have 1 tablet for each 1/2 inch of trunk diameter (measured 3 feet from ground) or for each foot of height or spread of larger shrub material.
The Landscape Architect reserves the right to inspect and review the application of fertilizer.

2.08 MULCH:
A. Mulch material shall be clean, dry, free of weeds, seeds and pests, moistened at the time of application to prevent wind displacement. Cypress &/or Red mulch is prohibited.

B. All trees and shrub beds shall receive 3" mulch immediately after planting and thoroughly watered. Apply 2" max on tree & palm rootballs, keep away from tree & palm trunks or as required by local jurisdiction.

### PART 3: EXECUTION

3.01 DIGGING:
A. The Landscape Contractor shall exercise care in digging and other work so as not to damage existing work, including overhead wires, underground pipes and cables and the pipes and hydrants of watering systems. Should such overhead or underground obstructions be encountered which interfere with planting, the Owner shall be consulted and contractor will adjust the location of plants to clear such obstruction. The Contractor shall be responsible for the immediate repair of any damage caused by his work.

3.02 GRADING:
A. Grading for drainage, swales, etc. to within 4 inches of the finished grade to be provided by others.

B. It shall be the responsibility of the Landscape Contractor to provide the final grading during the course of landscape installation so as to bring sod and planting areas to their proper elevations in relation to walks, paving, drain structures, and other site conditions. The site grading plan must be checked prior to installation of sod to insure that drainage and other conditions will NOT be modified.

3.03 PLANTING:
A. Planting shall take place during favorable weather conditions.

B. The Contractor shall call for utility locates and ascertain the location of all utilities and easements so proper precautions can be taken not to damage or encroach on them.

C. Tree Planting shall be located where it is shown on the plan. No planting holes shall be dug until the proposed locations have been staked on the ground by the Contractor.

D. Excavation of holes shall extend to the required subgrades as specified on the planting diagrams located in the planting plans. Plant pits shall be circular in outline and shall have a profile which conforms to the aforementioned "Tree and Shrub Planting Diagrams".

E. A representative number of planting pits ( a minimum of one in every 25 feet throughout the entire site) shall be tested for proper drainage. See Landscape Plan for complete testing methods and requirements.

F. Planting pits shall be excavated to the following dimensions and refilled with a mixture of (1/2) planting soil (1/2) existing native soil:
1 Gallon material (1 gal.): 12" x 12" x 12" min.
3 Gallon material (3 gal.): 20" x 20" x 18" min.
Lerio material (7 gal.): 30" x 30" x 24" min.
Field grown material and trees: 1-1/2 times width of ball and depth of ball plus 12" min.

G. No planting or laying of sod shall be initiated until the area has been cleaned of existing sod or other plant materials, rough grass, weeds, debris, stones etc. and the ground has been brought to an even grade, with positive drainage away from buildings and towards drain inlets and swales and approved by Landscape Architect or owner's rep.

H. Each plant shall be planted in an individual hole as specified for trees, shrubs, and vines.

I. All plants shall be set to ultimate finished grade. No filling will be permitted around trunks or stems. All ropes, wire, stakes, etc., shall be removed from sides and top of the ball and removed from hole before filling in.

J. All flagging ribbon shall be removed from trees and shrubs before planting.

K. Excess excavation (fill) from all holes shall be removed from the site, at no additional expense to Owner.

L. All palms shall be backfilled with sand, thoroughly watered in during planting operations and with a shallow saucer depression left at the soil line for future waterings. Saucer areas shall be top-dressed two (2") inches deep with topsoil raked and left in a neat, clean manner.

3.04 PRUNING:
A. Remove dead and broken branches from all plant material. Prune to retain typical growth habit of individual plants with as much height and spread as possible in a manner which will preserve the plant's natural character.

B. Make all cuts with sharp instruments flush with trunk or adjacent branch, in such a manner as to insure elimination of stubs. Cuts made at right angles to line of growth will not be permitted.

C. Trees shall not be poled or topped.

D. Remove all trimmings from site.

3.05 GUYING:
A. All trees over six (6') feet in height shall, immediately after setting to proper grade, be guyed with three sets of two strands, No. 12 gauge malleable galvanized iron, in tripod fashion. See Detail.

B. Wires shall not come in direct contact with the tree but shall be covered with an approved protection device at all contact points. Wires shall be fastened in such a manner as to avoid pulling crotches apart.

D. Stake & Brace all trees larger than 12' oa. See detail.
Stakes shall be 2" x 2" lumber of sufficient length to satisfactorily support each tree.

E. Turnbuckles for guying trees shall be galvanized or cadmium plated and shall be of adequate size and strength to properly maintain tight guy wires.

3.06 WATER:
A. Each plant or tree shall be thoroughly watered in after planting. Watering of all newly installed plant materials shall be the responsibility of the Landscape Contractor until final acceptance by the Landscape Architect.

B. See General Notes of Landscape Plan for water source.

3.07 SOD:
A. The Landscape Contractor shall sod all areas indicated on the drawings.

B. It shall be the responsibility of the Landscape Contractor to fine grade all landscape areas, eliminating all bumps, depressions, sticks, stones, and other debris.

C. The sod shall be firm, tough texture, having a compacted growth of grass with good root development. It shall contain no noxious weeds, or any other objectionable vegetation, fungus, insects, or disease. The soil embedded in the sod shall be good clean earth, free from stones and debris.

D. Before being cut and lifted, the sod shall have been mowed at least three times with a lawn mower, with the final mowing not more than seven days before the sod is cut. The sod shall be carefully cut into uniform dimensions.

E. 6-6-6 fertilizer with all trace elements is to be applied at the rate of 40 lbs. per 1,000 sq. ft. prior to laying sod.

F. Solid sod shall be laid with closely abutting, staggered joints with a tamped or rolled, even surface.

G. The finished level of all sod areas after settlement shall be one (1") inch below the top of abutting curbs, walks, paving and wood borders to allow for building turf.

H. If in the opinion of the Landscape Architect, top dressing is necessary after rolling, clean yellow sand will be evenly applied over the entire surface and thoroughly washed in.

3.08 SEEDING:
A. The Landscape Contractor shall remove all vegetation and rocks larger than (1") in diameter from areas to be seeded, scarify the area, then apply fertilizer at a rate of 500 lbs. per acre.

B. Application: Argentine Bahia Grass seed - 200 Pounds per acre mixed with common hulled Bermuda seed - 30 lbs. per acre. All other seed mixtures shall be applied per the manufacturer's instructions.

C. Roll immediately after seeding with a minimum 500 pound roller, then apply straw mulch at the rate of 2,500 pounds per acre.

D. Apply fertilizer at the rate of 150 lbs. per acre 45-60 days after seeding.

3.09 CLEANING UP:
A. The contractor shall at all times keep the premises free from accumulations of waste materials or rubbish caused by his employees or work. He shall leave all paved areas "broom clean" when completed with his work.

3.10 MAINTENANCE:
A. Maintenance shall begin immediately after each plant is installed and shall continue until all planting has been accepted by the Owner or Landscape Architect. Maintenance shall include watering, weeding, removal of dead materials, resetting plants to proper grades or upright positions, spraying, restoration of planting saucer and/or any other necessary operations.

B. Proper protection to lawn areas shall be provided and any damage resulting from planting operations shall be repaired promptly.

C. Replacement of plants during the maintenance period shall be the responsibility of the Contractor, excluding vandalism or damage on the part of others, lighting, or hurricane force winds, until final acceptance.

D. In the event that weeds or other undesirable vegetation become prevalent, it shall be the Contractor's responsibility to remove them.

E. Trees or other plant material which fall or are blown over during the maintenance period will be reset by the Contractor at no additional expense to the Owner, the only exception being hurricane force winds.

3.11 COMPLETION, INSPECTION AND ACCEPTANCE:
A. Completion of the work shall mean the full and exact compliance and conformity with the provisions expressed or implied in the Drawings and in the Specifications, including the complete removal of all trash, debris, soil or other waste created by the Landscape Contractor.

B. Inspection of work to determine completion of contract, exclusive of the possible replacement of plants, will be made by the Owner and/or Landscape Architect at the conclusion of all planting and at the request of the Landscape Contractor.

C. All plant material shall be alive and in good growing condition for each specified kind of plant at the time of acceptance. The rating of each plant according to Florida Grades and Standards shall be equal to or better than that called for on the plans and in these Specifications at the time of final inspection and acceptance.

D. After inspection, the Landscape Contractor will be notified by the Owner of the acceptance of all plant material and workmanship, exclusive of the possible replacement of plants subject to guarantee.

DRAINAGE TESTING/DRAINAGE CHANNEL REQUIREMENTS

PRIOR TO PLANTING ALL PLANTING PITS SELECTED FOR TESTING SHALL BE TESTED IN THE FOLLOWING MANNER

A. DIG EACH PLANTING PIT TO THE MINIMUM SPECIFIED SIZE.

B. FILL PLANTING PIT WITH TWELVE INCHES (12") OF WATER. IF THE WATER LEVEL DROPS FOUR (4") OR MORE WITHIN FOUR (4) HOURS, THE DRAINAGE IS SUFFICIENT AND A DRAINAGE CHANNEL IS NOT REQUIRED. IF THE WATER LEVEL DROPS LESS THAN FOUR INCHES (4") WITHIN THE FOUR (4) HOUR PERIOD, A DRAINAGE CHANNEL IS REQUIRED.

C. WHERE REQUIRED, THE DRAINAGE CHANNEL MUST EXTEND DOWN THROUGH THE NON POROUS SOIL AND INTO POROUS SOIL. (SEE DETAIL)

D. ALL MATERIAL REMOVED FROM THE DRAINAGE CHANNEL SHALL BE DISCARDED.

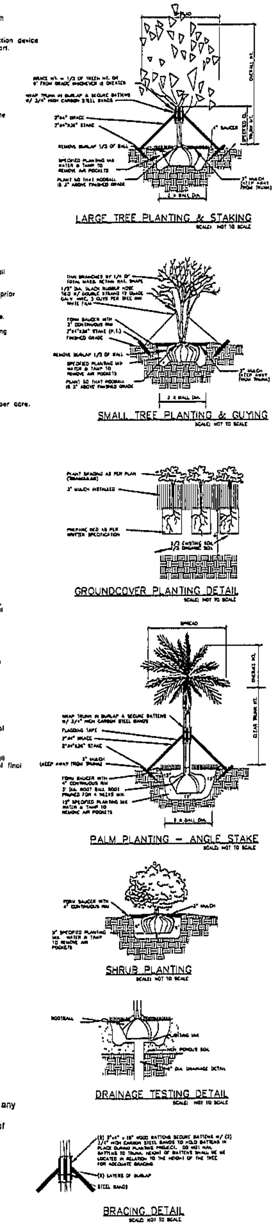
E. WHEN BACKFILLING PLANTING PITS WITH PLANTING MIXTURE, CARE MUST BE TAKEN TO KEEP THE CONSISTENCY OF THE SOIL MIX THE SAME THROUGHOUT THE PLANTING PIT AND DRAINAGE CHANNEL.

### PSLUSD NOTES FOR LANDSCAPE PLANS

1. All new landscaping within utility easements and within ten (10) feet of underground utility infrastructure shall comply with PSLUSD technical specifications, policies, and codes.

2. No landscaping other than sod grasses may be planted within a 5' radius maintenance area of any utility appurtenances such as water meters, backflow devices, fire hydrants, sanitary sewer cleanouts, and manholes, air release valves, etc. Trees shall not be planted within ten (10) feet of any underground infrastructure.

3. No landscaping shall be planted in such a manner as to adversely affect utility installation, operation and maintenance.





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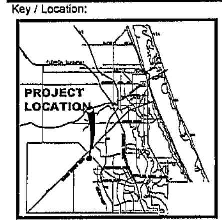
Key / Location:




Project Team:

Kimley»Horn

EDC
Civil Engineers

MacKenzie
Engineering & Planning, Inc.

WCI
Your Best Address.

# Tradition Parkway Extension

(From existing terminus to N/S Road A)

Details & Specifications

| Date | By | Description |
|---|---|---|
| 3/9/16 | TJ | Initial Submittal |
| 5/18/16 | KV | Resubmittal |
| 7/20/16 | KV | 2nd Resubmittal |
| 8/23/16 | TJ | Response to comments |

NORTH

SCALE: 1" = NTS

REG. # 1018
Thomas P. Lucido

| | | | |
|---|---|---|---|
| Designer | KV | Sheet | |
| Manager | S.D.G. | | LA-5 |
| Project Number | 15-005 | | |
| Municipal Number | — | | |
| Computer File | Tradition Parkway-Landscape.dwg | | |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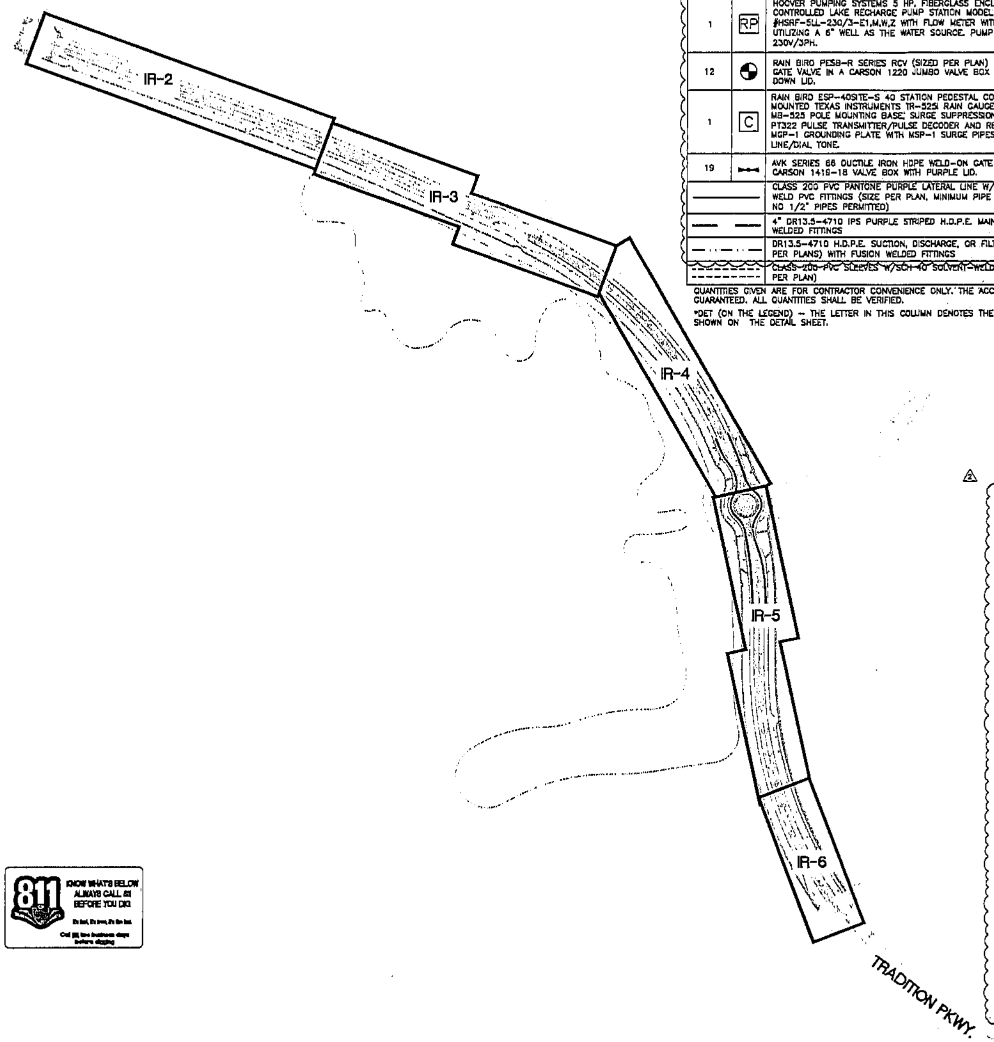


## IRRIGATION LEGEND

| QTY | SYM | DESCRIPTION | DET. |
|---|---|---|---|
| 12 / 2" 94.8 | | STATION NUMBER — GALLONS PER MINUTE–CATALOG FLOW — VALVE SIZE | |
| 1 | P | HOOVER PUMPING SYSTEMS 7.5 HP, FIBERGLASS ENCLOSED, PRESSURE DEMAND IRRIGATION PUMP STATION MODEL #HCF-7.5PDV-230/3-H,L,M,Z WITH MAGNETIC FLOW METER, MASTER VALVE, VARIABLE FREQUENCY DRIVE, AND AUTOMATIC FILTER FLUSH SYSTEM UTILIZING THE ADJACENT LAKE AS THE WATER SOURCE. PUMP POWER SHALL BE 230V/3PH. | A1 A2 |
| 1 | RP | HOOVER PUMPING SYSTEMS 5 HP, FIBERGLASS ENCLOSED, LAKE LEVEL CONTROLLED LAKE RECHARGE PUMP STATION MODEL #HSRF-5LL-230/3-E1,M,W,Z WITH FLOW METER WITH A TOTALIZER UTILIZING A 6" WELL AS THE WATER SOURCE. PUMP POWER SHALL BE 230V/3PH. | A2 A3 |
| 12 | | RAIN BIRD PESB-R SERIES RCV (SIZED PER PLAN) WITH A NIBCO T-113 GATE VALVE IN A CARSON 1220 JUMBO VALVE BOX WITH PURPLE BOLT DOWN LID. | B1 |
| 1 | C | RAIN BIRD ESP-4OSITE-S 40 STATION PEDESTAL CONTROLLER, POLE MOUNTED TEXAS INSTRUMENTS TR-525I RAIN GAUGE TIPPING BUCKET WITH MB-525 POLE MOUNTING BASE; SURGE SUPPRESSION, GROUNDING GRID, PT322 PULSE TRANSMITTER/PULSE DECODER AND REQUIRED WIRING, & MGP-1 GROUNDING PLATE WITH MSP-1 SURGE PIPES. PROVIDE PHONE LINE/DIAL TONE. | C1 |
| 19 | | AVK SERIES 66 DUCTILE IRON HDPE WELD-ON GATE VALVE IN A CARSON 1419-18 VALVE BOX WITH PURPLE LID. | D |
| | | CLASS 200 PVC PANTONE PURPLE LATERAL LINE W/ SCH 40 SOLVENT WELD PVC FITTINGS (SIZE PER PLAN, MINIMUM PIPE SIZE SHALL BE 3/4", NO 1/2" PIPES PERMITTED) | L |
| | | 4" DR13.5-4710 IPS PURPLE STRIPED H.D.P.E. MAINLINE WITH FUSION WELDED FITTINGS | L |
| | | DR13.5-4710 H.D.P.E. SUCTION, DISCHARGE, OR FILTER FLUSH LINE (SIZE PER PLANS) WITH FUSION WELDED FITTINGS | L |
| | | ~~CLASS 200 PVC SLEEVES W/SCH 40 SOLVENT WELD PVC FITTINGS (SIZE PER PLAN)~~ | O |

QUANTITIES GIVEN ARE FOR CONTRACTOR CONVENIENCE ONLY. THE ACCURACY IS NOT GUARANTEED. ALL QUANTITIES SHALL BE VERIFIED.

*DET (ON THE LEGEND) – THE LETTER IN THIS COLUMN DENOTES THE CORRESPONDING DETAIL SHOWN ON THE DETAIL SHEET.

Masuen Consulting LLC
Water Resource Consultants
32001 Hwy 441 North, #293
Okeechobee, FL 34951
Telephone (866) 928-1533
Fax (800) 926-1534

## IRRIGATION HEAD LEGEND

| SYMBOL QUANTITY | SYMBOL | DESCRIPTION | DETAIL | DESIGN PSI | DESIGN GPM PER SYMBOL |
|---|---|---|---|---|---|
| 170 | ◻ | EACH SYMBOL DENOTES TWO (2) RAIN BIRD RD-04-S-P30-NP-1401 FLOOD BUBBLERS | Q | 30 | 0.50 |
| 44 | ▲ | EACH SYMBOL DENOTES TWO (2) RAIN BIRD RD-04-S-P30-NP-1402 FLOOD BUBBLERS | Q | 30 | 1.00 |
| 10 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MPCORNERHT NOZZLE ADJ ARC 0-90 | R | 30 | VAR |
| 220 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MP1000 NOZZLE MAROON ADJ ARC 90-210 | R | 30 | VAR |
| 2 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP1000 NOZZLE MAROON ADJ ARC 90-210 | S | 30 | VAR |
| 10 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP1000 NOZZLE MAROON ADJ ARC 90-210 ON SCH 40 RISER | T | 30 | VAR |
| 113 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MP2000 NOZZLE BLACK ADJ ARC 90-210 | R | 30 | VAR |
| 25 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP2000 NOZZLE BLACK ADJ ARC 90-210 | S | 30 | VAR |
| 153 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP2000 NOZZLE BLACK ADJ ARC 90-210 ON SCH 40 RISER | T | 30 | VAR |
| 4 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MP3000 NOZZLE BLUE ADJ ARC 90-210 | R | 30 | VAR |
| 178 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MP3500 NOZZLE LT. BROWN ADJ ARC 90-210 | R | 30 | VAR |
| 19 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP3000 NOZZLE BLUE ADJ ARC 90-210 | S | 30 | VAR |
| 77 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP3000 NOZZLE BLUE ADJ ARC 90-210 ON SCH 40 RISER | T | 30 | VAR |
| 1 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP3000 NOZZLE GRAY ARC 360 ON SCH 40 RISER | T | 30 | 3.15 |
| 6 | | RAIN BIRD RD-12-S-P30-NP W/ HUNTER MP3500 NOZZLE LT. BROWN ADJ ARC 90-210 ON SCH 40 RISER | T | 30 | VAR |
| 2 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MPCORNER NOZZLE LST | R | 30 | VAR |
| 38 | | RAIN BIRD RD-06-S-P30-NP W/ HUNTER MPCORNER NOZZLE SST | R | 30 | VAR |

MAXICOM NOTES:

1. CONTRACTOR TO INSTALL FUSE BETWEEN EACH PT-322 AND IT'S POWER SUPPLY UTILIZING BUSS FUSE HOLDER MODEL # HFB (30A-32V) WITH 1/8A-3/16A, 250V SLOW BLOW BUSS FUSE.
2. CONTRACTOR TO GROUND EACH CONTROLLER AS INDICATED IN THE IRRIGATION NOTES AND DETAILS. PROVIDE WRITTEN CERTIFICATION, ON A MASTER ELECTRICIANS LETTER HEAD, INDICATING DATE OF TEST, IDENTITY OF THE HARDWARE TESTED (USE SYMBOLS ON THESE PLANS FOR IDENTIFIER), THE EARTH GROUND RESISTANCE MEASURED, AND THE TEST METHOD UTILIZED.
3. THE IRRIGATION SYSTEM SHALL BE CONTROLLED BY A RAIN BIRD MAXICOM 2 CENTRAL CONTROL SYSTEM. CONTRACTOR IS RESPONSIBLE FOR PROVIDING A FULLY FUNCTIONAL MAXICOM 2 CONTROL SYSTEM, INCLUDING ALL FIELD COMPONENTS. CONTRACTOR IS NOT RESPONSIBLE FOR PROVIDING THE MONITORING COMPUTER, WEATHER STATION, OR SOFTWARE.
4. THE SYSTEM MUST COMPLY WITH THE CURRENT RAIN BIRD MAXICOM 2 INSTALLATION MANUAL. THE INSTALLATION OF ALL COMPONENTS SHALL BE UNDER THE DIRECT SUPERVISION OF A PERSON WHO HAS SUCESSFULLY COMPLETED BOTH A LEVEL 2 HARDWARE AND A LEVEL 2 SOFTWARE CLASS GIVEN BY RAIN BIRD. NO DEVIATION FROM THE INSTALLATION MANUAL WILL BE PERMITTED WITHOUT WRITTEN PERMISSION FROM THE OWNER OR THE OWNER'S REPRESENTATIVE.
5. CONTRACTOR TO RUN PE-39-19-6 WIRE FROM THE FLOW METER TO THE PULSE TRANSMITTER/PULSE DECODER IN CONTROLLER 'C' AND THEN TO SENSOR PORT 'A' ON CONTROLLER 'C'.
6. CONTRACTOR TO RUN 12GA WIRE FROM THE MASTER VALVE TO MV1 CIRCUIT ON CONTROLLER 'C'.

CONTROL LEGEND FOR THE MAXICOM SYSTEM

1. CONNECT THE FLOW METER AT THE IRRIGATION PUMP TO SENSOR PORT A
2. CONNECT THE ADJACENT RAIN CAN TO SENSOR PORT B
3. CONNECT THE MASTER VALVE AT THE IRRIGATION PUMP TO MV1 CIRCUIT

NOTES:

1. CONTRACTOR TO PROVIDE NEW WELL UP TO 100' DEEP, WITH DIAMETER AS SPECIFIED. PROVIDE A LINE ITEM 'PER FOOT' COST FOR EACH ADDITIONAL FOOT OF DEPTH, IF NEEDED. CONTRACTOR SHALL NOT DRILL THE WELL DEEPER THAN 100' WITHOUT RECEIVING PRIOR WRITTEN AUTHORIZATION. IF PRIOR AUTHORIZATION IS NOT OBTAINED, IN WRITING, NO ADDITIONAL MONIES WILL BE PAID.
2. AFTER THE WELL IS DRILLED, A STEP TEST MUST BE PERFORMED ON THE WELL TO VERIFY THE WELL CAN PRODUCE THE REQUIRED VOLUME OF WATER ON A CONTINUAL BASIS. THE STEP TEST MUST LAST 8 HOURS WITH WATER LEVEL MEASURED EACH HALF HOUR. PEAK DEMAND IS THE GPM IDENTIFIED IN THE POC NOTE ON THE NOTES SHEET:
   HOURS 1-2 – PUMP AT 50% OF PEAK DEMAND
   HOURS 3-4 – PUMP AT 75% OF PEAK DEMAND
   HOURS 5-6 – PUMP AT 100% PEAK DEMAND
   HOURS 7-8 – PUMP AT 125% OF PEAK DEMAND
   THE RESULTS OF THIS TEST MUST BE APPROVED BY THE OWNER/OWNERS REPRESENTATIVE PRIOR TO THE INSTALLATION OF THE PUMP OR IRRIGATION SYSTEM COMPONENTS. IF THE CONTRACTOR DOES NOT FOLLOW THESE REQUIREMENTS AND THE WELL PROVES TO BE INSUFFICIENT, THE CONTRACTOR BEARS 100% OF THE RESPONSIBILITY AND COSTS TO CORRECT/MODIFY THE SYSTEM TO ACCOMMODATE THE EVENTUAL WATER SOURCE.
3. AFTER DRILLING THE WELL, CHECK THE WATER QUALITY TO ENSURE IT IS SUITABLE FOR LANDSCAPE PLANTINGS. USE THE SERVICES OF A REPUTABLE, LICENSED LABORATORY ONLY. WATER QUALITY TESTING MUST INCLUDE pH, CONDUCTIVITY, SODIUM, POTASSIUM, CALCIUM, MAGNESIUM, CARBONATE, BICARBONATE, CHLORIDE, PHOSPHOROUS, NITRATE NO3, SULFATE SO4, BORON, IRON, TOTAL DISSOLVED SOLIDS, SODIUM ABSORPTION RATIO, AND HARDNESS. IF THE WATER IS DETERMINED SUITABLE CONTINUE IRRIGATION INSTALLATION. IF THE WATER QUALITY IS UNSUITABLE, DO NOT PROCEED WITHOUT WRITTEN DIRECTION FROM THE OWNER/OWNER'S REPRESENTATIVE.
4. IF A HIGH IRON CONTENT (OR OTHER STAIN PRODUCING COMPOUND) IS DETECTED, ADVISE THE OWNER/OWNER'S REPRESENTATIVE. DO NOT PROCEED WITHOUT WRITTEN PERMISSION. IF A CHEMICAL INJECTION SYSTEM IS REQUIRED BY THE OWNER, IT MUST BE DIRECTED BY THE OWNER AND INSTALLED BY THE PUMP SYSTEM MANUFACTURER.
5. THE WELL CASING SHALL BE GALVANIZED STEEL PIPE (SIZED PER PLAN).
6. THE SET DEPTH OF THE SUBMERSIBLE RECHARGE PUMP CANNOT EXCEED 80'. THE SET DEPTH MUST ENSURE A MINIMUM OF 10' OF WATER OVER THE TOP OF THE PUMP/MOTOR AT MAXIMUM DRAWDOWN DURING PUMP OPERATION.
7. THE RECHARGE PUMP DROP PIPE SHALL BE 2" GALVANIZED STEEL PIPING WITH ROLLED GROOVED FITTINGS.
8. PRIOR TO INSTALLING ANY IRRIGATION SYSTEM COMPONENTS, THE CONTRACTOR SHALL OBTAIN A WATER SAMPLE FROM THE PROPOSED WATER SUPPLY, CONDUCT A PARTICLE SIZE AND COUNT ANALYSIS ON THE SAMPLE USING THE SERVICES OF A REPUTABLE LAB CERTIFIED IN SUCH ANALYSES. SUBMIT THE TEST RESULTS TO THE OWNER/OWNER'S REPRESENTATIVE FOR REVIEW AND APPROVAL. DO NOT PROCEED FURTHER WITH SYSTEM INSTALLATION UNTIL GIVEN WRITTEN APPROVAL TO DO SO. IF CONTRACTOR DOES NOT COMPLY WITH THIS REQUIREMENT, ANY COSTS TO MAKE THE IRRIGATION SYSTEM OPERATE AS REQUIRED (WHICH WOULD NOT HAVE BEEN INCURRED HAD THESE REQUIREMENTS BEEN COMPLIED WITH), WILL BE THE RESPONSIBILITY OF THE CONTRACTOR.
9. PUMP MANUFACTURER TO INSTALL SUCTION LINE(S)/DISCHARGE LINE(S).
10. PUMP MANUFACTURER TO ENSURE CANAL SCREEN IS PLACED AT END OF SUCTION LINE.
11. STATIC SUCTION LIFT FOR THE IRRIGATION PUMP STATION CAN NOT EXCEED 10'. IF THIS MAXIMUM IS EXCEEDED, DO NOT PROCEED WITHOUT WRITTEN PERMISSION FROM THE OWNER/OWNER'S REPRESENTATIVE.

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG

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Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/16/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | ⚠1 PER LANDSCAPE CHANGES |
| 8/17/16 | JJ | ⚠2 ADD PUMP STATION |

NORTH

SCALE: 1" = 200'

0 100' 200' 400'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JJ | Sheet |
| Manager | TM | **IR-1** |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |

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Masuen Consulting LLC
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33901 Hwy 441 North, #283
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Telephone (863) 528-1533
Fax (863) 528-1534


PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION


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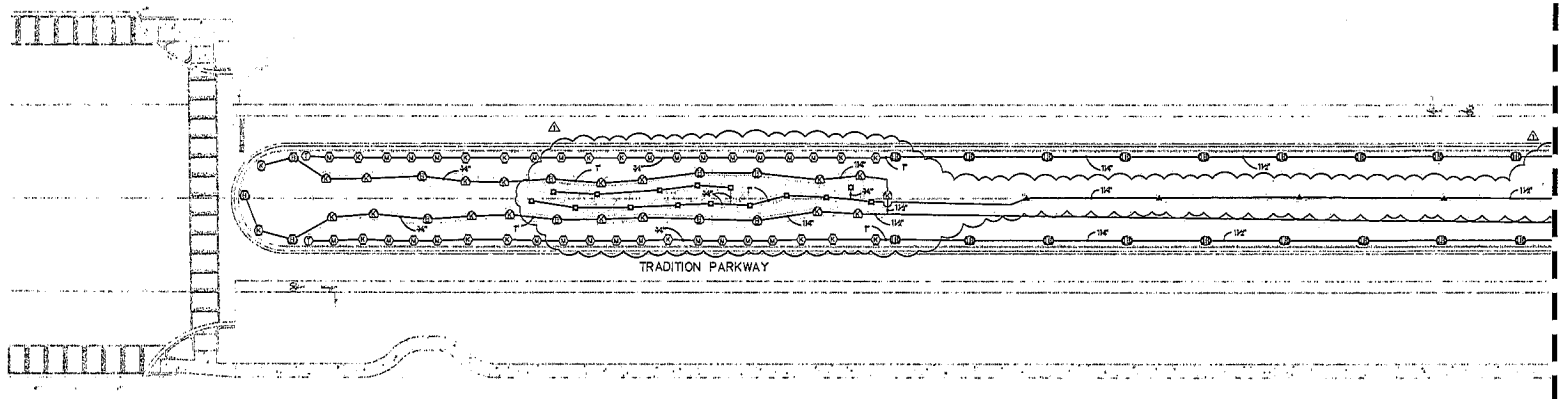


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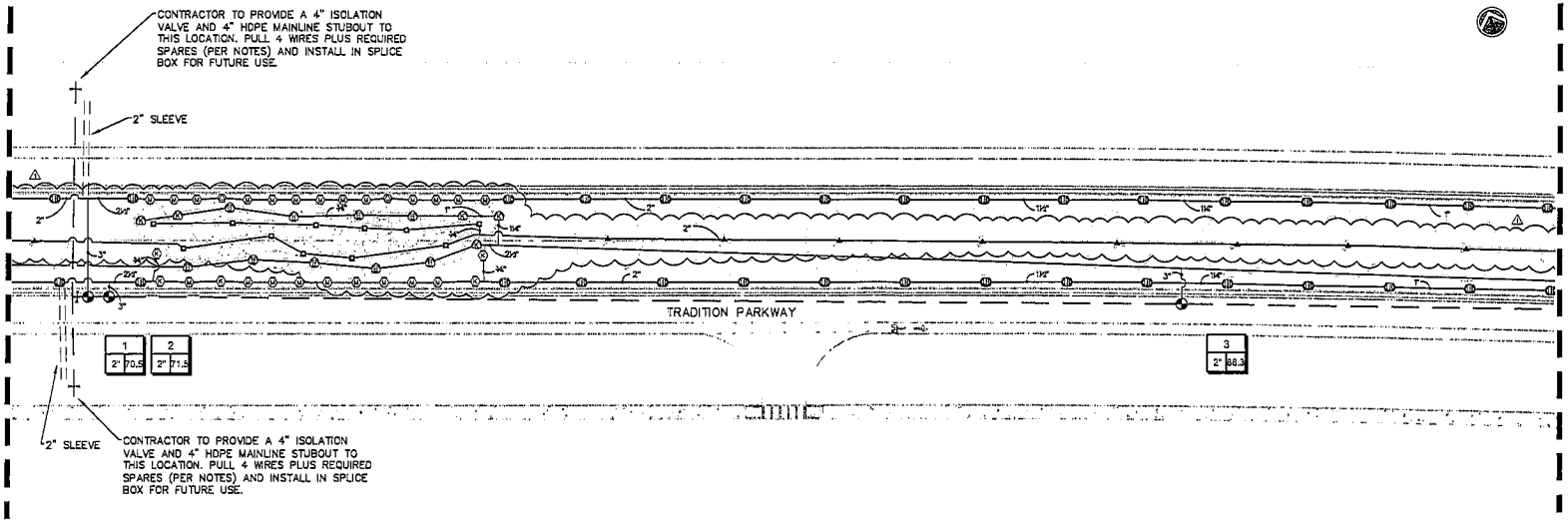


SEE MATCHLINE A ABOVE FOR CONTINUATION

SEE SHEET IR-3 FOR CONTINUATION

Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/16/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | 1 PER LANDSCAPE CHANGES |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | **IR-2** |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |


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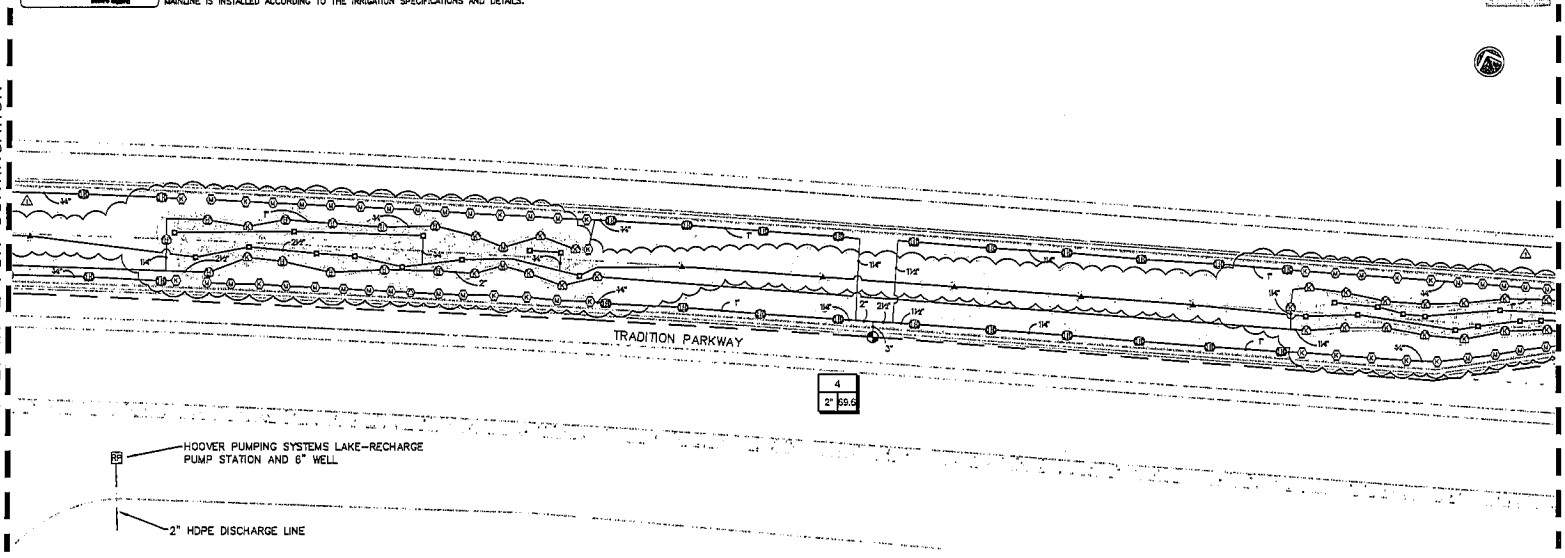
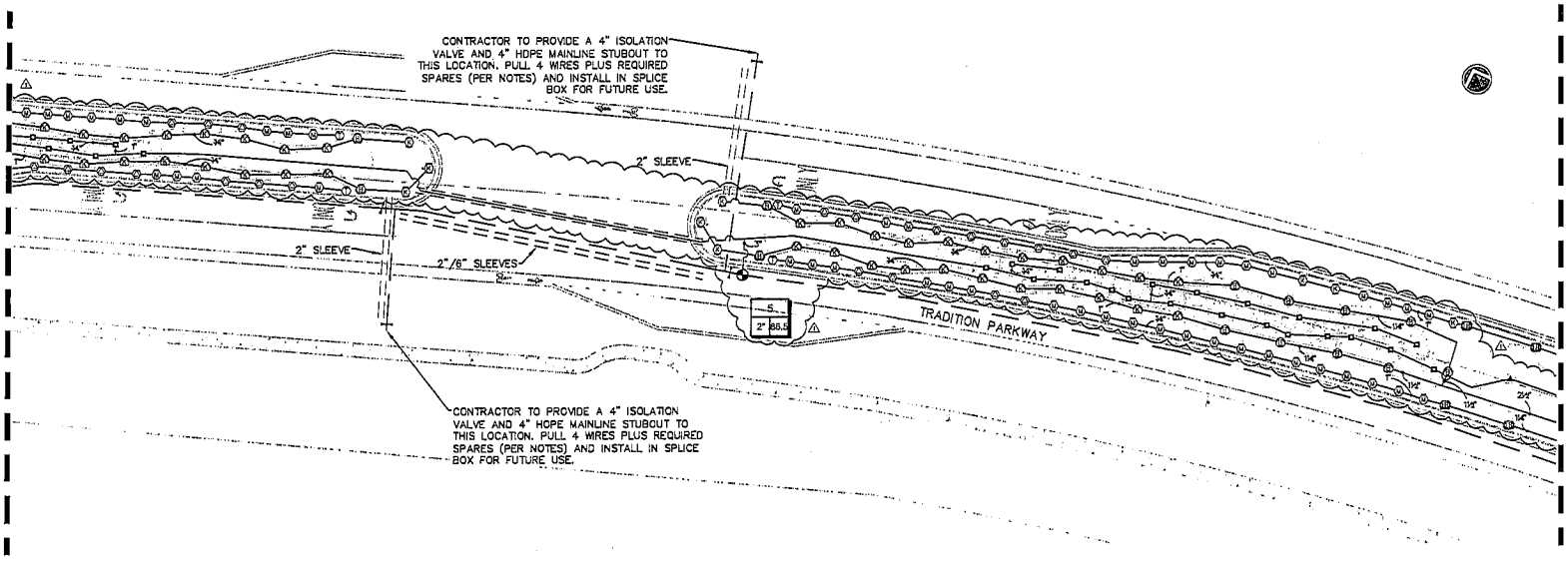



SEE MATCHLINE B BELOW FOR CONTINUATION

SEE MATCHLINE B ABOVE FOR CONTINUATION




SEE SHEET IR-4 FOR CONTINUATION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701 E Ocean Blvd., Stuart, Florida 34994 (772) 220-2100, Fax (772) 220-2240
100 Avenue A Suite 24, Fort Pierce, Florida 34950 (772) 461-1301, Fax (772) 461-1302
227 North Thornton Avenue, Orlando, Florida 32803 (407) 896-8421, Fax (407) 896-6744


Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/15/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | 1 PER LANDSCAPE CHANGES |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | IR-3 |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |

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PROJECT INCORPORATED AND PRODUCED IN TEXAS USA


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100 Avenue A Suite 2A, Fort Pierce, Florida 34950 (772) 467-4201, Fax (772) 461-1363
62 North Thompson Avenue, Orlando, Florida 32803 (407) 898-6521, Fax (407) 898-0744


Key / Location:

Project Team:

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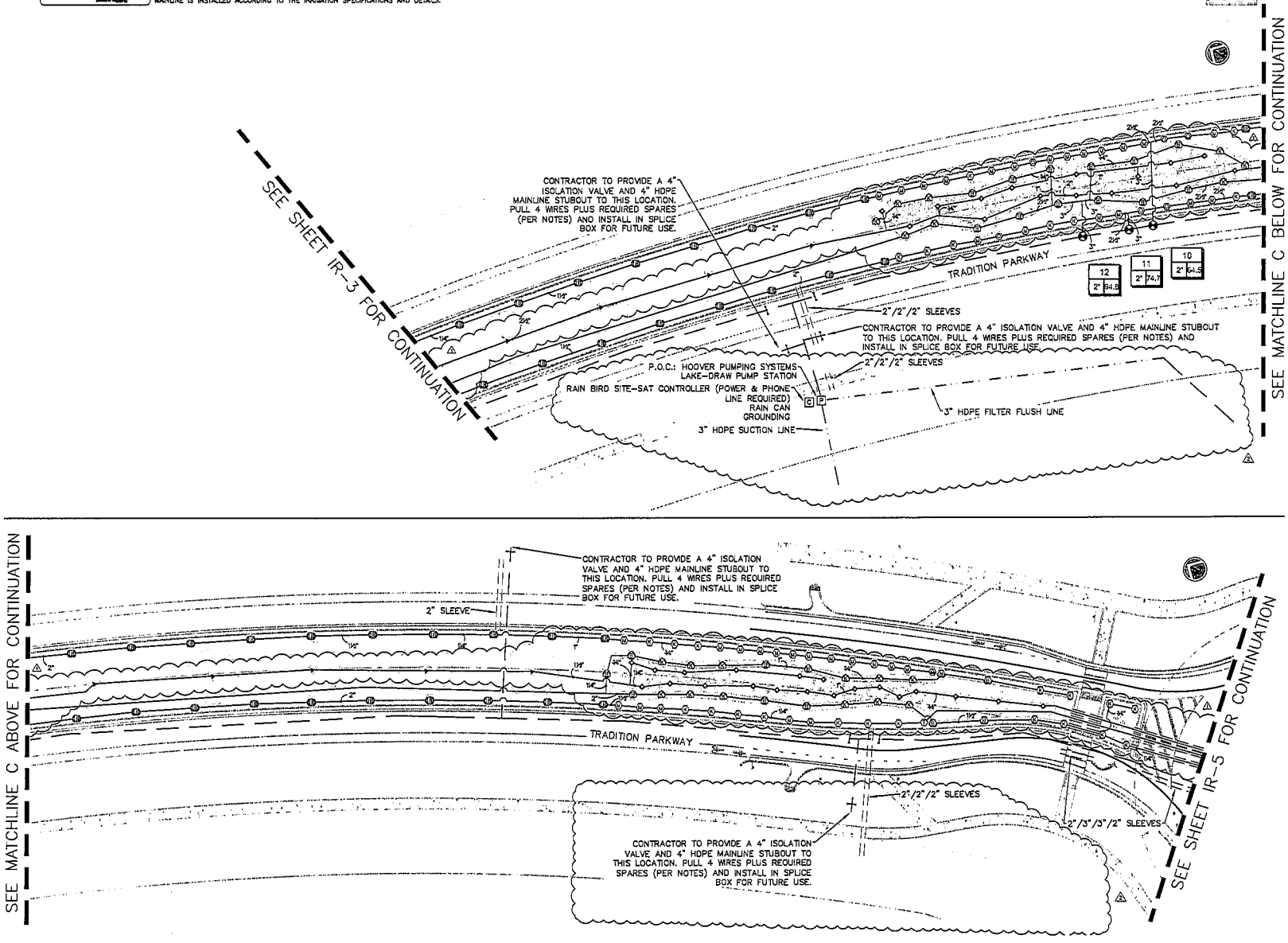


# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/18/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | 1 PER LANDSCAPE CHANGES |
| 8/17/16 | JJ | 2 ADD PUMP STATION |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | **IR-4** |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |


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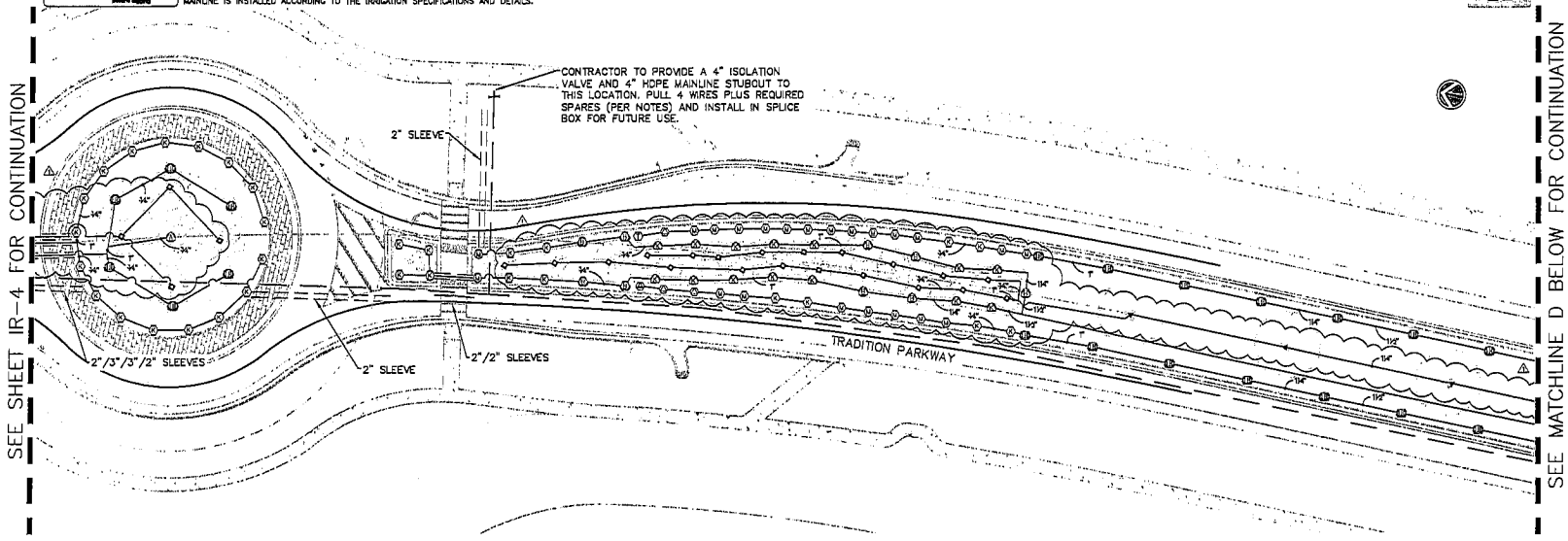


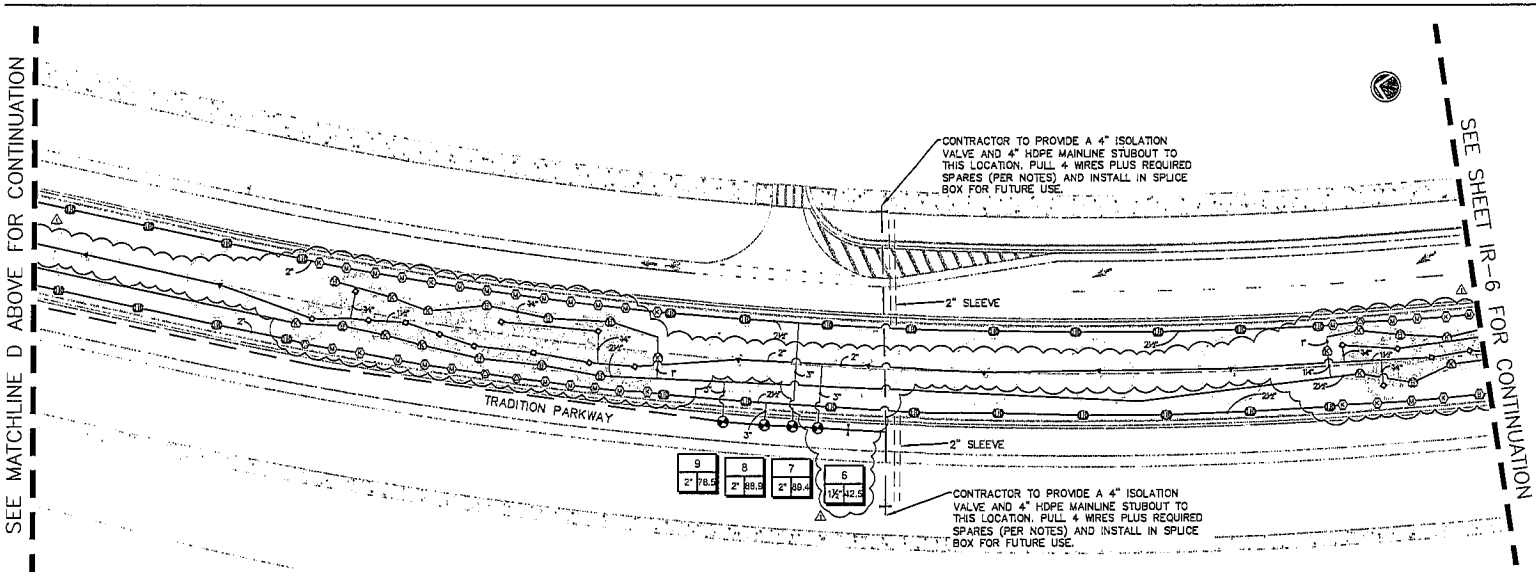


Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/16/16 | JJ | 100% C.D. |
| 7/2016 | JJ | 1\ PER LANDSCAPE CHANGES |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | **IR-5** |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |


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Masuen Consulting LLC
Water Resource Consultants
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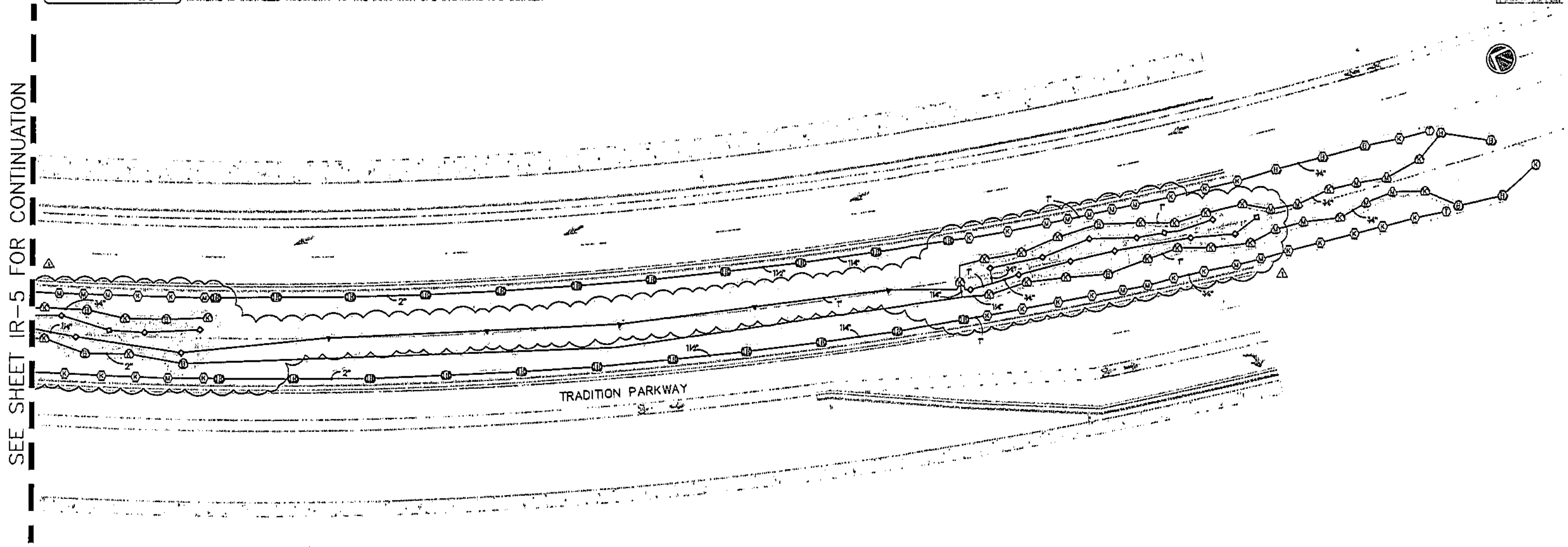


HDPE SPECIFICATIONS
PART 1: MATERIALS

1–1 PIPE:

A. Pipe shall be manufactured from a PE 4710 resin listed with the Plastic Pipe Institute (PPI) as TR–4. The resin material will meet the specifications of ASTM D3350–05 with a cell classification of PE 445474C. Pipe shall be manufactured to the dimensions and requirements of ASTM F714. Pipe shall be DR13.5 (161psi WPR) unless otherwise specified on the plans. The pipe shall contain no recycled compounds except that generated in the manufacturer's own plant from resin of the same specification from the same raw material. All HDPE pipe shall be in straight lengths. (2" HDPE pipe can be in coils if contractor straighten and re–rounds pipe with a Line Tamer Machine). The Pipe shall be supplied by ISCO Industries (800) 345–ISCO or equal.
B. The supplier of the HDPE pipe and fittings must comply with the following requirements:
1. The supplier must be capable of supplying both the pipe and fittings.
2. The supplier must be capable of manufacturing special fittings within It's own manufacturing facility.
3. The supplier must have the capability to train the contractor's employees in butt fusion, electrofusion and socket fusion of HDPE pipe and fittings.
4. The supplier must be capable of providing a 'Hot Line 'phone number to assist in fusion and fusion equipment questions.
5. The supplier must be capable of providing a trained representative on site upon the request of the contractor, owner or consultant to address any problems that are encountered during the installation.
6. The supplier must be capable to rent, sell and service fusion equipment.
7. The supplier must furnish a written 5 year limited Warranty for HDPE pipe and fittings Golf and Turf Irrigation Applications as provided by ISCO Industries, LLC.
8. Recommended supplier: ISCO Industries, LLC.

2–1 FITTINGS:

A. Butt Fusion Fittings – Fittings shall be PE4710 HDPE, Cell Classification of PE 445474C as determined by ASTM D3350–05. Butt Fusion Fittings shall have a manufacturing standard of ASTM D3261. Molded & fabricated fittings shall have the same pressure rating as the pipe unless otherwise specified on the plans. Fabricated fittings are to be manufactured using a Data Logger. Reference to the Data Logger Quality Control records should be referenced from an indented stamp in each fusion bead of each fitting. Temperature, fusion pressure and a graphic representation of the fusion cycle shall be part of the quality control records.

B. Flanged and Mechanical Joint Adapters – Flanged and Mechanical Joint Adapters shall be PE 4710 HDPE, Cell Classification of 445474C as determined by ASTM D3350–05. Flanged and Mechanical Joint Adapters shall have a manufacturing standard of ASTM D3261. Fittings shall have the same pressure rating as the pipe unless otherwise specified on the plans.

C. Main Line Isolation Valves shall be AVK SERIES 66 DUCTILE IRON with HDPE SDR fusible ends to connect to SDR 13.5 HDPE pipe as manufactured by AVR. They shall be PE4710 and have operating nut and be pipeline size.

D. All fused taps on HDPE pipe shall be made using Electrofusion branch saddles with IPS outlet. The pressure rating shall be equal to or greater than the pipe rating.

PART 3: EXECUTION

3–1 GENERAL:

A. Pipe and Fittings: Size as indicated on the plans. Install as shown in accordance with manufacturer's recommendations.

3–2 HAULING, UNLOADING and DISTRIBUTING PIPE: During loading, transporation and unloading, every precaution shall be taken to prevent injury to the pipe. No pipe shall be dropped from cars or trucks, or allowed to roll down slides without proper retaining ropes. During transportation each pipe shall rest on suitable pads, strips, skids or blocks securely wedged or tied in place. Any pipe damaged shall be replaced.

3–3 FUSION:

A. Sections of polyethylene pipe should be joined into continuous lengths on the jobsite above ground. The joining method shall be the butt fusion method and shall be performed in strict accordance with the pipe supplier's recommendations. The butt fusion equipment used in the joining procedures should be capable of meeting all conditions recommended by the pipe supplier, including, but not limited to, temperature requirements of 400 degrees Fahrenheit, alignment, and an interfacial fusion pressure of 75 PSI. The fusion equipment used shall be manufactured by McElroy Manufacturing, or equal. The butt fusion joining will produce a joint weld strength equal to or greater than the tensile strength of the pipe itself.

B. Electrofusion may be used where the butt fusion method cannot be used. Electrofusion couplings and fittings shall be PE4710 HDPE, Cell Classification of PE 445474C as determined by ASTM D3350–05. Electrofusion couplings or fittings shall have a manufacturing standard of ASTM F1055. Couplings and fittings shall have the same pressure rating as the pipe unless otherwise specified on the plans.

C. Mechanical connection of pipe shall be made by one of the following methods:
1. Flange, using HDPE flange adapter with ductile iron back up ring, and ISCO zinc–plated bolt pack.
2. Mechanical joint, using HDPE Mechanical Joint (MJ) adapter kit.
3. ISCO bell MJ adapter with kit (4"– 12")
4. Threaded connection; ISCO A/Br male threaded x HDPE transition fitting.

3–4 INSPECTION: Inspect the pipe for defects before installation and fusion. Defective, damaged or unsound pipe will be rejected.

3–5 TESTING: Pressure testing shall be conducted in accordance with ASTM F2164, Field Leak Testing of Polyethylene Pressure Piping Systems Using Hydrostatic Pressure. The HDPE pipe shall be filled with water, raised to test pressure and allowed to stabilize. The test pressure shall be 1.5 times the operating pressure at the lowest point in the system. In accordance with section 9.8, the pipe shall pass if the final pressure is with 5% of the test pressure for 1 hour. For safety reasons, hydrostatic testing only will be used.

Quality Control Testing ( On Site Bend Back Test )

Prior to HDPE pipe being installed in the trench, at the beginning of the job, the contractor shall cut out the first butt fusion of each pipe size. The contractor shall prepare the sample for the test in accordance with the 'Job Aid/ Bend Back Testing' procedure document prepared by ISCO Industries, LLC dated Oct. 28, 08 or as revised, and in accordance with ASTM D 2657. The samples shall be tested in the presence of the owner's representative and / or the irrigation consultant, all in accordance with testing procedures outlined in the ISCO document. All samples shall be labeled and saved. Testing must be done at 73 degrees F plus or minus 5 degrees. The test temperature and sample size are critical to testing.
The purpose of the test is to determine if a good weld was made. A pass means no failures during the bend back test. This means a good weld. A break means a bad weld. Any failure shall require additional testing.

Contractor Qualifications

The contractor shall have successfully installed high density polyethylene pipe in golf/turf irrigation projects. References will be required. These reference(s) must provide a satisfactory response or the experience will not be accepted.

If a contractor has not previously successfully installed HDPE pipe for golf/turf irrigation projects, he will be required to have a qualified fusion technician from the pipe supplier for a period of three to five day (at the expense of the contractor). The length of time required for HDPE pipe (fusion and mechanical) training shall be determined by the owner or his representative. The technician must have been trained and have fusion certification. The training must have been completed within the past twelve months. A designated person or persons will be trained by the technician. The training will include the following:
1. butt fusion
2. socket fusion
3. electrofusion
4. attachment of mechanical saddles.
5. If electrofused or side wall fusion is required, this training must also be complete while the technician is on site.

Contractor Equipment Qualifications

If the contractor owns butt fusion equipment, the equipment must be serviced prior to use for this project. The machine must be environmental friendly and satisfactory working order. The hydraulic system must be leak free. The pressure gage must be checked for accuracy and the thermometer checked.

If a butt fusion machine is rented, it must be rented from company that has a fusion machine service center or centers certified by the butt fusion machine manufacturer. The machine must arrive with certification that the pressure gage and heater thermometer were accurate when shipped.

ISCO HDPE Pipe 5 Year Limited Warranty for Golf and Turf Irrigation Applications

LIMITED WARRANTY: Seller warrants that, for a period of five years from the date of shipment for a Golf and Turf application, it will replace any section of ISCO HDPE pipe product that is defective in materials or workmanship, provided that Buyer, upon discovery of a defect, promptly notifies Seller of the defect and, as instructed by Seller at such time, either returns the product to Seller for inspection or allows Seller to inspect at the place of installation. If Seller determines the product to be defective, Seller will provide new product of the same specification and same quantity as the defective product and Seller will bear the expense of freight to deliver the replacement product to the jobsite for domestic projects, and to the closest USA port for foreign projects. Seller does not warrant the installation of product. Any defects introduced after the shipment of product by Seller, whether due to handling, installation or other cause, are not covered by this warranty. This warranty does not cover labor or other costs of installing products. Buyer's sole remedy for defective product shall be to receive replacement product as provided in this Limited Warranty.

CONTRACTOR'S WARRANTY

LIMITED WARRANTY: Contractor warrants that, for a period of five years from the date of installation, it will re–fuse or repair a fusion connection that is defective in workmanship, provided that Buyer, upon discovery of a defect, promptly notifies Contractor of the defect and, allows the Contractor to inspect at the place of installation. If it is determined the fused connection to be defective, Contractor will re–fuse or repair the connection at the jobsite. Contractor does not warrant the product itself, only the fused connection. This warranty does not cover labor or other costs, only the fused connection. Buyer's sole remedy for defective connection shall be to receive replacement fusion of the pipe or fitting as provided in this Limited Warranty.
Other than the above limited warranty, Contractor makes no warranty and expressly disclaims all other warranties, express or implied, including, but not limited to, the warranties of merchantability and fitness for a particular purpose. Contractor's liability arising out of or related to this contract or any product or service supplied by contractor (whether such liability is alleged as a breach of contract, breach of liability or otherwise) shall in no even exceed the original purchase price of the defective connection plus applicable freight costs actually paid by buyer. Contractor will not be liable for any consequential, incidental, special, indirect or punitive damages, loss of profits, loss of business opportunity or other loss even if contractor knew or should have known of the possibility of such damages or losses.

lucido & associates

Key / Location:

Project Team:

WCI–logo–dark–blue–TM.png

# Tradition Parkway

Irrigation Plan

| Date | By | Description |
|---|---|---|
| 2/16/18 | JJ | 100% C.D. |
| 7/20/18 | JJ | △ PER LANDSCAPE CHANGES |

NORTH

SCALE: 1" = 20'
0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | IR-6 |
| Project Number | 15-005 | |
| Municipal Number | --- | |
| Computer File | Tradition Parkway-IR.dwg | |

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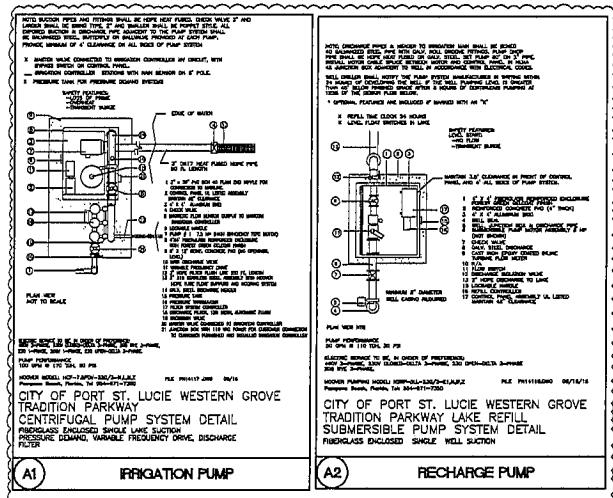
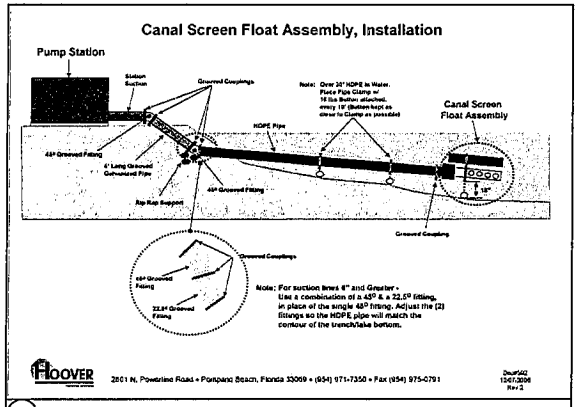
Key / Location:

Project Team:

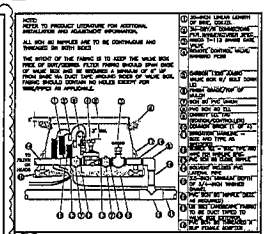



A1 IRRIGATION PUMP

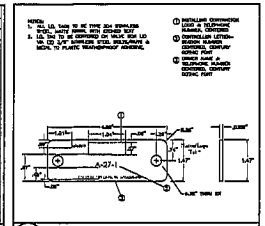
A2 RECHARGE PUMP



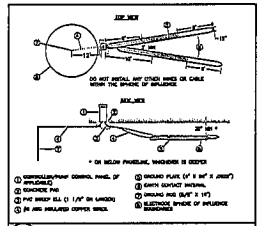

A3 PUMP INTAKE/ DISCHARGE SCHEMATIC



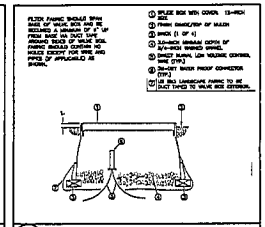
B RAIN BIRD RCV W/GATE VALVE



B VALVE BOX I.D. TAG



C GROUNDING DETAIL



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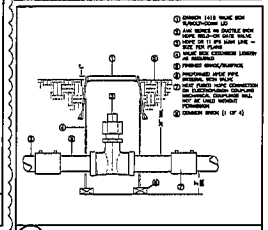
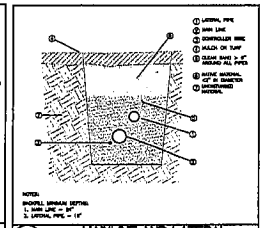
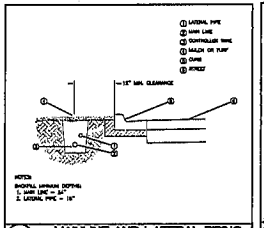


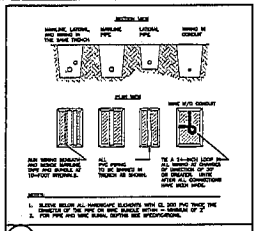
D AVK SERIES 66 GATE VALVE



L MAINLINE AND LATERAL BACKFILL DETAIL



L MAINLINE AND LATERAL PIPING DETAIL



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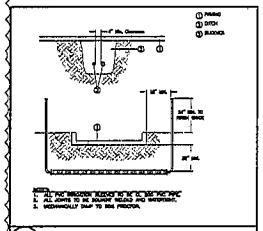
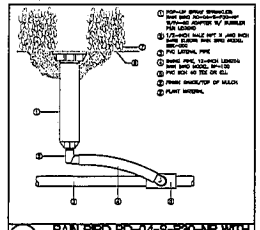
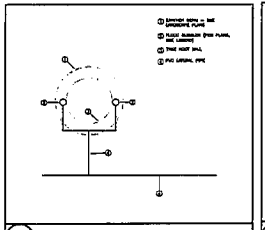


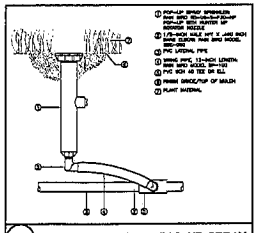
O SLEEVING



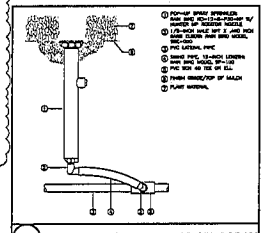
Q RAIN BIRD RD-04-S-P30-NP WITH 1401/1402 BUBBLER



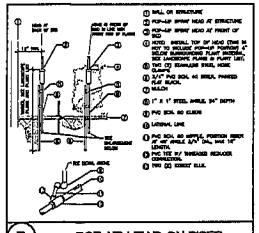
Q BUBBLER PLACEMENT



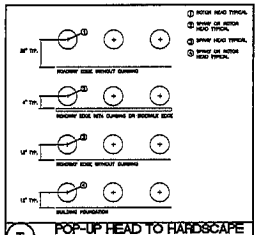
R RAIN BIRD RD-06-S-P30-NP SPRAY



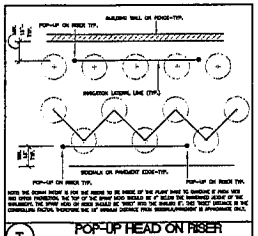
S RAIN BIRD RD-12-S-P30-NP SPRAY



T POP-UP HEAD ON RISER



T POP-UP HEAD TO HARDSCAPE LOCATION DETAIL-A



T POP-UP HEAD ON RISER LOCATION DETAIL-B

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# Tradition Parkway

Irrigation Details

| Date | By | Description |
|---|---|---|
| 2/16/16 | JJ | 100% C.D. |
| 9/17/15 | JJ | ADD PUMP STATION |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | **IR-7** |
| Project Number | 15-005 | |
| Municipal Number | -- | |
| Computer File | Tradition Parkway-IR.dwg | |

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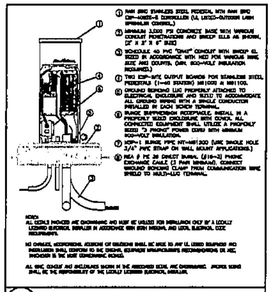
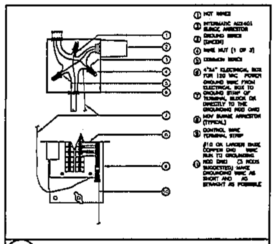
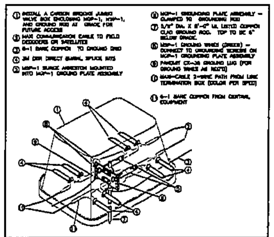


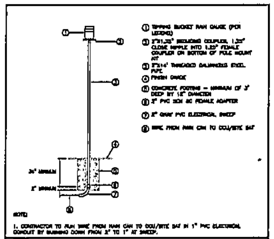
C1 ESP-40SITE-S CONTROLLER



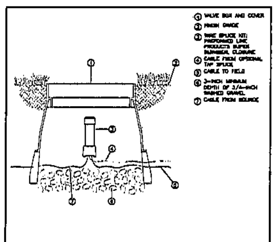
C 120 VOLT SURGE SUPPRESSION



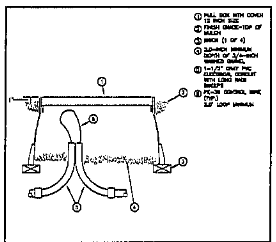
C MGP-1 GROUNDING PLATE WITH MSP-1 SURGE PIPES



I RAIN CAN



C PE-39 WIRE SPLICE



C PE-39 CONTROL WIRE PULL BOX

MAXICOM NOTES & SPECIFICATIONS

MAXICOM design based on Tradition Parkway Irrigation Design. Contractor shall refer to these plans to coordinate controller, flow sensors, wiring, etc. installation with the general contractor and any and all other affected trades. The system has been designed to conform with the requirements of all applicable codes. Should any conflict exist, the requirements of the codes shall prevail. It is the responsibility of the owner/installation contractor to insure the entire system is installed according to all applicable laws, rules, regulations and conventions.

THE WORK

The work specified in this section consists of furnishing, testing, and delivering all components necessary for a Rain Bird Maxicom2 central control system. This system shall fully comply with the current MAXICOM2 Installation manual, Maxicom plans, specifications, notes, details and all applicable laws, regulations, codes and ordinances. This work shall include, but not be limited to, the providing of all required material (Site SAT Controller, master valve, flow sensor, pulse transmitters, rain can, fittings, surge protection, grounding, wiring, etc. as required), layout, decoders, protection to the public, excavation, assembly, installation, back filling, compacting, repair of road surfaces, controller and low voltage feeds from valves to pump station, meters, etc., cleanup, maintenance, guarantee and as-built plans.

The system is designed to be a Rain Bird MAXICOM2 'two wire' system utilizing a 'phone accessed' CCU for communication between the site and the central monitoring computer. The contractor shall coordinate the installation and setup of this phone line. The fees associated with initial installation/connection and on going monthly fees will be paid by the City of Port St. Lucie.

Contractor shall verify all underground utilities 72 hours prior to commencement of work.

It is the responsibility of the installation contractor to familiarize himself with all grade differences, location of walls, retaining walls, structures and utilities. Do not willfully install any components, as shown on the drawings, when it is obvious in the field that unknown obstructions, grade differences or differences in the area dimensions exist that might not have been considered in the engineering. Such obstructions, or differences, should be brought to the attention of the owner's authorized representative. In the event this notification is not performed, the installation contractor shall assume full responsibility for any revisions necessary.

The installation contractor shall repair or replace all items damaged by his work. He shall coordinate his work with other contractors for the location and installation of wire sleeves through walls, under roadways and paving, etc.

The contractor shall take immediate steps to repair, replace, or restore all services to any utilities which are disrupted due to his operations. All costs involved in disruption of service and repairs due to negligence on the part of the contractor shall be his responsibility.

ELECTRICAL POWER SUPPLY

Electrical supply for the controller to be provided by installation contractor. Contractor to coordinate with local utilities for the installation of, and connection to, site available power supply's for required electrical components as set forth in the Maxicom plans.

All electrical to comply with the National Electrical Code and any, and all, other applicable electrical codes, laws and regulations.

WIRING

Irrigation control wire shall be thermoplastic solid copper, single conductor, low voltage irrigation controller wire; for direct burial and continuous operation at rated voltages.

Tape and bundle control wires every 10'. At all turns in direction make a 2' coil of wire. Make electrical connections with 3M-DBR connectors when connections are below grade and/or exposed to the weather.

Number all wires, using an electrical book of numbers, according to the plans. Number wires in all valve boxes, junction boxes and at the controller.

Wire sized, numbered and colored as follows for master valve control only:
#12 white for common
#12 spare black common
#12 red for hot wires
#12 spare yellow hot wire

MAXICOM2 'two wire' (for communication between flow meters/rain cans, controllers and the C.C.U.) shall be PE-39 'three pair' #19 wire installed in 1" PVC grey conduit using Carson 1419 valve boxes as 'pull boxes' set a maximum of 300' apart and at all changes in direction.

Controller grounding -- Contractor to utilize 4"X8'X5/8" copper grounding plates, 5/8"X10' copper clad grounding rods, 'one strike' CAD welds at all connection points, #6 insulated copper wire, and earth contact material. Install these and other required components as outlined in the details. Contractor to verify that the earth to ground resistance does not exceed 10 ohms. Contractor shall provide a written certification, on an electrical contractors letter head, showing the date of the test, controller location, and test results. Each controller, CCU, and weather station shall be tested.

EQUIPMENT

All equipment shall be as specified on the plans and required in the current MAXICOM2 installation manual. All components must be installed in a manner to ensure compliance with all Federal, state, and local laws, rules, regulations, etc.

LAYOUT

Location of components, as shown on the MAXICOM2 plans, is diagrammatic in nature. The exact location of installation for each component shall be field determined and must comply with the latest MAXICOM2 installation manual. No deviations from this manual are allowed without prior written approval from the owner or owners authorized representative.

Masuen Consulting LLC
Water Resource Consultants
33801 Hwy 441 North, #103
Okeechobee, FL 34651
Telephone (866) 828-1533
Fax (800) 828-1534

TRENCHING

Excavate straight and vertical trenches with smooth, flat or sloping bottoms. Trench width and depth should be sufficient to allow for the proper depth of coverage to provide adequate protection and comply with any and all laws, codes, regulations, etc. In no instance shall the Maxicom wire, control wires, etc. be installed with less than two (2) feet of coverage as measured from top of finished grade.

Protect existing landscaped areas. Remove and replant any damaged plant material upon job completion. The replacement material shall be of the same genus and species, and of the size of the material it is replacing. The final determination as to what needs to be replaced and the acceptability of the replacement material shall be solely up to the owner or owner's representative.

INSTALLATION

All major components are shown on the MAXICOM2 plans, notes, and details. However, all required components necessary to provide a fully functional Maxicom 2 system must be included and be in strict compliance with the current MAXICOM2 installation manual. The contractor should refer to this manual to ensure all required components, whether specifically identified in these plans or not, is included in their proposal and installation.

BACK FILL

Wiring shall be installed so the following minimum back fill depths are maintained:
24" for all wire whether installed in conduit or not.
36" for all wire installed in sleeving under roadways and walks.

Back fill shall be of suitable material free of rocks, stones, or other debris.

MAXICOM
The irrigation system shall be controlled by a Rain Bird Maxicom2 central control system. Contractor is responsible for providing a fully functional Maxicom2 system including all field components. No computer or monitoring software is included.

FINAL ACCEPTANCE

Final acceptance of the Maxicom2 control system will be given after the following documents and conditions have been completed and approved. Final payment will not be released until these conditions are satisfied.

1. Final walk-thru and correction of all punch list items.
2. Completion and acceptance of 'as-built' drawings.
3. Acceptable field demonstration of the entire Maxicom2 control system.
4. Written verification showing the grounding (earth to ground resistance) at the SITE-SAT is less than 10 ohms.

GUARANTEE: The Maxicom2 system shall be guaranteed for a minimum of one calendar year from the time of final acceptance.

CONTROL LEGEND FOR THE MAXICOM SYSTEM

1. CONNECT THE FLOW METER TO SENSOR PORT A
2. CONNECT THE ADJACENT RAIN CAN TO SENSOR PORT B
3. CONNECT THE MASTER VALVE TO MV1 CIRCUIT

lucido & associates

Key / Location:

Project Team:

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# Tradition Parkway

Irrigation Maxicom Details

| Date | By | Description |
|---|---|---|
| 2/16/18 | JJ | 100% C.D. |

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1016
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | IR-8 |
| Project Number | 15-005 | |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |

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CITY OF PORT ST. LUCIE WESTERN GROVE
TRADITION PARKWAY

SPECIFICATIONS

SINGLE CENTRIFUGAL PUMP SYSTEM
FIBERGLASS ENCLOSED PRESSURE DEMAND VFD

PURPOSE:
To provide a complete prefabricated variable frequency drive skid mounted fiberglass enclosed pressure demand centrifugal pump system from a sole source company, herein after referred to as the 'manufacturer', whose primary business is the manufacture of prefabricated pump systems. The manufacturer will manufacture, flow test, install and warrant the system to meet all specified operating requirements described below and in the system detail. The system shall be a Model HCF-7.5PDV-230/3-H,LM,Z as manufactured by Hoover Pumping Systems of Pompano Beach, Florida USA 954-971-7350 specified below and shown on the plan details. This specification describes the general components and minimal operating requirements and shall not be construed as a manufacturing guide or complete list of required system components and appurtenances.

The contractor shall submit seven (7) complete copies of the shop drawings to the designer for approval, prior to system order placement. The submittal shall contain cut sheets for all system components. To be considered an equal, the contractor must submit the following 12 days prior to bid opening: manufacturer brochure showing prefabricated pump systems manufacturing is the primary business of the manufacturer or division proposed to manufacture the system, written specifications, dimensioned layout detail, electrical schematic, product sheets for all main components, Underwriters Laboratory electrical control panel and 'Packaged Pumping System' manufacturer's file numbers, list of 6 projects with similar operating systems with current name and phone number of person responsible for system operation, manufacturer's insurance certificate for general liability showing minimum coverage of $1 million, and written certification from the manufacturer stating the proposed system meets all requirements described in this specification, the detail and the bid documents.

If the data submitted is determined to be an equal by the designer the bidder will be notified prior to the bid date.

FIBERGLASS ENCLOSURE:
The pump station shall be protected by a fiberglass enclosure with chemical and ultraviolet resistant open mold resin with exterior finish that is uniform in color and texture, reinforced with fiberglass and stiffeners for rigidity. The enclosure shall open clear of the equipment for ease of service with the aid of gas filled struts, a stainless steel hinge and latching lockable hands. The enclosure shall be of dimensions adequate to contain the pump system mounted on the skid as shown on the system detail.

MOUNTING ASSEMBLY:
The pump station shall be mounted on a prefabricated aluminum or hot dipped galvanized skid. Pedestals shall be provided to mount the pump motor and control panel assemblies. The entire station shall be installed on a reinforced concrete slab sized as noted on the system detail.

PUMP AND MOTOR:
The pump shall be a centrifugal type pump with flanged suction and discharge connections (threaded connections are not acceptable). A thermal sensor for pump overheat protection shall be mounted into the pump volute.

The motor specifications shall include:
--- NEMA Premium Efficiency
--- Inverter Rated (MG1 Part 31)
--- Tropicalized Windings
--- VPI Impregnated
--- EISA Compliant
--- Totally Enclosed Fan Cooled (TEFC) (IP55). Open Drip Proof (ODP) motors are not acceptable.
--- UL 1004 Approved
--- 1.25 Service Factor

The main motor shall be rated at 7.5 HP at 60 Hz.

PUMP STATION PERFORMANCE:
The required pump performance with a maximum of 12 ft. of suction lift is as follows: a) Discharge pressure of 80 psi b) maximum required flow of 100 GPM, and c) minimum required flow of 25 GPM.

IRRIGATION PUMP CONTROL PANEL:
The control panel assembly shall be Underwriters Laboratories listed in accordance with section 508A for 'enclosed industrial control panels.' All control devices and electronic auto-sensory circuitry shall be housed in a self-contained weather-resistant NEMA 4 control cabinet. The control panel shall be identified with a permanent label approved by Underwriters Laboratories Inc. containing the word 'LISTED', the name and / or symbol of Underwriters Laboratories Inc., a control number and the product name 'Enclosed Industrial Control Panel'. An electrical schematic shall be permanently mounted inside the cabinet. The control cabinet shall contain the following protection and control equipment:

Operation
This station operates as a Variable Frequency Drive (VFD) pressure demand start, reduced-flow retirement system. The station automatically maintains a constant discharge pressure from a pressure transducer input regardless of varying flow demands within the station operating range. The system is equipped with a 'Hand-Off-Auto' (H-O-A) selector switch, and a 'Reset-Normal-Override' selector switch. The self-diagnostic control panel assembly includes an 'Alarm' indicator light, and an operator interface for display of status and diagnostic messages, event lists, and operation history. The operator interface also allows for viewing of system setup parameters.

Hoover-Flow Software features include flow control of pump starts, sequencing and retirement; automatic pump alternation; Loss of Prime/No-flow protection, High Pressure protection, Pump Overheat protection; diagnostic information, flow and pressure history, service counters, elapsed run time meters, date and time stamping; Phase Loss protection, Phase Unbalance protection, Voltage monitoring and protection, operating mode meters, Service required alerts; Remote Communication Link Interface; Hoover Drive control; emergency bypass operation, cooling system control, self-cleaning intake screen control; Booster bypass control; fail-safe data protection.

Pressure Demand
The main pump starts when the mainline pressure drops below the setting of the start pressure switch.

No-flow Retirement
The pump shuts off if water stops flowing for 15 seconds.

Loss of Prime Protection
If the system pressure remains below the start pressure, and there is no flow of water through the system during pump operation for 45 seconds, the pump will shut off and the 'Loss of Prime' light will turn on. The system will remain off until 'Reset'.

Thermal Protection
If the temperature at the pump volute exceeds 43C after at least 3 minutes of pump operation, the pump will shut off, and the 'Pump Overheat' light will turn on. The system will remain off until 'Reset'.

Drive Fault
In case of a drive fault, including under or over voltage, over current, heat sink thermal, and ground fault, the affected pump will shut off, the 'Alarm' light will illuminate, and the operator interface will display 'Drive Fault'. The pump will remain off until the system is 'Reset'.

Hand - Off - Auto Switch
The pump is equipped with an H-O-A selector switch that operates as follows:

| Position | Function |
|---|---|
| Hand - | Manual pump start. This position overrides all protective features and start controls. |
| Off - | Pump will not run. |
| Auto - | Pump will start automatically. In this position, all start controls and protective features are active. |

Operator Interface
A NEMA 4X HMI (Human Machine Interface) shall be provided with status display and control of operating mode, I/O status, system pressure, system flow, pressure and flow setpoints, elapsed run times, fault timer values and presets, display brightness, clock time, alarm and event logs with date and time stamps, and diagnostic information including counters and alarm indicators.

Protection Equipment
- Front operated main power disconnect
- Motor fuses for motor and drive short circuit and ground fault protection
- Metal oxide varistors (MOV) for transient voltage suppression per phase
- Fused control circuitry with blown fuse lighted indicator for each circuit

Specification
Electric service to be, in order of preference:
460V 3-Phase (A, B, C, Ground)
230V Closed-Delta 3-Phase (A, B, C, Neutral, Ground)
208V Wye 3-Phase (A, B, C, Neutral, Ground)
230V 1-Phase (A, B, Neutral, Ground)
208V 1-Phase (A, B, Neutral, Ground)
230V Open-Delta 3-Phase (A, B, C, Neutral, Ground).
Selection of 230V Open-Delta 3-Phase may require an increase in electrical equipment size to meet desired performance criteria.

PENETRATION STANDARD REQUIREMENTS:
All control panel penetrations shall be performed by a licensed electrician to minimum NEMA 4X requirements, and compliant with International Electro technical Commissions (IEC) IP58 rating under its IP code, to protect against duct ingression and against any harmful effects from water projected in powerful jets from any direction and protection against corrosion.

VARIABLE FREQUENCY DRIVES (VFD):
The pump motor is controlled by an individual dedicated Variable Frequency Drive (VFD) that is environmentally sealed against water, insects and dust infiltration. The VFD is properly sized to match pump, motor, and site power requirements.

The Variable Frequency Drive provided for the pump motor shall have the following characteristics:
Variable Frequency Drive with the following characteristics shall be provided for the pump motor: 32-bit microprocessor controlled Pulse Width Modulated output, IGBT transistors, line reactors, built-in adjustable PID control, and acceleration ramp up and down, single pump VFD systems 25 hp or less NEMA 12 or NEMA 4 VFD with forced-air cooling over heat-sink (outside airflow over electronics not acceptable). All other VFD system cooling is by industrial air conditioner. Variable torque control, 32 character alphanumeric English full text parameter display, single function keys, block parameter access, dual analog outputs, automatic and manual reset, opto-isolated outputs, log of last 30 events retained in memory.

MASTER VALVE:
The valve shall be 230 psi working pressure with the following features:
- Continuous duty industrial solenoid
- Large capacity disk filter on pilot control tubing
- 220 psi polyethylene control tubing with prest-o-lock fittings
- Cast iron body and bonnet with polymer coating
- 316 Stainless steel nuts, bolts, washers, shaft and spring
- Stainless steel seat

For irrigation controller use, the solenoid shall be energized to open, the valve wires will be stubbed into a NEMA 4X junction box on the back of the pump system for connection to the controller by the irrigation contractor.

Magnetic Flow Meter/Master Valve converter Assembly:
magnetic converter to Rain Bird Maxicom controller for signal assembly.

MAGNETIC FLOW METER:
A full-bore magnetic flow sensor shall be provided to control pump retirement and allow display of flow rate and total flow (insertion type flow meters are not acceptable). The flow sensor shall have the following characteristics: no moving parts, unobstructed bore (no pressure loss), NEMA 5/IP 67 protection, international standard traceable calibration, stainless steel 1,4301 flow tube, 316 stainless steel electrodes, overall system accuracy for flows 1.5 fps of better than +/- 0.5% of actual rate, and for flows <1.5 fps of better than +/- 0.32/v [fps] % of actual rate.

PRESSURE TRANSMITTER:
A 4-20mA-pressure transmitter shall provide a feedback signal to drive PID loops and for system pressure control. The transmitter shall be CE & UL recognized and built with an all stainless steel housing and pressure port, rated to NEMA 4, and able to withstand shock and vibration levels to MIL-STD-810E.

DISCHARGE PIPE MANIFOLD:
The pipe discharge manifold shall be constructed of galvanized steel pipe with galvanized roll groove fittings. A wafer type butterfly valve will be provided on headers 3" or greater and bronze ball valve on smaller headers at the pump station discharge. A hydro pneumatic pressure tank with isolation valve will be installed on the pump system skid inside the enclosure connected to the discharge header.

SELF-CLEANING DISCHARGE FILTER:
All pump discharge water will flow through the 110 psi working pressure, 120 mesh disc filter assembly, and discharge into the irrigation main. The filter housing and disk assembly is non-corrosive. The disk assembly is readily accessed without tools. The discs shall provide a minimum 5/16" depth filtration. Screen or fabric type filters are not acceptable. Inlet and outlet solenoid actuated valves allow the filter to backflush via the controller with adjustable range pressure differential and/or adjustable timer. The backflush is done without the introduction of compressed air or use of electric motors or gears. During the backflush mode one filter battery is cleaned with filtered water and the remaining filter battery continues to supply clean water for the irrigation system. The filter discs will separate during the backflush cycle for optimal cleaning.

SUCTION LINE:
The minimum size suction line shall be 3" diameter or larger as required for a maximum of 5 feet per second velocity flow. If a reducing fitting is required at the pump suction, an eccentric reducer shall be installed. Any above ground pipe at the pump system exposed to sunlight shall be schedule 40 galvanized steel with galvanized roll groove fittings. Suction pipe and fittings shall be HDPE DR17 heat fused (PVC is not acceptable).

Lake Source: Suction screen assembly shall be 316 stainless steel 10 meshes, supported 18" off the lake/canal bottom with a cast iron roll groove swing check valve and have a minimum of 4' water cover. The suction pipe from the screen assembly to the pump station shall be high density polyethylene HDPE piping.

DISCHARGE LINE:
The discharge pipe shall be schedule 40 galvanized steel with galvanized roll groove fittings terminating with a 30" length schedule 40 PVC nipple with chamfered end for tie-in to the irrigation main. The steel 90 fitting shall be thrust blocked so no movement of the fitting will occur.

SYSTEM CONTROL POWER SUPPLY PROTECTION: Combination UL listed power supply and 24 VDC industrial uninterruptible power supply (UPS), includes:
- minimum 1.3 Amp-hour rechargeable 24 VDC battery to power control electronics and modem
- signaling for charging process, operational readiness, buffer mode, and alarm messages
- temperature-compensated charging protection for battery module at high ambient temperatures
- residual ripple < 50 mVpp
- operating temperature -25°C to 70°C
- electronic protection against short-circuit and reverse feed
- integrated timeout

WARRANTIES:
Prior to shipping, the manufacturer shall flow test the system and submit a certified report to the designer stating the system is within 1% + or - of the specified flow rate and pressure, and meets the operational requirements.

The manufacturer of the pumping station shall warrant all components for a period of one (1) year from date of manufacture. PN14117

City of Port St. Lucie Western Grove
Tradition Parkway Lake Refill

SPECIFICATIONS

SINGLE SUBMERSIBLE PUMP SYSTEM
FIBERGLASS ENCLOSED LEVEL START

PURPOSE:
To provide a complete prefabricated skid mounted fiberglass enclosed submersible level start pump system from a sole source company, herein after referred to as the 'manufacturer', whose primary business is the manufacture of prefabricated pump systems. The manufacturer will manufacture, install and warrant the system to meet all specified operating requirements described below and in the system detail. The system shall be a Model HSF-5LL-230/3-E1,M,W,Z as manufactured by Hoover Pumping Systems of Pompano Beach, Florida USA 954-971-7350 specified below and shown on the plan details. This specification describes the general components and minimal operating requirements and shall not be construed as a manufacturing guide or complete list of required system components and appurtenances.

The contractor shall submit seven (7) complete copies of the shop drawings to the designer for approval, prior to system order placement. The submittal shall contain cut sheets for all system components. To be considered an equal, 12 days prior to bid opening the contractor must submit the following: manufacturer brochure showing prefabricated pump systems manufacturing is the primary business of the manufacturer or division proposed to manufacture the system, written specifications, dimensioned layout detail, electrical schematic, product sheets for all main components, Underwriters Laboratory electrical control panel and 'Packaged Pumping System' manufacturer's file numbers, list of 6 projects with similar operating systems with current name and phone number of person responsible for system operation, manufacturer's insurance certificate for general liability showing minimum coverage of $1 million, and written certification from the manufacturer stating the proposed system meets all requirements described in this specification, the detail and the bid documents.

If the data submitted is determined to be an equal by the designer the bidder will be notified prior to the bid date.

FIBERGLASS ENCLOSURE:
The pump station shall be protected by a fiberglass enclosure, with chemical grade ultraviolet resistant open mold resin with exterior finish that is uniform in color and texture, reinforced with fiberglass. The enclosure shall open clear of the station for ease of service and have a stainless steel hinge gas filled support rams and latching lockable handle. The enclosure shall be of dimensions adequate to contain the entire pump station including the discharge header and controls.

PUMP AND MOTOR:
The pump shall include a grinder unit with a submersible type motor rated at 5 HP, voltage and phase to match site electric, 60 Hz. The pump system shall be designed for operation at 3450 RPM.

Submersible Pump 4": The pump will have acetal impellers with polycarbonate diffusers, stainless steel pump shell, shaft, and coupling, with polypropylene intake screen.

The motor shall be a submersible type designed for continuous underwater operation and with a combination of a maximum water temperature and minimum velocity past the motor, such that the service factor shall be 1.15 minimum. The motor shall be of the water-filled type and fitted with a segmented plate type thrust bearing. A stainless steel cable guard for the entire bowl length shall protect the motor leads. The motor rating shall be selected so that the load at design is not greater than the name plate rating at 1.0 service factor and at no point on the curve shall the load exceed the name plate rating plus 10 percent.

The power cable shall be sized such that the voltage drop will not exceed three percent at the motor rated full load current and voltage. Cables shall be designed specifically for submersible pump service and shall consist of either individually insulated conductors or individual conductors insulated and the whole covered with an outer jacket.

PUMP STATION PERFORMANCE:
The required pump performance shall be as noted on the pump system detail.

PUMP CONTROL PANEL:
The control panel assembly shall be Underwriters Laboratories listed in accordance with section 508A for 'enclosed industrial control panels.' All control devices and electronic auto-sensory circuitry shall be housed in a self-contained weather-resistant NEMA 4 or 4X control cabinet. An electrical schematic shall be permanently mounted inside the cabinet. The control cabinet shall contain the following protection and control equipment:

Operation
The station operates as a level start, level retirement system with clock override. System features include Low Pressure and No Flow protection. The system is equipped with 'No Flow' indicator light, and a 'Hand-Off/Reset-Auto' (H-O-A) selector switch. The self-diagnostic control panel assembly includes LED status indicator lights for power failure, no flow, and pump run. Pump level start relay and auxiliary contacts are also provided.

Level Start
The pump starts when the water level is below the level switch and the time clock is in the on position.

No Flow Protection
If no flow is detected for 60 seconds during pump operation, the pump will shut off and the 'No Flow' light will turn on. The pump will remain off and the 'No Flow' light will remain on until manually reset with the H-O-A selector switch.

Hand - Off / Reset - Auto Switch
The station is equipped with an H-O-A selector switch, which operates as follows:

| Position | Function |
|---|---|
| Hand - | Manual pump start. This position overrides all protective features and start controls. |
| Off / Reset- | Pump will not run. This position resets all alarms. |
| Auto - | Pump will start automatically. In this position, all start controls and protective features are active. |

Protection Equipment
- Front operated main power disconnect
- Time delayed motor starter fuses for motor short circuit protection
- Full voltage class 10 IEC motor starter
- Metal oxide varistors (MOV) for transient voltage suppression per phase
- Fused control circuitry with blown fuse lighted indicator for each circuit

Specification
Electric service to be, in order of preference:
460V 3-Phase (A, B, C, Ground)
230V Closed-Delta 3-Phase (A, B, C, Neutral, Ground)
208V Wye 3-Phase (A, B, C, Neutral, Ground)
230V Open-Delta 3-Phase (A, B, C, Neutral, Ground).
230V 1-Phase (A, B, Neutral, Ground)
208V 1-Phase (A, B, Neutral, Ground)
Selection of 230V Open-Delta 3-Phase may require an increase in electrical equipment size to meet desired performance criteria.

PENETRATION STANDARD REQUIREMENTS:
All control panel penetrations shall be performed by a licensed electrician to minimum NEMA 4X requirements, and compliant with International Electrotechnical Commissions (IEC) IP58 rating under its IP code, to protect against dust ingression and against any harmful effects from water projected in powerful jets from any direction and protection against corrosion.

FLOWMETER INLINE TURBINE:
The flowmeter shall provide total and rate display with plus or minus 2% accuracy within its rated flow range at 14 to 228 psi. Reed switch provides pulse output. Body is constructed of cast iron with baked powder coating.

DISCHARGE PIPE MANIFOLD:
The pipe discharge manifold shall be constructed of galvanized steel pipe with galvanized roll groove fittings. A flow-switch, pressure gauge and hosebib will be provided on the station discharge. A wafer type butterfly valve or bronze ballvalve will be provided at pump station discharge.

PUMP DISCHARGE:
The minimum pump discharge size shall be 2" diameter or larger as required for a maximum of 15 feet per second velocity flow. The pipe shall be schedule 40 galvanized steel with galvanized roll groove or threaded fittings. Each discharge shall have a bronze poppet check valve for lines smaller than 3" and cast iron roll groove swing check valve for larger sizes located as shown on the system detail.

LEVEL CONTROL:
Two level float switches shall be mounted on a pole in the water source integrated into the pump system controls to start the pump. One switch will be set for high level start and the other to retire the pump once the desired level has been achieved. Submersible cable shall run from the switches to a NEMA 4X junction box on the lake bank. Four twelve gauge THHN copper wires shall be placed in UL listed conduit from the junction box to the pump system control panel. Use waterproof UL listed connectors in the junction box. The mounting assembly shall be set in accordance with the plan details.

REFILL CONTROLLER:
A 24 hour 7 day model time clock shall be mounted on the pump system. The time clock shall allow a window to be set when the refill pump may operate if the level control is at the water level.

WARRANTIES:
The manufacturer of the pumping station shall warrant all components for a period of one (1) year from date of manufacture.

Revised PN14118

△2

Masuen Consulting LLC
Water Resource Consultants
32801 Hwy 441 North, #213
Okeechobee, FL 34951
Telephone (866) 938-1533
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100 Avenue A Suite 3A, Fort Pierce, Florida 34950 (772) 467-1351 Fax (772) 467-1323
827 North Thornton Avenue, Orlando, Florida 32803 (407) 894-9511 Fax (407) 894-9700

Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

Tradition
Parkway

Irrigation Pump Notes

| Date | By | Description |
|---|---|---|
| 2/16/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | △1 PER LANDSCAPE CHANGES |
| 8/17/16 | JJ | △2 ADD PUMP STATION |

NORTH

SCALE: 1" = 20'
0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | | |
|---|---|---|
| Designer | JMJ | Sheet |
| Manager | TKM | |
| Project Number | 15-005 | IR-9 |
| Municipal Number | — | |
| Computer File | Tradition Parkway-IR.dwg | |

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IRRIGATION NOTES & SPECIFICATIONS

Irrigation design based on the Lucido & Associates Landscape Plan received 2/5/16 with the latest revision dated 5/16/16. Contractor shall refer to these plans to coordinate sprinkler and pipe locations.

The system has been designed to conform with the requirements of all applicable codes, laws, ordinances, rules, regulations and conventions. Should any conflict exist, the requirements of the codes shall prevail. It is the responsibility of the owner/installation contractor to ensure the entire system is installed as designed. Irrigation contractor responsible for obtaining all required permits according to federal, state and local laws.

The scope of work is shown on the plans, notes and details. The Irrigation Contractor shall be certified as a CERTIFIED IRRIGATION CONTRACTOR by the Irrigation Association. The certification shall be current and in good standing.

THE WORK

The work specified in this section consists of furnishing all components necessary for the installation, testing, and delivery of a complete, fully functional automatic landscape irrigation system that complies with the irrigation plans, specifications, notes, and details. This work shall include, but not be limited to, the providing of all required material if applicable (pump(s), backflows, pipes, valves, fittings, controllers, wire, primer, glue, etc.), layout, protection to the public, excavation, assembly, installation, back filling, compacting, repair of road surfaces, controller and low voltage feeds to valves, cleanup, maintenance, guarantee and as-built plans.

All irrigated areas shall provide 100% head-to-head coverage from a fully automatic irrigation system with a rain/freeze shut off device. If the shut off device is a rain sensor, it shall be installed to prevent activation by adjacent heads and in a visually un-obtrusive location approved by owner. Zones are prioritized first by public safety and then by hydraulic concerns. This sequencing will be a mandatory punch list item.

These plans have been designed to satisfy/exceed the Florida Building Code (FBC) Appendix F and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems, fourth edition. All products should be installed per manufacturer's recommendation. Contractor shall verify all underground utilities 72 hours prior to commencement of work.

It is the responsibility of the irrigation contractor to familiarize themselves with all grade differences, location of walls, retaining walls, structures and utilities. Do not willfully install the sprinkler system as shown on the drawings when it is obvious in the field that unknown obstruction, grade differences or differences in the area dimensions exist that might not have been considered in the engineering. Such obstructions, or differences, should be brought to the attention of the owner's authorized representative. In the event this notification is not performed, the irrigation contractor shall assume full responsibility for any revisions necessary.

Irrigation contractor shall repair or replace all items damaged by their work. Irrigation contractor shall coordinate their work with other contractors for the location and installation of pipe sleeves and laterals through walls, under roadways and paving, etc.

The contractor shall take immediate steps to repair, replace, or restore all services to any utilities which are disrupted due to their operations. All costs involved in disruption of service and repairs due to negligence on the part of the contractor shall be their responsibility.

POINT OF CONNECTION (P.O.C.)

The P.O.C. is a new Hoover Pumping Systems 7.5HP Irrigation Pump Station Model # HCF-7.5PDV-230/3-H,L,M,Z utilizing adjacent lake as the water source. The P.O.C. must be capable of delivering a minimum of 100 GPM at 60 PSI downstream of the pump discharge. The lake will be recharged via proposed Hoover Pumping Systems 5HP Lake Recharge Pump Station Model #HSRF-5LL-230/3-E1,M,W,Z utilizing a 6" well as the water source. The recharge pump must be capable of delivering a minimum of 50 GPM at 30 PSI downstream of the recharge pump discharge.

Contractor to verify these minimum conditions can be met prior to ordering of materials and the beginning of installation. If the conditions can not be met, the contractor must notify the designer prior to proceeding with the work. If the contractor does not do so, the contractor proceeds at their own risk and becomes responsible for any future work required to make the system perform as required.

THE PIPE

Pipe locations shown on the plan are schematic and shall be adjusted in the field. When laying out mainlines place a maximum of 18" away from either the back of curb, front of walk, back of walk, or other hardscape to allow for ease in locating and protection from physical damage. Install all lateral pipe near edges of pavement or against buildings whenever possible to allow space for plant root balls. Always install piping inside project's property boundary.

All pipes are to be placed in planting beds. If it is necessary to have piping under hardscapes, such as roads, walks, and patios, the pipes must be sleeved using Class 200 PVC with the sleeve diameter being twice the size of the pipe it is carrying with a minimum sleeve size of 2". No sleeve shall have turns or fittings that prevent a pipe from being manually pushed/pulled through after it is installed.

Pipe sizes shall conform to those shown on the drawings. No substitutions of smaller pipe sizes shall be permitted, but substitutions of larger sizes may be approved. All damaged and rejected pipe shall be removed from the site at the time of said rejection.

Mainline shall be 4" DR13.5-4710 IPS H.D.P.E. mainline with fusion welded fittings.

Contractor to ensure all mainline piping is properly restrained using mechanical joint fittings, restraining collars, threaded rods, thrust blocks, etc., as and where required. Contractor shall refer to pipe manufacturers recommended installation practices for further direction.

PVC pipe joint compound and primer: The PVC cement shall be Weld-On 711 (grey, slow-drying, heavy duty) and the primer shall be Weld-On P70 (purple tinted, compatible with cement), or approved equals.

ELECTRICAL POWER SUPPLY

Electrical supply for irrigation pumps, controllers, sensors, relays, cluster control units (CCU) to be provided by irrigation contractor. Contractor to coordinate with local utilities for the installation of, and connection to, site available power supplies for required electrical components as set forth in the irrigation plans.

All electrical work is to comply with the National Electrical Code and any, and all, other applicable electrical codes, laws and regulations. A licensed electrician shall perform all electrical hook-ups. Power for each controller/CCU shall be a dedicated 120 volt, 20 amp circuit unless otherwise specified in the plans. Power for each pump to be according to pump specifications indicated in these plans.

WIRING

Irrigation control wire shall be thermoplastic solid copper, single conductor, low voltage irrigation controller wire; suitable for direct burial and continuous operation at rated voltages.

Tape and bundle control wires every 10' and run alongside the mainline. At all turns in direction make a 2' coil of wire. At all valve boxes coil wire around a 3/4" piece of PVC pipe to make a coil using 30 linear inches of wire. Make electrical connections with 3MDBY/R connectors.

Number all wires, using an electrical book of numbers, according to the plans. Number wires in all valve boxes, junction boxes and at the controller.

Wire sized, numbered and colored as follows:
#12 white for common
#12 spare black common
#12 individual color coded hot wire
#12 spare yellow hot wire

Spare wires
Leaving controller, run six spare wires in both directions (twelve spare wires total). Install as 2 common spares (4 total) and 4 hot wires (8 total). Loop these wires into each RCV along their path and terminate in the last valve box controlled by the wires respective controller. The loop into each valve box shall extend up into the valve box a minimum of 8" and be readily accessible by opening the valve box lid. These wires must be all numbered and color coded as required in these plans.

Controller grounding – Contractor to utilize 4"X96"X0.0625" copper grounding plates, 5/8"X10' copper clad grounding rods, 'One Strike' CAD wells at all connection points, #6 insulated copper wire, and earth contact material. Install these and other required components as outlined in the detail. Contractor to verify that the earth to ground resistance does not exceed 10 ohms. Contractor shall provide a written certification, on a licensed electrical contractors letter head, showing the date of the test, controller/pump location, and test results. Each controller/pump shall be so grounded and tested. Each component must have its own separate grounding grid, unless they are sitting side by side, in which case up to two controllers can share a common grounding grid.

LAYOUT

Lay out irrigation system mainlines and lateral lines. Make the necessary adjustments as required to take into account all site obstructions and limitations prior to excavating trenches.

Stake all sprinkler head locations. Adjust location and make the necessary modifications to nozzle types, etc. required to ensure 100% head to head coverage. Refer to the Edge of Pavement Detail on the Irrigation Detail Sheet.

Spray heads shall be installed 4" from sidewalks or curbed roadways and 12" from uncurbed roadways and building foundations. Rotors shall be installed 4" from sidewalks or curbed roadways, 12" from building foundations, and 36" from uncurbed roadways.

Shrub heads shall be installed on 3/4" Sch 40 PVC risers. The risers shall be set at a minimum of 18" off sidewalks, roadway curbing, building foundations, and/or any other hardscaped areas. Shrub heads shall be installed to a standard height of 4" below maintained height of plants and shall be installed a minimum of 6" within planted masses to be less visible and offer protection. Paint all shrub risers with flat black or forest green paint, unless irrigation system will utilize reuse water; in this case the risers shall be purple PVC and shall not be painted.

Locate valves prior to excavation. Ensure that their location provides for easy access and that there is no interference with physical structures, plants, trees, poles, etc. Valve boxes must be placed a minimum of 12" and a maximum of 15" from the edge of pavement, curbs, etc. and the top of the box must be 2" above finish grade. No valve boxes shall be installed in turf areas without approval by the irrigation designer – only in shrub beds. Never install in sport field areas.

VALVES

Sequence all valves so that the farthest valve from the P.O.C. operates first and the closest to the P.O.C. operates last. The closest valve to the P.O.C. should be the last valve in the programmed sequence.

Adjust the flow control on each RCV to ensure shut off in 10 seconds after deactivation by the irrigation controller.

Each valve box shall receive a 304 stainless steel matte finish I.D. plate with etched text, refer to detail 'B'.

EQUIPMENT

All pop-up heads and shrub risers shall be pressure compensating. All pop-up heads shall be mounted on flex-type swing joints. All rotors shall be installed with PVC triple swing joints unless otherwise detailed.

All sprinkler equipment, not otherwise detailed or specified on these plans, shall be installed as per manufacturer's recommendations and specifications, and according to local and state laws.

TRENCHING

Excavate straight and vertical trenches with smooth, flat or sloping bottoms. Trench width and depth should be sufficient to allow for the proper vertical and horizontal separation between piping as shown in the pipe installation detail on the detail sheet.

Protect existing landscaped areas. Remove and replant any damaged plant material upon job completion. The replacement material shall be of the same genus and species, and of the same size as the material it is replacing. The final determination as to what needs to be replaced and the acceptability of the replacement material shall be solely up to the owner or owner's representative.

INSTALLATION

Solvent Weld Pipe: Cut all pipe square and deburr. Clean pipe and fittings of foreign material; then apply a small amount of primer while ensuring that any excess is wiped off immediately. Primer should not puddle or drip from pipe or fittings. Next apply a thin coat of PVC cement; first apply a thin layer to the pipe, next a thin layer inside the fitting, and finally another very thin layer on the pipe. Insert the pipe into the fitting. Insure that the pipe is inserted to the bottom of the fitting, then turn the pipe a 1/4 turn and hold for 10 seconds. Make sure that the pipe doesn't recede from the fitting. If the pipe isn't at the bottom of the fitting upon completion, the glue joint is unacceptable and must be discarded.

Pipes must cure a minimum of 30 minutes prior to handling and placing into trenches. A longer curing time may be required; refer to the manufacturer's specifications. The pipe must cure a minimum of 24 hours prior to filling with water.

BACK FILL

The Back fill 6" below, 6" above, and around all piping shall be of clean sand and anything beyond that in the trench can be of native material but nothing larger than 2" in diameter. All piping and excavations shall be backfilled and compacted to a density of 95% modified Proctor, or greater.

Main line pipe depth measured to the top of pipe shall be:
30" minimum for 3" & 4" PVC with a 36" minimum at vehicular crossings.

Lateral line depths measured to top of pipe shall be:
18" minimum for 3/4"-3" PVC with a 30" minimum at vehicular crossings

Contractor shall backfill all piping, both mainline and laterals, prior to performing any pressure tests. The pipe shall be backfilled with the exception of 2' on each side of every joint (bell fittings, 90's, tees, 45's, etc.). These joints shall not be backfilled until all piping has satisfactorily passed its appropriate pressure test as outlined below.

FLUSHING

Prior to the placement of valves, flush all mainlines for a minimum of 10 minutes or until lines are completely clean of debris, whichever is longer.

Prior to the placement of heads, flush all lateral lines for a minimum of 10 minutes or until lines are completely clean of debris, whichever is longer.

Use screens in heads and adjust heads for proper coverage avoiding excess water on walls, walks and paving.

TESTING

Soil: At a minimum of 2 locations on the site, soil tests for infiltration and texture shall be performed according to the USDA Soil Quality Test Kit Guide. The tests shall be documented in a USDA Soil Worksheet. (All of the above is available at http://soils.usda.gov/sqi/assessment/ test_kit.html) The completed worksheet shall be submitted to the owners representative for review/approval. Do not proceed without written direction from the owner/owner's representative.

Schedule testing with Owner's Representative a minimum of three (3) days in advance of testing.

Mainline: For HDPE pipe, see HDPE notes.

If these parameters are exceeded, locate the problem; repair it; wait 24 hours and retry the test. This procedure must be followed until the mainline passes the test.

Lateral Lines: The lateral lines must be fully filled to operational pressure and visually checked for leaks. Any leaks detected must be repaired.

Operational Testing – Once the mainline and lateral lines have passed their respective tests, and the system is completely operational, a coverage test and demonstration of the system is required. The irrigation contractor must demonstrate to the owner, or his/her representative, that proper coverage is obtained and the system works automatically from the controller. This demonstration requires each zone to be turned on, in the proper sequence as shown on the plans, from the controller. Each zone will be inspected for proper coverage and function. The determination of proper coverage and function is at the sole discretion of the owner or owner's representative.

Upon completion of the operational test, run each zone until water begins to puddle or run off. This will allow you to determine the number of irrigation start times necessary to meet the weekly evapotranspiration requirements of the planting material in each zone. In fine sandy soils, it is possible no puddling will occur. If this is experienced, then theoretical calculations for run times will be required for controller programming.

SUBMITTALS

Pre-Construction: Deliver five (5) copies of submittals to Owner's Representative within ten (10) working days from date of Notice to Proceed. Furnish information in 3-ring binder with table of contents and index sheet. Index sections for different components and label with specification section number and name of component. Furnish submittals for components on material list. Indicate which items are being supplied on catalog cut sheets when multiple items are shown on one sheet. Incomplete submittals will be returned without review. In lieu of hardcopies, an electronic package in PDF format can be submitted.

After project completion:
As a condition of final acceptance, the irrigation contractor shall provide the owner with;

1. Irrigations As-builts – shall be provided utilizing a sub-foot Global Navigation Satellite System (GNSS) to accurately locate all mainlines, sleeves, remote control valves, gate valves, independent wire runs, wire splice boxes, controllers, high voltage supply sources/conduit path, control mechanisms, sensors, wells and water source connections in Florida East State Plane, NAD 83, and CORS 96 format. The data collected shall be in POINT format and include an ID for each data point with Manufacturer, Type, Size, and Depth. All mainline and independent runs of wire shall be located every 30' for straight runs and at every change of direction. Sleeves will be located at end points and every 20' of length. All underground items shall include depth in inch format. These POINTS once collected shall be imported into an AutoCAD DWG geo-referenced base file to be labeled accordingly. The completed AS-Built shall be a Geo-Referenced DWF file and delivered to the owner on a compact disk (CD).
2. Controller charts – Upon completion of "as-built" prepare controller charts; one per controller. Indicate on each chart the area controlled by a remote control valve (using a different color for each zone). This chart shall be reduced to a size that will fit inside of the controller door. The reduction shall be hermetically sealed inside two 2ml pieces of clear plastic.
3. Grounding Certification – Provide ground certification results for each controller grounding grid installed. This must be on a licensed electrician letter head indicating location tested (using IR plan symbols), date, time, test method, and testing results.

INSPECTIONS AND COORDINATION MEETINGS REQUIRED – Contractor is required to schedule, perform, and attend the following, and demonstrate to the owner and/or owners representative to their satisfaction, as follows:

1. Pre-construction meeting – Designer and contractor to review entire install process and schedule with owner/general contractor.
2. Mainline Installation Inspection(s) – all mainline must be inspected for proper pipe, fittings, depth of coverage, backfill, and installation method
3. Mainline pressure test – All mainline shall be pressure tested according to this design's requirements
4. Flow Meter calibration – All flow meters must be calibrated, provide certified calibration report for all flow meters that is less that six months old.
5. USDA Soil Quality Tests for infiltration/texture
6. Coverage and operational test
7. Final Inspection
8. Punch list inspection

FINAL ACCEPTANCE

Final acceptance of the irrigation system will be given after the following documents and conditions have been completed and approved. Final payment will not be released until these conditions are satisfied.

1. All above inspections are completed, documented, and approved by owner.
2. Completion and acceptance of 'as-built' drawings.
3. Acceptance of required controller charts and placement inside of controllers.
4. All other submittals have be made to the satisfaction of the owner.

GUARANTEE: The irrigation system shall be guaranteed for a minimum of one calendar year from the time of final acceptance.

MINIMUM RECOMMENDED
IRRIGATION MAINTENANCE PROCEDURES

1. Every irrigation zone should be checked monthly and written reports generated describing the date(s) each zone was inspected, problems identified, date problems repaired, and a list of materials used in the repair. At minimum, these inspections should include the following tasks:

A. Turn on each zone from the controller to verify automatic operation.
B. Check schedules to ensure they are appropriate for the season, plant and soil type, and irrigation method. Consult an I.A. certified auditor for methods used in determining proper irrigation scheduling requirements.
C. Check remote control valve to ensure proper operation.
D. Check setting on pressure regulator to verify proper setting, if present.
E. Check flow control and adjust as needed; ensure valve closure within 10-15 seconds after deactivation by controller.
F. Check for leaks – mainline, lateral lines, valves, heads, etc.
G. Check all heads as follows:
   1. Proper set height (top of sprinkler is 1" below mow height)
   2. Verify head pop-up height – 6" in turf, 12" in ground cover, and pop-up on riser in shrub beds.
   3. Check wiper seal for leaks – If leaking, clean head and re-inspect.
   4. If still leaking, replace head with the appropriate head with pressure regulator and built-in check valve.
   5. All nozzles checked for proper pattern, clogging, leaks, correct make & model, etc. – replace as needed
   6. Check for proper alignment – perfectly vertical; coverage area is correct; minimize over spray onto hardscapes.
   7. Riser height raised/lowered to accommodate plant growth patterns and ensure proper coverage.
   8. Verify the pop-up riser retracts after operation. If not, repair/replace as needed.
H. Check controller/C.C.U. grounds for resistance (10 ohms or less) once per year. Submit written reports.
I. Check rain shut-off device monthly to ensure it functions properly.
J. Inspect all filters monthly and clean/repair/replace as needed.
K. Inspect backflow devices by utilizing a properly licensed backflow inspector. This should be done annually, at minimum.
L. Inspect all valve boxes to ensure they are in good condition, lids are in place and locked.
M. Check pump stations for proper operation, pressures, filtration, settings, etc. – refer to pump station operations manual.
N. Check and clean intake screens on all suction lines quarterly, at minimum. Clean and/or repair, as needed.
O. Winterize, if applicable, as weather in your area dictates. Follow manufacturer recommendations and blow out all lines and equipment using compressed air. Perform seasonal startup of system as per manufacturer recommendations.
P. Conduct additional inspections, maintenance tasks, etc. that are particular for your site.

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32801 Hwy 441 North, #293
Okeechobee, FL 34951
Telephone (800) 828-1533
Fax (800) 828-1534

lucido & associates

Key / Location:

Project Team:

WCI-logo-dark-blue-TM.png

Tradition
Parkway

Irrigation Notes

| Date | By | Description |
|---|---|---|
| 2/18/16 | JJ | 100% C.D. |
| 7/20/16 | JJ | 1 PER LANDSCAPE CHANGES |
| 8/17/16 | JJ | 2 ADD PUMP STATION |

NORTH

SCALE: 1" = 20'

0 10' 20' 40'

REG. # 1018
Thomas P. Lucido

| | |
|---|---|
| Designer | JNJ |
| Manager | TKM |
| Project Number | 15-005 |
| Municipal Number | – |
| Computer File | Tradition Parkway-IR.dwg |

Sheet
IR-10

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# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 11B
Meeting Date: 9/26/2016

| | |
|---|---|
| TO: | Mayor and City Council |
| THRU: | Jeff Bremer, City Manager |
| THRU: | Daniel Holbrook, Assistant City Manager – Community Development Director |
| FROM: | Patricia A. Tobin, AICP, Director of Planning and Zoning |
| Agenda Item: | Resolution: Sympatico Plaza – Preliminary and Final Subdivision Plat Application (P16-067) 16-R74 |
| Submittal Date: | 9/15/2016 |

---

**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Growth.

**BACKGROUND:** The purpose is to subdivide a portion of Lot 5 of the Darwin Plaza plat into 4 lots.

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** N/A

**LEGAL INFORMATION:** This resolution was approved as to form by Attorney Thomas Mullin on 9/14/2016.

**PLANNING AND ZONING BOARD:** The Planning and Zoning Board recommended approval of the plat at their September 6, 2016 meeting with 4 members voting in favor and 2 abstaining.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** Staff may provide a short presentation on the application.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.

**ATTACHMENTS:** Resolution, staff report, and recommendation.

PT/TK

RECEIVED
SEP 15 2016
CITY MANAGER'S OFFICE

# RESOLUTION NO. 16-R74

**A RESOLUTION APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL PLAT FOR SYMPATICO PLAZA (P16-067) WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF PORT ST. LUCIE PROPERTIES, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Port St. Lucie, Florida has been requested by the owner, Port St. Lucie Properties, LLC, to approve and accept the preliminary and final plat with construction plans titled Sympatico Plaza, within the City of Port St. Lucie, Florida; and

**WHEREAS**, the plat conforms to Section 156, Port St. Lucie City Code, and meets all state requirements for such plats; and

**WHEREAS,** the Site Plan Review Committee, on July 27, 2016, recommended approval of the preliminary and final plat (P16-067); and

**WHEREAS,** the Planning and Zoning Board, on September 6, 2016, recommended approval of the preliminary and final plat (P16-067)**;** and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Port St. Lucie as follows:

Section 1. That the City Council hereby approves the preliminary and final plat titled Sympatico Plaza (P16-067), within the City of Port St. Lucie, Florida, said plat being offered by Port St. Lucie Properties, LLC, as the owner and title holder of said property and as prepared by E.C. Demeter, P.S.M. of Kimley-Horn and Associates, Inc. as designated on the attached said Plat.

**RESOLUTION NO. 16-R74**

Section 2. That the Mayor and City Clerk of the City of Port St. Lucie, Florida, are hereby authorized to countersign the said preliminary and final plat so it may be properly recorded in the public records of St. Lucie County, Florida.

Section 3. This Resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 26th day of September, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____
Reginald Osenton, City Attorney

# City of Port St. Lucie
## Planning and Zoning Department
## A City for All Ages

***TO:*** **PLANNING & ZONING - MEETING OF SEPTEMBER 6, 2016**

***FROM:*** **THRESIAMMA KURUVILLA, PLANNER**

***RE:*** **SYMPATICO PLAZA**
**PRELIMINARY AND FINAL SUBDIVISION PLAT APPLICATION**
**PROJECT NO. P16-067**

***DATE:*** **AUGUST 25, 2016**

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***PROPOSED PROJECT:*** The purpose is to subdivide a portion of Lot 5 of the Darwin Plaza plat into 4 lots.

***APPLICANT:*** Sara Battles, P.E. of Kimley-Horn and Associates, Inc.

***OWNER:*** Port St. Lucie Properties, LLC. Proof of ownership is attached.

***LOCATION:*** The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.

***LEGAL DESCRIPTION:*** Darwin Plaza, a portion of Lot 5.

***SIZE:*** 37.26 acres

***FUTURE LAND USE DESIGNATION:*** CG (General Commercial).

***EXISTING ZONING:*** CG (General Commercial)

***EXISTING USE:*** Neighborhood Walmart and the retail strip center is under construction.

***SURROUNDING USES:***

| Direction | Future Land Use | Zoning | Existing Use |
|---|---|---|---|
| N | ROI/RL | RS-2 | Vacant lots and houses |
| S | CG | CG | Commercial building |
| E | U & RL | RS-2 | Houses |
| W | ROI | P & RS-2 | Vacant property |

***IMPACTS AND FINDINGS:***

The project has been reviewed for compliance with Chapter 160.01, City Code, regarding provision of adequate public facilities and documented as follows:

***Sewer/Water Service:*** Sewer/water will be provided by the City of Port St. Lucie Utilities. A developer's agreement with the City Utilities Department is required prior to issuance of building permits.

***Transportation:*** Transportation impacts are required in conjunction with site plan applications.

***Parks/Open Space:*** Not applicable

***Storm Water:*** A paving and drainage plan that is in compliance with the adopted level of service standard is required prior to issuance of building permits.

***Solid Waste:*** Solid waste impacts are to be measured and planned based on population projections on an annual basis.

***Fire District:*** The access location (external and internal) has been approved by the Fire District for safety purposes.

***Environmental:*** An environmental assessment report prepared by Kimley Horn, Inc. was submitted on June 25, 2015 with the site plan application (P15-088). The report shows approximately 18.2 acres of pine flatwood habitat. The applicant has preserved 25% (4.55 acres) along the north and the east property line. The applicant has removed exotic vegetation from the preserved area.

***Wildlife Protection:*** Gopher tortoises were present on the site and were relocated prior to clearing the land.

***Public School Concurrency Analysis:*** NA

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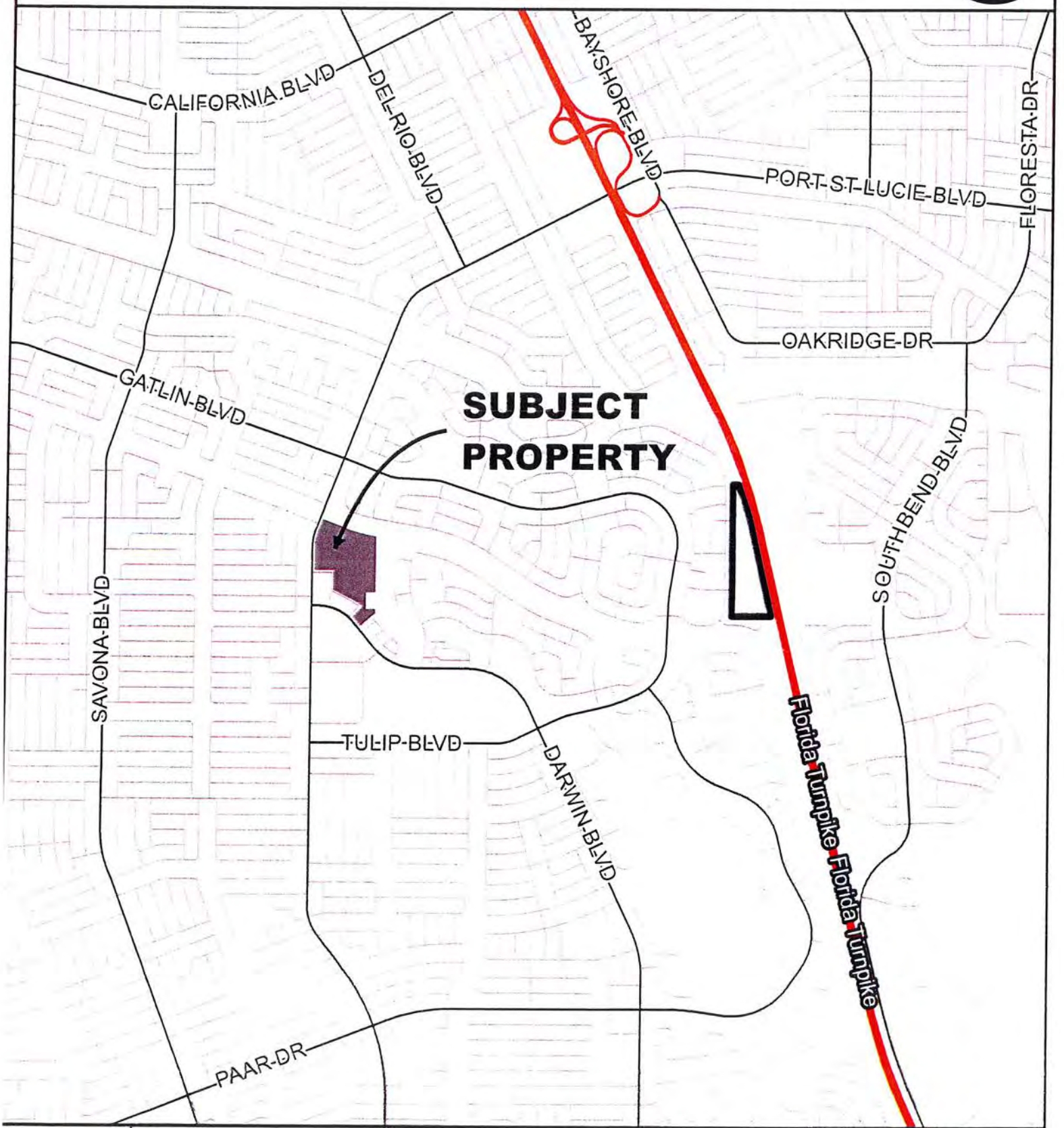
**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the approved zoning, policies of the City's Comprehensive Plan, and City's Subdivision Code. The Site Plan Review Committee reviewed the request on July 27, 2016 and recommended approval.

# GENERAL LOCATION

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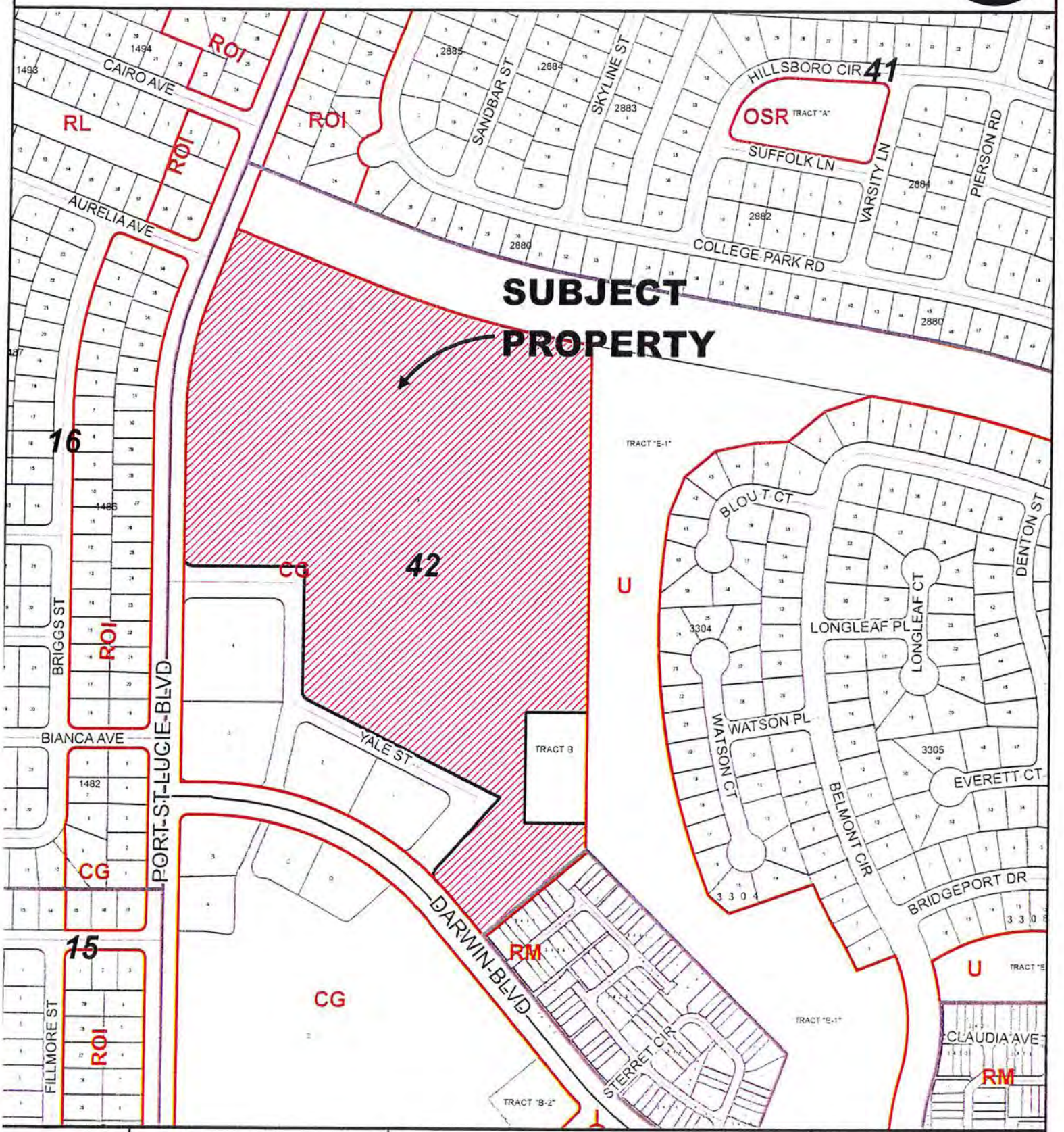
|---|---|---|---|
| CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>PORT ST. LUCIE PLAZA<br>DARWIN PLAZA, LOT 5 | DATE: 5/10/2016<br>APPLICATION NUMBER: P16-067<br>USER: patricias<br>SCALE: 1 in = 0.5 miles | |

# AERIAL

| | | | |
|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>PORT ST. LUCIE PLAZA<br>DARWIN PLAZA, LOT 5<br>AERIAL DATE 2014 | DATE: 5/10/2016 | |
| | | APPLICATION NUMBER: P16-067 | |
| | | USER: patricias | |
| | | SCALE: 1 in = 300 ft | |

# FUTURE LAND USE

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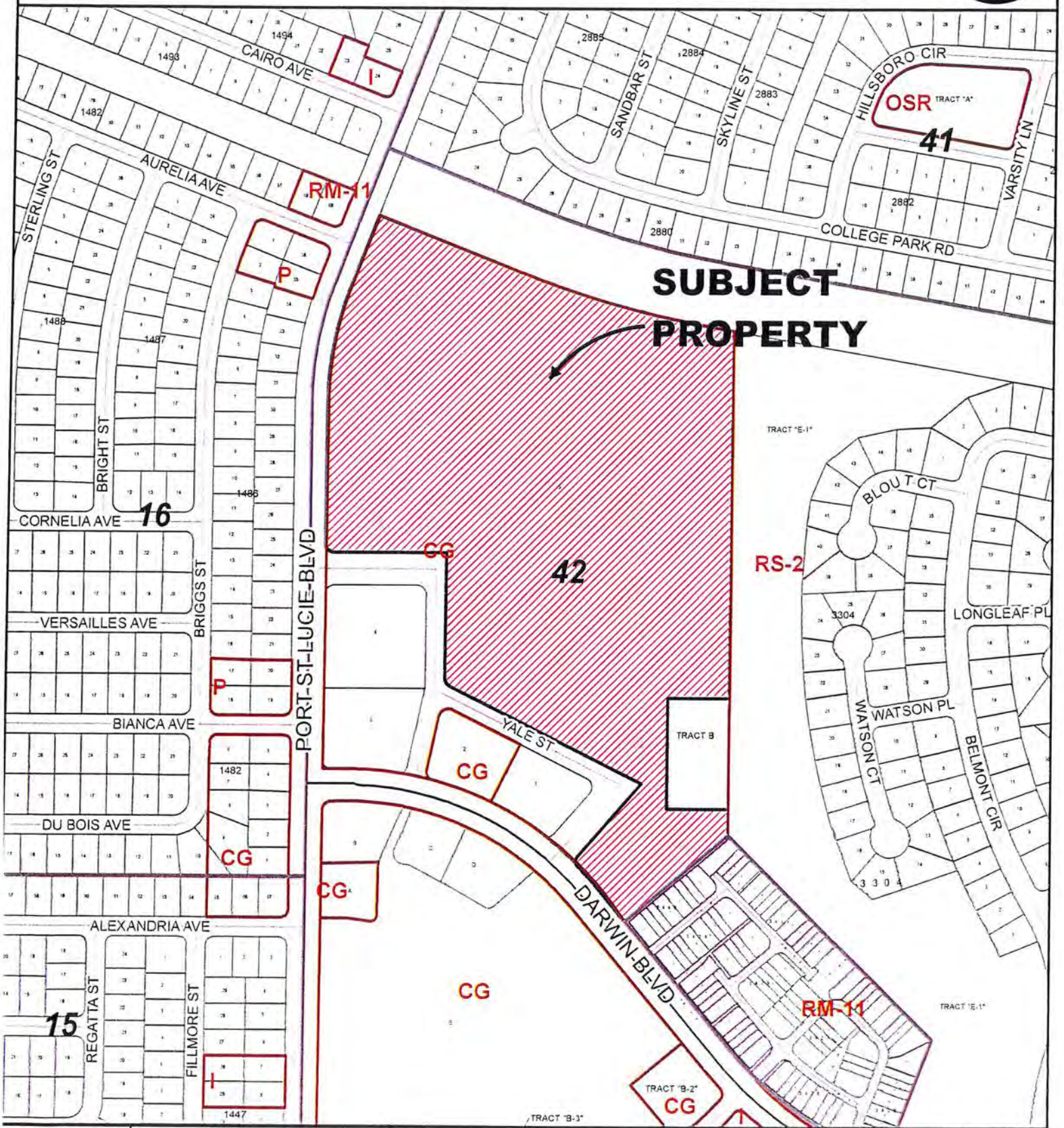
|---|---|---|---|
| CITY OF PORT ST. LUCIE FLORIDA | CITY OF PORT ST. LUCIE<br>PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>PORT ST. LUCIE PLAZA<br>DARWIN PLAZA, LOT 5 | DATE: 5/10/2016<br>APPLICATION NUMBER: P16-067<br>USER: patricias<br>SCALE: 1 in = 400 ft |

# EXISTING ZONING

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|---|---|---|---|
| CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT. | SUBDIVISION PLAT<br>PORT ST. LUCIE PLAZA<br>DARWIN PLAZA, LOT 5 | DATE: 5/10/2016<br>APPLICATION NUMBER: P16-067<br>USER: patricias<br>SCALE: 1 in = 400 ft | |

# SUBDIVISION PLAT APPLICATI

**ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED**

**CITY OF PORT ST. LUCIE**
PLANNING & ZONING DEPARTMENT
(772)871-5212 FAX: (772)871-5124

P&Z File No. P16-067
Fee (Nonrefundable)$ 1,635.00
Receipt # 93553

PRIMARY CONTACT EMAIL ADDRESS: Sara.Battles@Kimley-Horn.com

PROJECT NAME: Port St. Lucie Plaza

LEGAL DESCRIPTION: See attached

LOCATION OF PROJECT SITE: NE Corner of SW PSL Blvd and SW Darwin Blvd

PROPERTY TAX I.D. NUMBER: 3420-714-0007-000-0

CIRCLE ONE: **PRELIMINARY** **FINAL** **PRELIMINARY & FINAL**

PROPOSED USE: Commerical/Residential

GROSS SQ. FT. OF STRUCTURE(S): 0

NUMBER OF DWELLING UNITS & DENSITY FOR MULTI-FAMILY PROJECTS: 0

RECEIVED
MAY - 3 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

UTILITIES & SUPPLIER: AT&T, FPL, Florida City Gas, City of Port St Lucie Utilites

GROSS ACREAGE & SQ. FT. OF SITE: 37.20 Ac. & 1,620,103SF

FUTURE LAND USE DESIGNATION: CG Commerical Limited ZONING DISTRICT: CG - Commerical General

OWNER(S) OF PROPERTY:
NAME, ADDRESS, TELEPHONE & FAX NO.
Port St Lucie Properties, LLC
Thomas Morrison - 8890 W. Oakland Park Blvd. #201,
Sunrise, FL 33351 (954)749-8990

APPLICANT OR AGENT OF OWNER:
NAME, ADDRESS, TELEPHONE & FAX NO.
Sara Battles, P.E. - Authorized Agent
Kimley-Horn and Associates, Inc. - 445 24th Street, Suite 200
Vero Beach, FL 32960 (772) 794-4154

PROJECT ARCHITECT/ENGINEER:
(FIRM, ENGINEER OF RECORD
Sara Battles, P.E.
Kimley-Horn and Associates, Inc.

FLORIDA REGISTRATION NO., CONTACT PERSON, ADDRESS, PHONE & FAX No.)
#75894 Sara Battles, P.E. - 445 24th Street, Suite 200,
Vero Beach, FL 32960 (772) 794-4154

- I HEREBY AUTHORIZE THE ABOVE LISTED AGENT TO REPRESENT ME. I GRANT THE PLANNING DEPARTMENT PERMISSION TO ACCESS THE PROPERTY FOR INSPECTION.

- I FULLY UNDERSTAND THAT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND THE COMMENCEMENT OF ANY DEVELOPMENT ALL PLANS AND DETAIL PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PURSUANT TO SUBDIVISION REGULATIONS CHAPTER 156.

**NOTE:** Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

| OWNER'S SIGNATURE | HAND PRINT NAME | TITLE | DATE |
|---|---|---|---|
| | Thomas Morrison | | |

## AGENT AUTHORIZATION FORM

RE: Applications for Permits and Approvals

TO: City of Port St. Lucie, South Florida Water Management District, Florida Department of Environmental Protection

Port Saint Lucie Properties LLC (Owner) is in the process of developing a site (the "Site") located at the northeast corner of SW Port St. Lucie Blvd and SW Darwin Blvd in Port St. Lucie, Florida (Parcel ID 3420-714-0007-000-0). On behalf of the Owner, I hereby authorize Kimley-Horn and Associates, Inc. (the "Engineer") to act as agent for the purpose of obtaining permits and approvals related to the development of the Site.

In such capacity, the Engineer's authority is expressly limited to signing and delivering applications for permits and approvals that are related to the development of the Site, advancing nominal funds as are required to file such applications and to representation at meetings and hearings for the applications. The Engineer is not authorized to negotiate on Owner's behalf or to bind or obligate Owner's in any manner whatsoever, including without limitation accruing any obligations on Owner's behalf to pay for or construct improvements without additional authorization in writing.

Sincerely,

Thomas Morrison
Port Saint Lucie Properties LLC

By: _____

Name: THOMAS J. MORRISON

Title: PRESIDENT - OWNER

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3958317 OR BOOK 3635 PAGE 1570, Recorded 05/22/2014 at 03:24 PM
Doc Tax: $14350.00

27.00
14350.00

Prepared by/Return to:
Janis K. Cheezem, Esq.
Akerman LLP
One SE 3rd Avenue, Suite 2500
Miami, Florida 33131

PARCEL I.D. NO.:
3420-714-0007-000-0

## SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed the 13 day of May, 2014, by FLORIDA COMMUNITY BANK, National Association, whose street address is 2500 Weston Road, Suite 300, Weston, Fl. 33331, hereinafter called the Grantor, to PORT SAINT LUCIE PROPERTIES, LLC, a Florida limited liability company, whose address is 222 Lakeview Avenue, PH-5 West Palm Beach, Fl. 33401, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**WITNESSETH:** That the Grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Lucie County, Florida, more particularly described in the attached Exhibit "A" (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, subject to real estate taxes for 2014 and subsequent years and all matters of record, without the intention of reimposing same.

**IN WITNESS WHEREOF**, the said Grantor has caused this instrument to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Sign Name: _____

Print Name: _____

**FLORIDA COMMUNITY BANK, National Association**

By: _____ (SEAL)
Larry Benton, Senior Vice President

Sign Name: _____

Print Name: Mahriah Tucker

STATE OF FLORIDA )
) SS:
COUNTY OF BROWARD )

The foregoing instrument was acknowledged before me this 13 day of May, 2014, by Larry Benton, Senior Vice President of FLORIDA COMMUNITY BANK, National Association, in the capacity aforestated; such person is personally known to me or has produced _____ as identification and did not do so under oath.

MAITE MENDIOLA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE210524
Expires 6/24/2016

My Commission Expires:

Sign Name: _____

Print Name: _____
Notary Public

Serial No. (none if blank): _____

[NOTARIAL SEAL]

**Exhibit "A"**
**to**
**Special Warranty Deed**
(Legal Description)

Lot 5, of DARWIN PLAZA, according to the Plat thereof, as recorded in Plat Book 38, Page 31, of the Public Records of St. Lucie County, Florida.

PLAT BOOK:
PAGE:
FILE NO.

# SYMPATICO PLAZA

A REPLAT OF A PORTION OF LOT 5, DARWIN PLAZA, AS RECORDED IN PLAT BOOK 38, PAGES 31 THROUGH 31A OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. LYING IN SECTION 18 AND 19 TOWNSHIP 37 SOUTH, RANGE 40 EAST, IN THE CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA

## LEGAL DESCRIPTION

LOT 5, DARWIN PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 31 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

LESS AND EXCEPT: THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3832, PAGE 1182 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 5, DARWIN PLAZA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 31 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 21°12'41" WEST, ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF PORT ST. LUCIE BOULEVARD, A DISTANCE OF 12.50 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;

THENCE SOUTH 23°47'19" EAST, A DISTANCE OF 42.43 FEET TO A POINT; THENCE SOUTH 21°12'41" WEST, A DISTANCE OF 90.00 FEET TO A POINT; THENCE SOUTH 68°12'41" WEST, A DISTANCE OF 42.43 FEET TO A POINT ON THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF PORT ST. LUCIE BOULEVARD;

THENCE ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF PORT ST. LUCIE BOULEVARD, NORTH 21°12'41" EAST, A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

## CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA
COUNTY OF ______

PORT SAINT LUCIE PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN AS SYMPATICO PLAZA, BEING IN ST. LUCIE COUNTY, FLORIDA, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE AS FOLLOWS:

1. THE PRESERVATION AREA, AS SHOWN AS A PORTION OF LOT 4 HEREON, IS THE MAINTENANCE OBLIGATION OF THE OWNER(S) OF LOT 4, THEIR SUCCESSORS AND ASSIGNS. ACTIVITIES PROHIBITED WITHIN THE PRESERVATION AREA ARE AS FOLLOWS: CONSTRUCTION OR PLACING OF BUILDINGS ON OR ABOVE THE GROUND; DUMPING OR PLACING SOIL OR OTHER SUBSTANCES SUCH AS TRASH; REMOVAL OR DESTRUCTION OF TREES, SHRUBS OR OTHER VEGETATION (EXCLUDING THE REMOVAL OR DESTRUCTION OF EXOTIC VEGETATION AND ANY REMOVAL OR DESTRUCTION REASONABLY NECESSARY FOR THE MAINTENANCE OF THE PRESERVATION AREA, WHICH ACTIVITIES SHALL BE PERMITTED); EXCAVATION, DREDGING, OR REMOVAL OF SOIL MATERIAL (EXCLUDING ANY EXCAVATION, DREDGING OR REMOVAL OF SOIL MATERIAL REASONABLY NECESSARY FOR THE MAINTENANCE OF THE PRESERVATION AREA, WHICH ACTIVITIES SHALL BE PERMITTED); DIKING OR FENCING, AND ANY OTHER ACTIVITIES DETRIMENTAL TO DRAINAGE, FLOOD CONTROL, WATER CONSERVATION, EROSION CONTROL, OR FISH AND WILDLIFE HABITAT CONSERVATION OR PRESERVATION.

2. UTILITY EASEMENTS NO. 1 AS SHOWN HEREON ARE RESERVED IN FAVOR OF THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS AND ASSIGNS FOR ACCESS TO, AND INSTALLATION AND MAINTENANCE, OF PUBLIC FACILITIES, INCLUDED BUT NOT LIMITED TO, WATER AND WASTEWATER LINES AND APPURTENANT FACILITIES. THERE SHALL BE NO IMPROVEMENTS OF ANY KIND (INCLUDING, BUT NOT LIMITED TO, LANDSCAPING) CONSTRUCTED WITHIN THE BOUNDARIES OF THE UTILITY EASEMENTS, EXCEPT PAVING FOR DRIVEWAYS AND/OR PARKING AREAS. PORT SAINT LUCIE PROPERTIES, LLC, ITS SUCCESSORS OR ASSIGNS, SHALL OWN, MAINTAIN, REPAIR AND REPLACE ANY PERMITTED IMPROVEMENTS (AS SET FORTH IN THE SENTENCE IMMEDIATELY PRECEDING) OVER THE UTILITY EASEMENT, WHICH MAY BE DAMAGED OR DESTROYED BY THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS OR ASSIGNS, DESIGNEES OR CONTRACTORS IN THE OPERATION, MAINTENANCE, OR ACCESS TO, THE PUBLIC UTILITIES FACILITIES. THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE THE RIGHT TO REQUIRE THE REMOVAL OF ANY IMPROVEMENTS WHICH ARE CONSTRUCTED IN VIOLATION OF THE CONDITIONS SET FORTH ABOVE. IN THE EVENT SUCH VIOLATING IMPROVEMENTS ARE NOT REMOVED UPON REQUEST, THEY SHALL BE SUBJECT TO REMOVAL BY THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS OR ASSIGNS, DESIGNEES OR CONTRACTORS WITHOUT LIABILITY OR RESPONSIBILITY THEREFOR.

3. AN "INGRESS AND EGRESS EASEMENT" AND AN "ACCESS EASEMENT", AS SHOWN HEREON, IS DEDICATED FOR THE BENEFIT OF THE OWNERS OF LOTS 1, 2 AND 4, THEIR SUCCESSORS AND ASSIGNS, FOR UNRESTRICTED INGRESS AND EGRESS ACROSS SAID EASEMENTS. AN EASEMENT OVER AND UNDER SAID "INGRESS AND EGRESS EASEMENT" AND SAID "ACCESS EASEMENT", AS SHOWN HEREON, IS ALSO RESERVED IN FAVOR OF THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS AND ASSIGNS, FOR THE CITY OF PORT ST. LUCIE SERVICE AND EMERGENCY VEHICLES. THE CITY OF PORT ST. LUCIE SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE OBLIGATIONS FOR SAID EASEMENT.

PORT SAINT LUCIE PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY

SIGNED AND SEALED THIS ____ DAY OF __________ 2016 ON BEHALF OF SAID COMPANY

______________
NAME: THOMAS J. MORRISON
TITLE: MANAGER

______________ WITNESS ______________ PRINT NAME

______________ WITNESS ______________ PRINT NAME

## ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF ______

THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF ________ 2016 BY THOMAS J. MORRISON OF PORT SAINT LUCIE PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AND HE/SHE ACKNOWLEDGED TO AND BEFORE ME THAT HE/SHE EXECUTED SAID INSTRUMENT AS MANAGER OF SAID LIMITED LIABILITY COMPANY.

[ ] HE/SHE IS PERSONALLY KNOW TO ME.
[ ] HAVE PRODUCED ________ AS IDENTIFICATION

______________ COMMISSION NO. AND EXPIRATION DATE ______________ NOTARY PUBLIC, STATE OF FLORIDA

______________ PRINT NAME

## MORTGAGEE'S CONSENT

STATE OF FLORIDA
COUNTY OF ______

FLORIDA COMMUNITY BANK, N.A. ("MORTGAGEE"), THE OWNER AND HOLDER OF A CERTAIN MORTGAGE AND SECURITY AGREEMENT DATED MAY 16, 2014 AND RECORDED MAY 22, 2014 IN O.R. BOOK 3655, PAGE 1573, IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, AS MODIFIED BY A CERTAIN PARTIAL RELEASE OF MORTGAGE DATED DECEMBER 1, 2015 AND RECORDED FEBRUARY 1, 2016 IN O.R. BOOK 3832, PAGE 1184, AS LATER AMENDED BY A CERTAIN AMENDED AND RESTATED MORTGAGE AND SECURITY AGREEMENT DATED FEBRUARY 29, 2016 AND RECORDED MARCH 1, 2016 IN O.R. BOOK 3841, PAGE 1885 (COLLECTIVELY, THE "MORTGAGE") WHICH MORTGAGE ENCUMBERS THE PROPERTY, AND DOES HEREBY CONSENT TO THE DEDICATION HEREON AND DOES SUBORDINATE ITS MORTGAGE TO SUCH DEDICATION.

______________
NAME:
TITLE:

______________ WITNESS ______________ PRINT NAME

______________ WITNESS ______________ PRINT NAME

## ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF ______

THE FOREGOING MORTGAGEE'S CONSENT WAS ACKNOWLEDGED BEFORE ME THIS ___ DAY OF ________ 2016 BY ______________ OF FLORIDA COMMUNITY BANK, NATIONAL ASSOCIATION, AND HE/SHE ACKNOWLEDGED TO AND BEFORE ME THAT HE/SHE EXECUTED SAID INSTRUMENT AS ______________ OF SAID NATIONAL ASSOCIATION.

[ ] HE/SHE IS PERSONALLY KNOW TO ME.
[ ] HAVE PRODUCED ________ AS IDENTIFICATION

______________ COMMISSION NO. AND EXPIRATION DATE ______________ NOTARY PUBLIC, STATE OF FLORIDA

______________ PRINT NAME

## TITLE CERTIFICATION

STATE OF FLORIDA
COUNTY OF ______

I, LARRY B. ALEXANDER, JR., ATTORNEY AT LAW, MEMBER OF THE FLORIDA BAR, HEREBY CERTIFY THAT AS OF ________ 2016 AT ______:

1. APPARENT TITLE TO THE LAND DESCRIBED AS SHOWN ON THIS PLAT IS IN THE NAME OF THE LIMITED LIABILITY COMPANY EXECUTING THE CERTIFICATE OF OWNERSHIP AND DEDICATION HEREON.

2. THERE ARE NO RECORD MORTGAGES NOT RELEASED OR SATISFIED OF RECORD ENCUMBERING THE LAND DESCRIBED HEREON OTHER THAN THAT CERTAIN MORTGAGE IN FAVOR OF FLORIDA COMMUNITY BANK, N.A., RECORDED MAY 22, 2014 IN O.R.B. 3655, PAGE 1573, AS MODIFIED BY PARTIAL RELEASE OF MORTGAGE RECORDED FEBRUARY 1, 2016 IN O.R.B. 3832, PAGE 1184, AS FURTHER MODIFIED BY AMENDED AND RESTATED MORTGAGE AND SECURITY AGREEMENT RECORDED MARCH 1, 2016 IN O.R.B. 3841, PAGE 1885, ALL OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

3. PROPERTY TAX OBLIGATIONS PURSUANT TO CHAPTER 197.192, FLORIDA STATUTES HAVE BEEN PAID TO DATE.

DATED THIS ___ DAY OF ________ 2016

JONES, FOSTER, JOHNSTON & STUBBS, P.A.

______________
NAME: LARRY B. ALEXANDER, JR.
TITLE: ATTORNEY AT LAW

505 SOUTH FLAGLER DRIVE, SUITE 1100
WEST PALM BEACH, FLORIDA 33401

## APPROVAL OF CITY COUNCIL

STATE OF FLORIDA
CITY OF PORT ST. LUCIE

IT IS HEREBY CERTIFIED THAT THIS PLAT OF SYMPATICO PLAZA HAS BEEN OFFICALLY APPROVED FOR RECORD BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA THIS ___ DAY OF ________ 2016

ATTEST: CITY OF PORT ST. LUCIE

______________
NAME: KAREN A. PHILLIPS
TITLE: CITY CLERK

______________
NAME: GREGORY J. ORAVEC
TITLE: MAYOR

## CERTIFICATE OF APPROVAL

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I, ______________ CLERK OF THE CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH ALL REQUIREMENTS OF THE LAWS OF FLORIDA PERTAINING TO MAPS AND PLATS, AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK ____ PAGES ________ OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THIS ___ DAY OF ________ 2016

______________
NAME:
TITLE:
ST. LUCIE COUNTY, FLORIDA

## SURVEYOR'S NOTES

1. ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY.
2. BEARING BASE: BEARINGS ARE BASED ON GRID NORTH. MORE SPECIFICALLY, THE EAST LINE OF LOT 5, DARWIN PLAZA AS RECORDED IN PLAT BOOK 38, PAGE 31 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA. SAID LINE BEARS S00°00'00"W PER PLAT AND S00°12'03"W MEASURED.
3. NO BUILDINGS OR ANY KIND OF OBSTRUCTION SHALL BE PLACED ON UTILITY OR DRAINAGE EASEMENTS.
4. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY.
5. THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART I, FLORIDA STATUTES BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY OR UNDER CONTRACT WITH THE CITY OF PORT ST. LUCIE.

## CERTIFICATE OF SURVEYOR

I, E.C. DEMETER, HEREBY CERTIFY THAT THIS PLAT OF SYMPATICO PLAZA, AS SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PERMANENT REFERENCE MONUMENTS (P.R.M. 's) AND LOT CORNERS HAVE BEEN SET, AND FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND IN ACCORDANCE WITH THE SURVEYING STANDARDS CONTAINED WITHIN CHAPTER 5J-17.05 OF THE FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES AND THE ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA.

______________
E.C. DEMETER, P.S.M.
FLORIDA SURVEYOR AND MAPPER
REGISTRATION NO. 5179

## NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

KIMLEY-HORN AND ASSOCIATES, INC.
E.C. DEMETER, P.S.M.
445 24th STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: (772)794-4100
PREPARATION DATE: 1/5/2016
REVISED DATE: 6/16/2016
REVISED DATE: 7/27/2016

CITY OF PORT ST. LUCIE PROJECT NO. P16-067

# SYMPATICO PLAZA

A REPLAT OF A PORTION OF LOT 5, DARWIN PLAZA, AS RECORDED IN PLAT BOOK 38, PAGES 31 THROUGH 31A OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING IN SECTION 18 AND 19 TOWNSHIP 37 SOUTH, RANGE 40 EAST, IN THE CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA

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SHEET 2 - OVERALL

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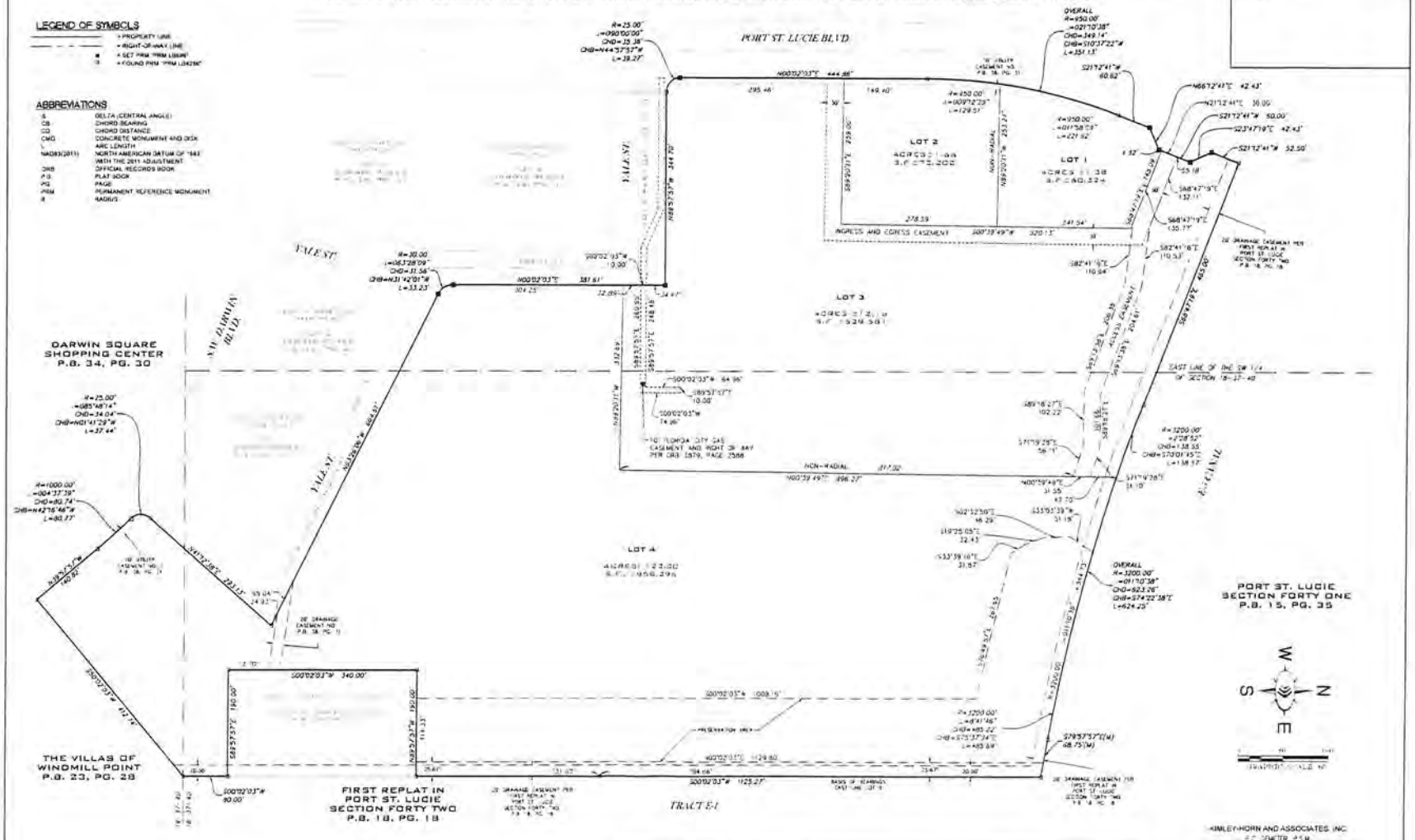
PAGE:
FILE NO.




NOTICE

THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.


KIMLEY-HORN AND ASSOCIATES, INC.
E.C. SEMETER, PSM
445 24TH STREET, SUITE 200, VERO BEACH, FL 32960
PHONE: (772)794-4100


PREPARATION DATE: 3/31/2016
REVISED DATE: 6/16/2016
REVISED DATE: 7/27/2016

CITY OF PORT ST. LUCIE PROJECT NO. P16-087

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 11C
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Patricia Roebling, P.E., Interim City Manager

FROM: O. Reginald Osenton, City Attorney

Agenda Item: Resolution: Designation of the City officials authorized to withdraw funds from the Depository Accounts

Submittal Date: 9/20/2016 16-R75

---

**BACKGROUND:** Updating the resolution designating the City Officials authorized to withdraw funds from the Depository accounts

**ANALYSIS:** Replace the 2014 Resolution 14-R172 by changing the City Officials names and titles

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: Approved by: O. Reginald Osenton, City Attorney on 9/20/16

**STAFF RECOMMENDATION**: Requesting approval of updates

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION**: N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT**: N/A

**ATTACHMENTS:** Updated Resolution

RECEIVED
SEP 20 2016
CITY MANAGER'S OFFICE

COUNCIL ITEM 11C
DATE 9/26/16

RESOLUTION 16-R75

A RESOLUTION DESIGNATING THE CITY OFFICIALS AUTHORIZED TO WITHDRAW FUNDS FROM THE DEPOSITORY ACCOUNTS; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA:

Section 1. That the City of Port St. Lucie, Florida, has designated depositories for municipal funds of the City.

Section 2. That the funds of the City of Port St. Lucie, Florida, deposited in the designated depositories be subject to withdrawal upon checks, notes, drafts, bills of exchange, acceptances, and undertakings of other orders of payment of money only when signed on behalf of the City of Port St. Lucie by any two of its following officers, to wit:

Gregory J. Oravec, Mayor _____

Patricia Roebling, P.E., Interim City Manager _____

Edwin M. Fry, Jr., Finance Director/City Treasurer _____

Section 3. That the foregoing powers and authority will terminate upon written notice of revocation delivered to the designated depositories.

Section 4. That this resolution shall become effective immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: _____
Gregory J. Oravec, Mayor

_____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

_____
O. Reginald Osenton, City Attorney

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 11D
Meeting Date: 9/26/16

TO: MAYOR AND CITY COUNCIL

THRU: PATRICIA ROEBLING, P.E., INTERIM CITY MANAGER

FROM: O. REGINALD OSENTON, CITY ATTORNEY

AGENDA ITEM: RESOLUTION: ACCEPTING A SPECIAL WARRANTY DEED FROM TRADITION LAND COMPANY, LLC, AN IOWA LIMITED LIABILITY COMPANY, CONCERNING THE CONVEYANCE OF ADDITIONAL COMMUNITY BOULEVARD ROAD RIGHT-OF-WAY; RELOCATION OF E/W NO. 2 ROAD RIGHT-OF-WAY; AND RELOCATION OF UTILITY SITES 1, 4, 5 AND 6; PROVIDING AN EFFECTIVE DATE

SUBMITTAL DATE: 9/16/2016

---

**STRATEGIC PLAN LINK:** Goal 3 – Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The Southern Grove Development of Regional Impact ("Southern Grove DRI") is a proposed mixed-use master planned community consisting of approximately 3,606 acres that spans from the I-95/Gatlin Interchange to the Becker Road Interchange with ready to build property. See the General Location Map attached hereto as Exhibit "A." Tradition Land Company, LLC, an Iowa limited liability company ("Tradition Land Company") is the present owner/developer, as successor in interest to Tradition Development Company, LLC and Horizons St. Lucie Development, LLC, of the subject property.

As background, the City of Port St. Lucie ("City") annexed certain properties pursuant to an Annexation Agreement dated July 19, 2004 between Horizons Acquisition 5, LLC a Florida limited liability company ("Southern Grove"), Horizons Acquisition 2, LLC, a Florida limited liability company ("Kennedy Groves"), St. Lucie Associates II, LLP, a Florida limited liability partnership (collective "GL"), ACR Property, LLC, a Florida limited liability company and the City of Port St. Lucie. Tradition Land Company is the successor in interest to Southern Grove.

Section 8(a)(i) of the Annexation Agreement required the conveyance of six (6) utility sites to the City. Section 5(o)(i) of the Annexation Agreement also anticipated the need to relocate the road-rights-of-way and provided for the relocation upon the agreement of the City.

Acceptance of Road Rights-of-Way

As required by the Annexation Agreement, Southern Grove conveyed the required road right-of-way for Community Blvd to the City pursuant to that Special Warranty Deed dated October 30, 2007 and recorded on November 1, 2007 in Official Records Book 2899 at Page 2933 of the Public Records of St. Lucie County, Florida.

The Southern Grove DRI Development Order (Resolution 15-R95) was amended and restated on October 26, 2015 to include Exhibit 1, Condition 13 requiring the conveyance of "additional Community Blvd right-of-way" beyond that which was conveyed via the aforementioned Special Warranty Deed.

Tradition Land Company proposes to convey the additional Community Blvd right-of-way via a Special Warranty Deed, which is attached as Composite Exhibit B. The sketch and legal description for the additional Community Blvd right-of-way, as approved by the City Surveyor, is shown on Exhibit "A" of the Draft Special Warranty Deed, attached hereto as Composite Exhibit B. The location of the additional Community Blvd right-of-way has been reviewed and approved by the Public Works Department.

The conveyance by Tradition Land Company of the additional Community Blvd right-of-way will occur after the City's recordation of a Quit Claim Deed relinquishing title to the "old" Utility Site 6, which lies within the additional Community Blvd right-of- way.

Additionally, as required by the Annexation Agreement, Southern Grove conveyed road right-of-way for E/W No. 2 to the City pursuant to that Special Warranty Deed dated October 30, 2007.

On October 26, 2015, the City Council approved and adopted Resolution 15-R95, Southern Grove DRI Development Order which relocated the right-of-way for E/W No. 2.

Tradition Land Company proposes to convey the relocated E/W No. 2 road right-of-way via the aforementioned Special Warranty Deed. A sketch and legal description for the relocated E/W No. 2 road right-of-way, as approved by the City Surveyor, is shown on Exhibit "B" of the Draft Special Warranty Deed. The location of the relocated E/W No. 2 road right-of-way is consistent with Exhibit B of the Southern Grove DRI Development Order (Resolution 15-R95) and has been approved by the Public Works Department.

The conveyance by Tradition Land Company of the relocated E/W No. 2 right-of- way will occur after the City's recordation of a Quit Claim Deed relinquishing title to the "old" E/W No. 2 right-of-way, less the western 75 feet which will be retained as part of the additional Community Blvd right-of-way.

<u>Acceptance of Utility Sites</u>
As required by the Annexation Agreement, Southern Grove conveyed the six (6) utility sites to the City pursuant to that Special Warranty Deed dated November 21, 2005.

Utility Sites 2 and 3-A were relocated previously incidental to the approval of Southern Grove Plat No. 14. Upon the approval of Southern Grove Plat No. 14, Tradition Land Company agreed Utility Sites 1, 4, 5 and 6 would be relocated to within 500 feet of the permitted well locations at a future date.

The Port St. Lucie Utility Systems Department secured a permit for the planned well sites in the Southwest Annexation Area. However, the permitted well locations do not fall within the area of those sites conveyed to the City. The relocation of Utility Sites 1, 4, 5 and 6 is proposed so that they will be in closer proximity to the permitted well locations. Section 8(a)(x) of the Annexation Agreement anticipated the need to relocate the well sites and provided for the relocation of any such well sites upon the agreement of the City's Utility Systems Department.

The conveyance of the "new/relocated" Utility sites will occur after the City's recordation of Quit Claim Deed relinquishing title to the "old" Utility Sites 1, 4, 5, and 6.

**ANALYSIS:** In accordance with the Annexation Agreement, the proposed Special Warranty Deed (the "Proposed Deed") conveying the above-listed road-rights-of-way and re-conveying the above-listed Utility sites was prepared by the present owner/developer's legal counsel and is attached as Composite Exhibit B. The Proposed Deed and legal description of the road-rights-of way and utility sites to be re-conveyed to the City have been reviewed and approved by the Public Works Department, Utility Systems Department and the City Surveyor. The Proposed Deed shall be in substantially the same form as may be authorized and approved by the Interim City Manager and is attached.

**FINANCIAL INFORMATION**: N/A

**LEGAL INFORMATION**: The City's Legal Department worked with the Utility Systems Department, the Public Works Department, and legal counsel for Tradition Land Company on this matter. The Resolution and Special Warranty Deed were reviewed by Ella Gilbert, Staff Attorney, and are approved as to form and legal sufficiency.

**STAFF RECOMMENDATION**: The City Staff involved with Southern Grove DRI recommend approval.

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION**: A brief presentation on this matter may be made by the Public Works Department, Utility Systems Department, or the City Attorney's Office upon request.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** Southern Grove DRI

**ATTACHMENTS:** General Location Map and Resolution with attached Proposed Special Warranty Deed.

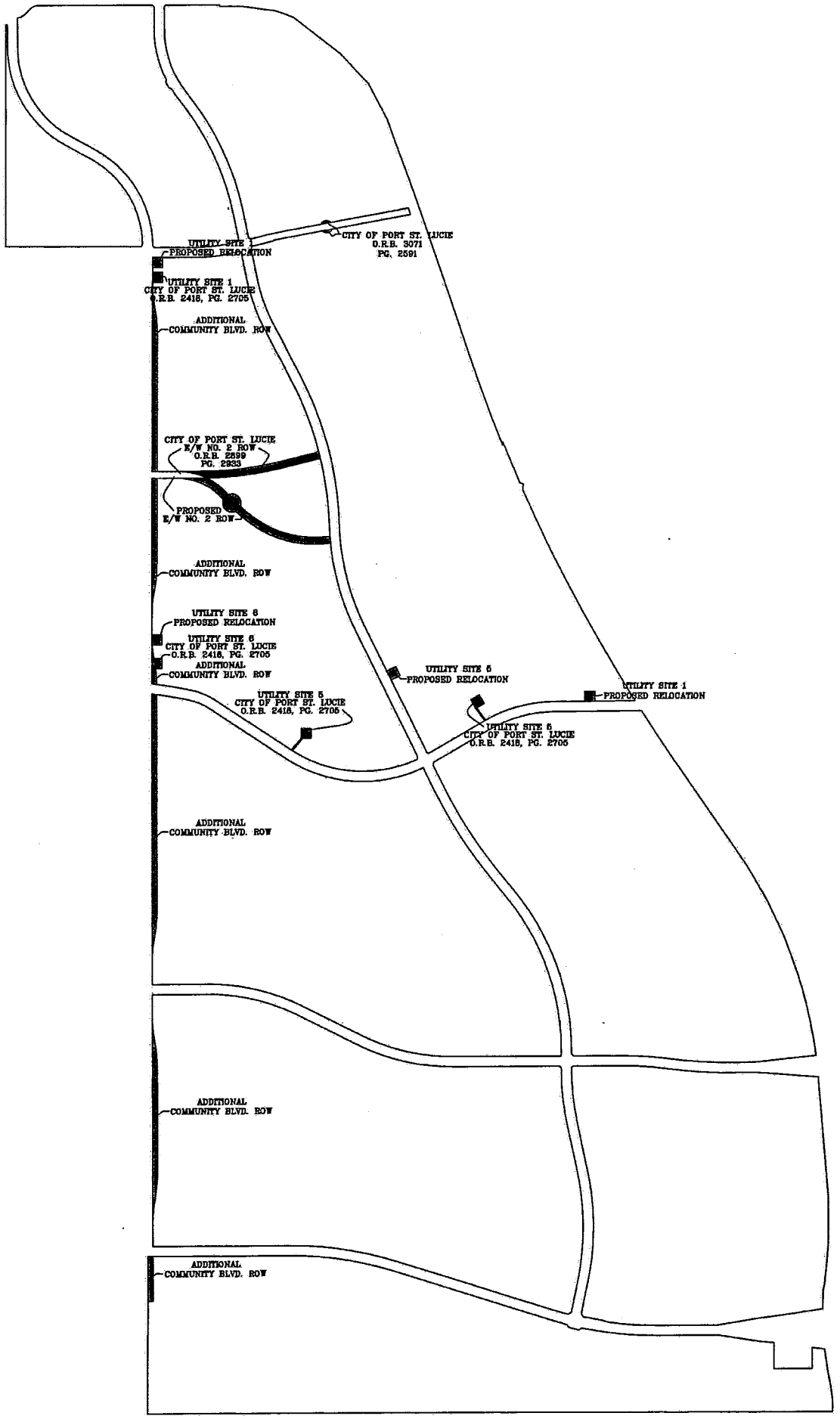
cc: James Angstadt, PE, Public Works Director
Roxanne Chesser, PE, Assistant Public Works Director
Frank Knott, Project Manager, Public Works Dept.
Laney Southerly, PE, Engineering Manager, Utility Systems Dept.

RECEIVED
SEP 2 2 2016
CITY MANAGER'S OFFICE

# General Location Map

# EXHIBIT

# "A"


UTILITY SITE 1
PROPOSED RELOCATION
CITY OF PORT ST. LUCIE
O.R.B. 3071
PG. 2591
UTILITY SITE 1
CITY OF PORT ST. LUCIE
O.R.B. 2418, PG. 2705
ADDITIONAL
COMMUNITY BLVD. ROW
CITY OF PORT ST. LUCIE
E/W NO. 2 ROW
O.R.B. 2899
PG. 2933
PROPOSED
E/W NO. 2 ROW
ADDITIONAL
COMMUNITY BLVD. ROW
UTILITY SITE 6
PROPOSED RELOCATION
UTILITY SITE 6
CITY OF PORT ST. LUCIE
O.R.B. 2418, PG. 2705
ADDITIONAL
COMMUNITY BLVD. ROW
UTILITY SITE 5
PROPOSED RELOCATION
UTILITY SITE 1
PROPOSED RELOCATION
UTILITY SITE 5
CITY OF PORT ST. LUCIE
O.R.B. 2418, PG. 2705
UTILITY SITE 5
CITY OF PORT ST. LUCIE
O.R.B. 2418, PG. 2705
ADDITIONAL
COMMUNITY BLVD. ROW
ADDITIONAL
COMMUNITY BLVD. ROW
ADDITIONAL
COMMUNITY BLVD. ROW

# Resolution with Special Warranty Deed

# COMPOSITE EXHIBIT "B"

COUNCIL ITEM 11D
DATE 9/26/16

# RESOLUTION 16-R 76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM TRADITION LAND COMPANY, LLC, AN IOWA LIMITED LIABILITY COMPANY, CONCERNING THE CONVEYANCE OF ADDITIONAL COMMUNITY BOULEVARD ROAD RIGHT-OF-WAY; RELOCATION OF E/W NO. 2 ROAD RIGHT-OF-WAY; AND RELOCATION OF UTILITY SITES 1, 4, 5 and 6; PROVIDING AN EFFECTIVE DATE

---

**WHEREAS,** Tradition Land Company, LLC, an Iowa limited liability company ("Tradition Land Company"), is the owner of certain real property that has been approved for development under Southern Grove DRI Development Order, amended on October 26, 2015 (Resolution 15-R95); and

**WHEREAS,** it is the intention of Tradition Land Company, as part of finalization of its City-approved residential plans, to improve the local road network. Tradition Land Company will (i) convey "additional" required road right-of-way for Community Boulevard, (ii) relocate E/W No. 2 road right-of-way and (iii) relocate four utility well sites; and

**WHEREAS,** Southern Grove DRI Development Order, Exhibit 1, Condition 13, amended on October 26, 2015 (Resolution 15-R95) requires the conveyance of "additional Community Boulevard right-of-way" that was previously conveyed to the City by Tradition Land Company's predecessor in title pursuant to that certain Special Warranty Deed dated October 30, 2007 and recorded on November 1, 2007 in Official Records Book 2899 at Page 2933 of the Public Records of St. Lucie County, Florida; and

**WHEREAS,** Southern Grove DRI Development Order, amended on October 26, 2015 (Resolution 15-R95) requires the realignment of the right-of-way of E/W No. 2 Roadway for the City by Tradition Land Company that was previously conveyed to the City by Tradition Land Company's predecessor in title pursuant to that certain Special Warranty Deed dated October 30, 2007 and recorded on November 1, 2007 in Official Records Book 2899 at Page 2933 of the Public Records of St. Lucie County, Florida; and

RESOLUTION 16-R 76

**WHEREAS,** the development layout and plans being pursued under the proposed development requires the relocation of Utility Sites 1, 4, 5, and 6 that were previously conveyed to the City by Tradition Land Company's predecessor in title pursuant to that certain Special Warranty Deed dated November 21, 2005 and recorded on November 22, 2005 in Official Records Book 2418 at Page 2705 of the Public Records of St. Lucie County, Florida and Utility Sites 1, 5 and 6, which were subsequently platted as part of Southern Grove Plat No. 3, as recorded in Plat Book 61 at Page 17 of the Public Records of St. Lucie County, Florida and Utility Site 4, which was subsequently platted as part of Southern Grove Plat No. 14, as recorded in Plat Book 71 at Page 35 of the Public Records of St. Lucie County, Florida; and

**WHEREAS,** Tradition Land Company has executed and presented to the City a Special Warranty Deed, which is included among the documents attached hereto as part of Composite Exhibit "A," conveying certain real property for the "additional Community Boulevard right-of-way"; "relocated" E/W No. 2 road right-of-way; and "relocated" Utility Sites 1, 4, 5, and 6; and

**WHEREAS,** it is in the best interest of the City to accept the Special Warranty Deed conveying the real property for the "additional Community Boulevard right-of-way"; "relocated" E/W No. 2 road right-of-way; and "relocated" Utility Sites 1, 4, 5, and 6, and by separate instrument, as duly authorized by the City Council, the City will relinquish title to the lands associated with the present locations of the subject road rights-of-way and utility sites; and

**WHEREAS,** the purpose of this Resolution is to formally accept ownership of the real property, free and clear of any encumbrances, including the payment by Tradition Land

Company of any real estate taxes attributable to that portion of property being conveyed to the City as described in said Special Warranty Deed.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, THAT:**

1. This City Council adopts and ratifies those matters set forth in the foregoing recitals.

2. The Special Warranty Deed, together with the instruments that serve to release the property from any encumbrances of record, all of which are attached hereto and incorporated herein as Composite Exhibit "A," are hereby approved and accepted.

3. The Interim City Manager, and her designees, are hereby authorized to execute any documents related to the acceptance of this conveyance and to take all actions necessary to accomplish said acceptance of title to the property free and clear of any encumbrances.

**BE IT FURTHER RESOLVED** that this Resolution becomes effective immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 26th day of September, 2016.

ATTEST:

CITY COUNCIL
CITY OF PORT ST. LUCIE

_____
Karen A. Phillips, City Clerk

By:_____
Gregory J. Oravec, Mayor

APPROVED AS TO FORM: By:_____
O. Reginald Osenton, City Attorney

This instrument prepared by, and after recording, should be returned to:

HOLLAND & KNIGHT, LLP
200 South Orange Avenue, Suite 2600
Orlando, Florida 32801
Attn: Stephen W. Snively, Esq.

Tax Parcel No: _____

**(Space Reserved for Clerk of Court)**

# SPECIAL WARRANTY DEED

**THIS SPECIAL WARRANTY DEED** is made and given as of the ___ day of _____, 2016, by TRADITION LAND COMPANY, an Iowa limited liability company, having an address at 10489 SW Meeting Street, Port St. Lucie, Florida 34987 (referred to herein as a "Grantor") to and in favor of CITY OF PORT ST. LUCIE, a Florida municipal corporation, having an address of 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida 34984-5099 (the "Grantee").

[Whenever used herein the terms "Grantor" and "Grantee" include the parties to this instrument, together with their respective successors and assigns.]

**WITNESSETH**, that Grantor, for and in consideration of Ten and No/100 ($10.00) Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold, and by these presents does hereby grant, bargain and sell, to Grantee and its successors and assigns, forever, the following described land lying, being, and situate in St. Lucie County, Florida (the "Property"), to wit:

See Exhibits "A," "B," and "C" attached hereto and made a part hereof.

**SUBJECT TO**: (a) taxes and assessments for the year 2016 and subsequent years not yet due or payable; (b) all laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations; (c) conditions, restrictions, limitations, easements and other matters of record, if any, but this reference shall not operate to reimpose any of the same; (d) rights of any parties in possession of the Property, if any; (e) matters which would be disclosed by an accurate survey of the Property; and (f) those matters set forth on Exhibit "D" attached hereto and made a part hereof.

**TOGETHER WITH** all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** unto Grantee in fee simple forever.

**AND** Grantor, for the Property, hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property to Grantee; that Grantor specially warrants the title to the Property subject to

the foregoing matters and will defend the same against the lawful claims of all persons claiming by, through or under Grantor but no others.

***IN WITNESS WHEREOF,*** Grantor has signed these presents the day and year first above written.

| WITNESSES | GRANTOR: |
|---|---|
| | TRADITION LAND COMPANY, LLC, an Iowa limited liability company |
| _____ Witness Signature | |
| _____ Print Name | By:_____ David C. Feltman, President |
| _____ Witness Signature | |
| _____ Print Name | |

STATE OF _____ )
) SS:
COUNTY OF _____ )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by David C. Feltman, as President of TRADITION LAND COMPANY, LLC, an Iowa limited liability company, on behalf of such company. He is personally known to me.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2016.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

**EXHIBIT "A"**

Legal Description of the Property

"Additional" Community Blvd road right-of-way

[See: Attached Pages 4 Through 10, Inclusive]

# LEGAL DESCRIPTION

A parcel of land lying in Sections 15 and 22, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Parcel 1
Commence at the Southeast corner of Tract R-2, according to the plat of SOUTHERN GROVE PLAT NO. 4, as recorded in Plat Book 56, Page 18, of the Public Records, of St. Lucie County, Florida; thence South 89°50'39" East, a distance of 150.00 feet; thence South 00°05'34" West, a distance of 532.49 feet to the POINT OF BEGINNING of the following described parcel;

And to a point of curve to the left having a radius of 2,065.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 387.15 feet to a point of reverse curve to the right having a radius of 2,215.00 feet and a central angle of 10°44'31"; thence southerly along the arc, a distance of 415.27 feet; thence South 00°05'34" West, a distance of 2,003.81 feet; thence South 90°00'00" West, a distance of 75.00 feet, to a point hereinafter known as Point A; thence North 00°05'34" East, a distance of 2801.66 feet to the POINT OF BEGINNING;

Containing 4.145 acres, more or less.

Together With; Parcel 2
A parcel of land lying in Section 22, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at aforementioned Point A; thence South 00°05'34" West, a distance of 100.00 feet to the POINT OF BEGINNING of the following described parcel;

Thence North 90°00'00" East, a distance of 75.00 feet; thence South 00°05'34" West, a distance of 1,276.15 feet to a point of curve to the right having a radius of 2,215.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 415.27 feet to a point of reverse curve to the left having a radius of 2,065.00 feet and a central angle of 10°44'31"; thence southerly along the arc, a distance of 387.15 feet, to a point hereinafter known as Point B; thence North 00°05'34" East, a distance of 2073.76 feet to the POINT OF BEGINNING;

Containing 2.892 acres, more or less.

Together With; Parcel 3
A parcel of land lying in Section 22, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at aforementioned Point B; thence South 00°05'34" West, a distance of 250.85 feet to the POINT OF BEGINNING of the following described parcel;
And to a point of curve to the left having a radius of 2,065.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 387.15 feet to a point of reverse curve to the right having a radius of 2,215.00 feet and a central angle of 09°11'24"; thence southerly along the arc, a distance of 355.27 feet to the intersection with a non tangent curve concave to the south, having a radius of 8,076.97 feet, the chord of which bears North 82°04'34" West, 74.89 feet; thence westerly along the arc of said curve, a distance of 74.89 feet through a central angle of 00°31'52", to a point hereinafter known as Point C; thence North 00°05'34" East, a distance of 727.53 feet to the POINT OF BEGINNING.

Containing 0.583 acres, more or less.
(Continued on Page 2)

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.
NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

THOMAS P. KIERNAN — DATE 7/1/16
Professional Surveyor & Mapper
Florida Certificate No. 6199

REVISION: CHANGED POC & LEGAL DESCRIPTION GLM 6-03-16
REVISION: CHANGED SIGNING SURVEYOR GLM 3-10-16
REVISION: PSL COMMENTS GLM 9-18-15 Sheet 1 of 7
Not valid without sheets 2, 3, 4, 5, 6 & 7 of 7

**DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 FAX 772-464-9497
www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

P:\Proj-2008\08-260 Southern Groves\Survey\WA-62\08-260-wa62 s&d realign3.dwg, 6/22/2016 4:03:25 PM

# LEGAL DESCRIPTION

(Continued from Page 1)

Together With; Parcel 4

A parcel of land lying in Sections 22 and 27, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at aforementioned Point C; thence South 00°05'34" West, a distance of 151.34 feet to the POINT OF BEGINNING of the following described parcel;

And to an intersection with a non tangent curve concave to the south, having a radius of 7,926.97 feet, the chord of which bears South 81°55'27" East, 75.73 feet; thence easterly along the arc of said curve, a distance of 75.73 feet through a central angle of 00°32'51"; thence South 00°05'34" West, a distance of 3,189.52 feet to a point of curve to the right having a radius of 2,215.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 415.27 feet to a point of reverse curve to the left having a radius of 2,065.00 feet and a central angle of 10°44'31"; thence southerly along the arc, a distance of 387.15 feet, to a point hereinafter known as Point D; thence North 00°05'34" East, a distance of 3997.77 feet to the POINT OF BEGINNING.

Containing 6.196 acres, more or less.

Together With; Parcel 5

A parcel of land lying in Sections 27 and 34, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at aforementioned Point D; thence South 00°05'34" West, a distance of 796.55 feet to the POINT OF BEGINNING of the following described parcel;

And to a point of curve to the left having a radius of 2,065.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 387.15 feet to a point of reverse curve to the right having a radius of 2,215.00 feet, and a central angle of 10°44'31"; thence southerly along the arc, a distance of 415.27 feet; thence South 00°05'34" West, a distance of 1,490.63 feet to a point of curve to the right having a radius of 2,215.00 feet, a central angle of 10°44'31"; thence southerly along the arc a distance of 415.27 feet to a point of reverse curve to the left having a radius of 2,065.00 feet and a central angle of 10°44'31"; thence southerly along the arc, a distance of 387.15 feet, to a point hereinafter known as Point E; thence North 00°05'34" East, a distance of 3086.09 feet to the POINT OF BEGINNING.

Containing 3.956 acres, more or less.

Together With; Parcel 6

A parcel of land lying in Section 34, Township 37 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Commence at aforementioned Point E; thence South 00°05'34" West, a distance of 325.00 feet; thence North 89°54'26" West, a distance of 75.00 feet; thence South 00°05'34" West, a distance of 150.00 feet to the POINT OF BEGINNING of the following described parcel;

Thence South 89°54'26" East, a distance of 75.00 feet; thence South 00°05'34" West, a distance of 660.00 feet; thence North 89°54'26" West, a distance of 75.00 feet; thence North 00°05'34" East, a distance of 660.00 feet to the POINT OF BEGINNING

Containing 1.136 acres, more or less..



**DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34981
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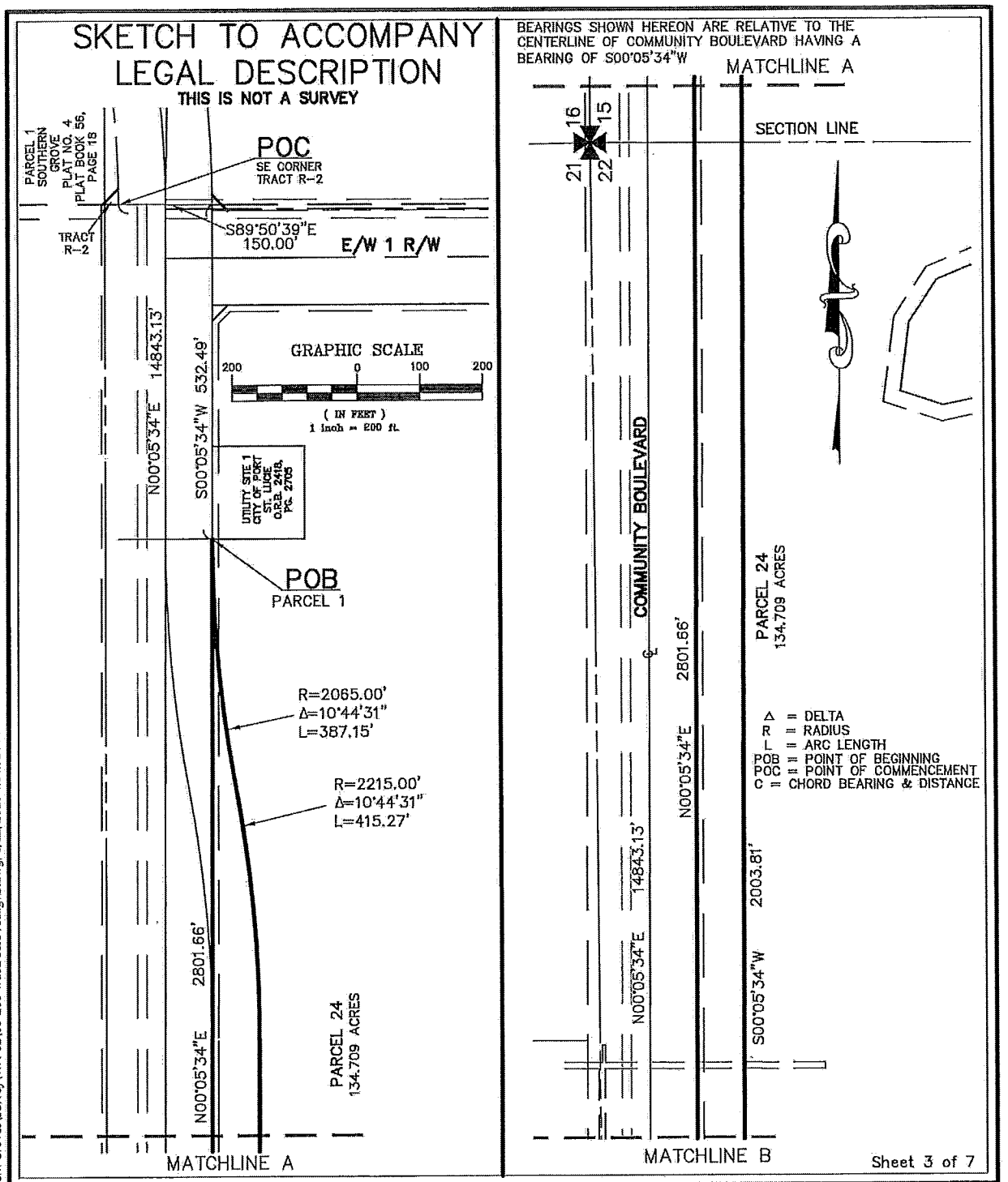


**SKETCH OF DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM

CULPEPPER & TERPENING, INC
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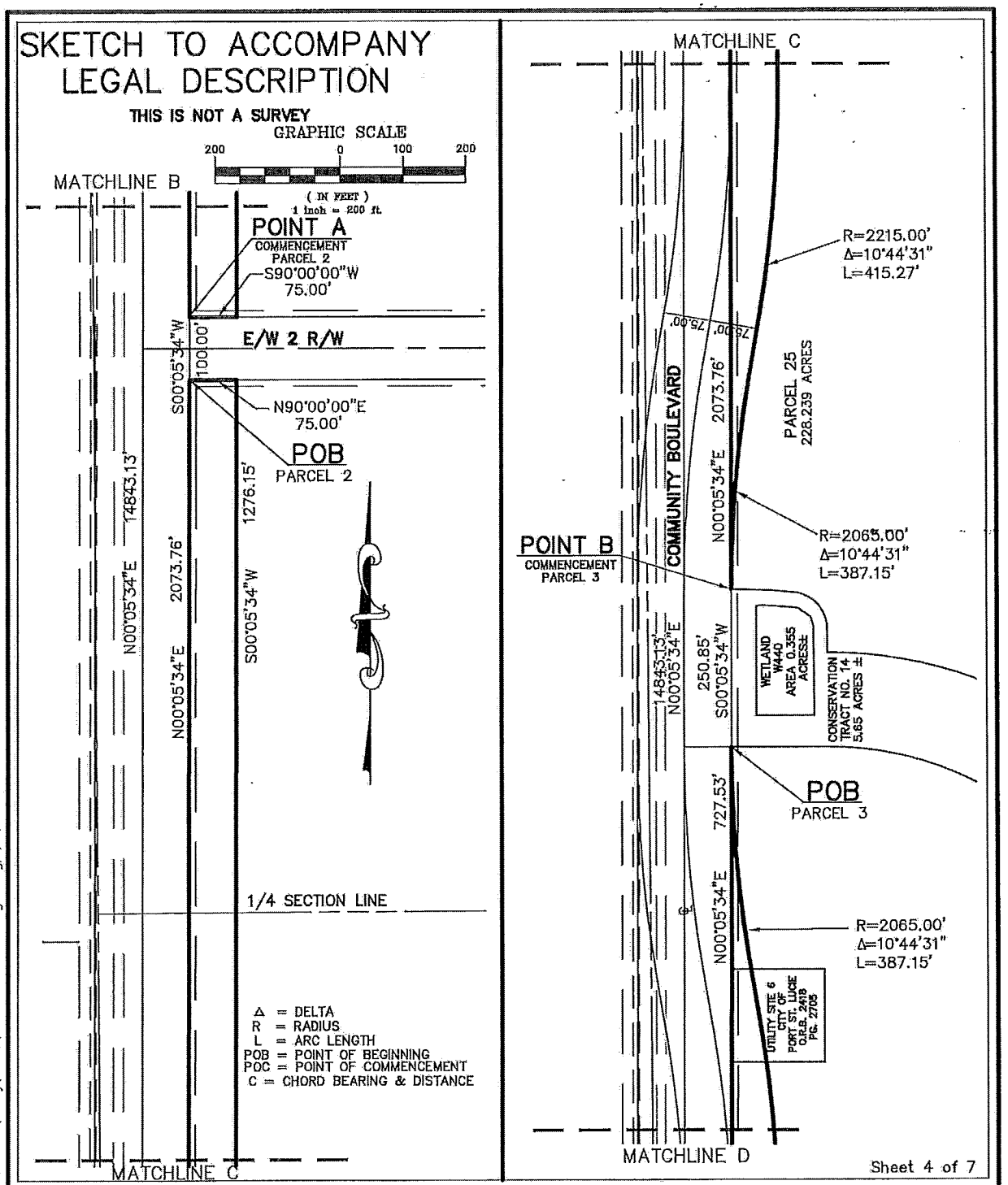


**SKETCH OF DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM

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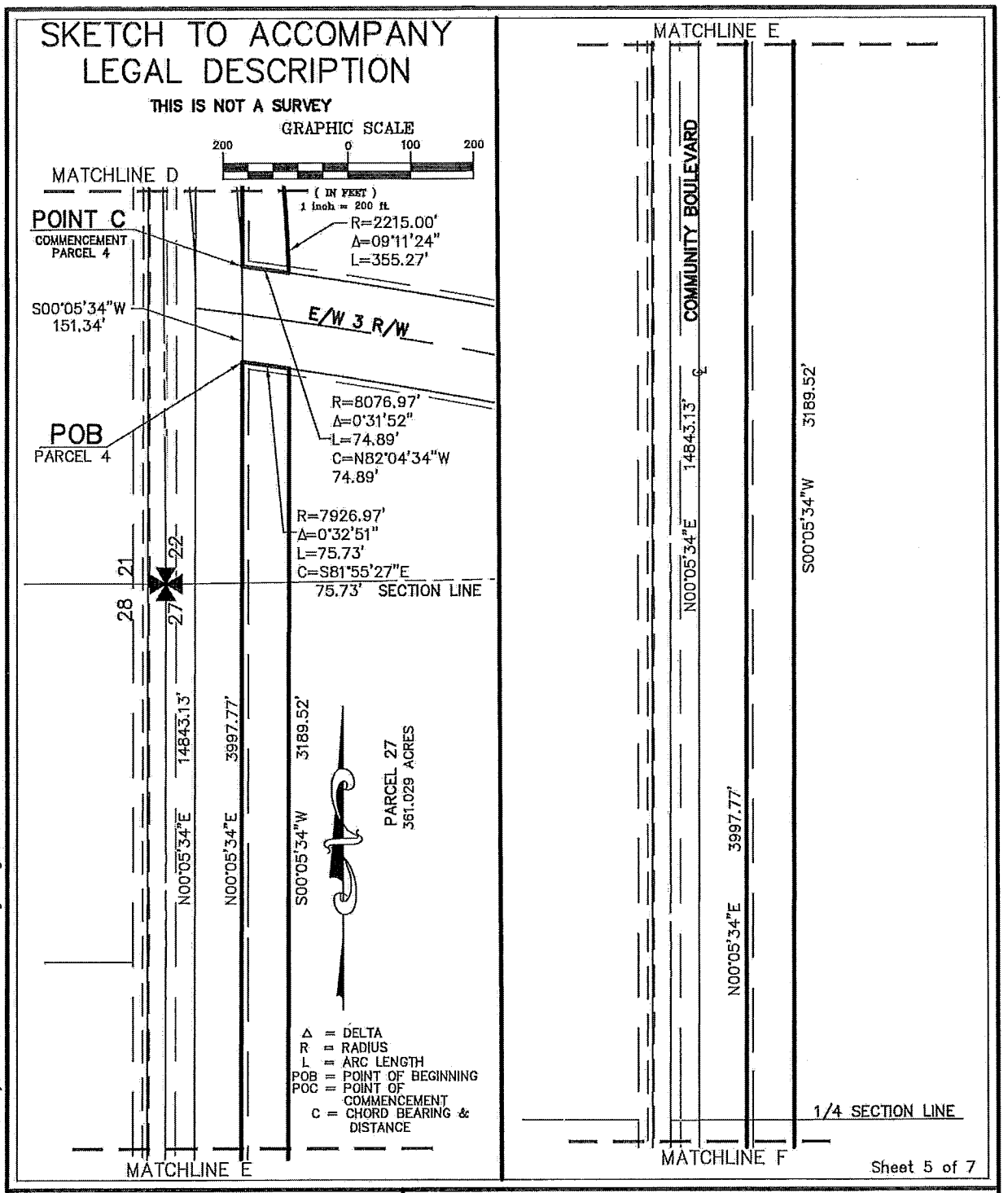


**SKETCH OF DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM

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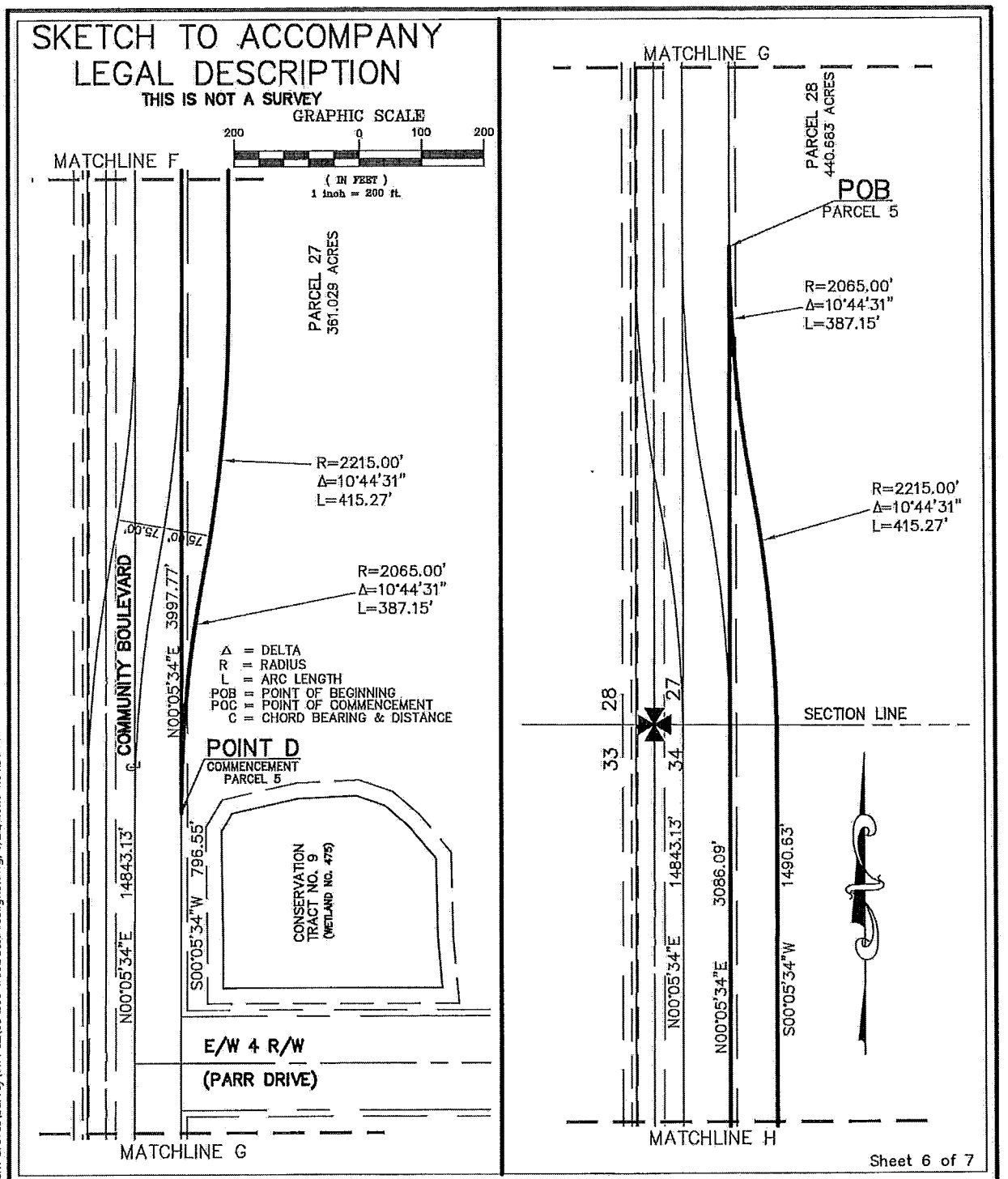


**SKETCH OF DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62
s&d realign.dwg
Date: 5-10-2012

Checked: TPK
Tech: GLM

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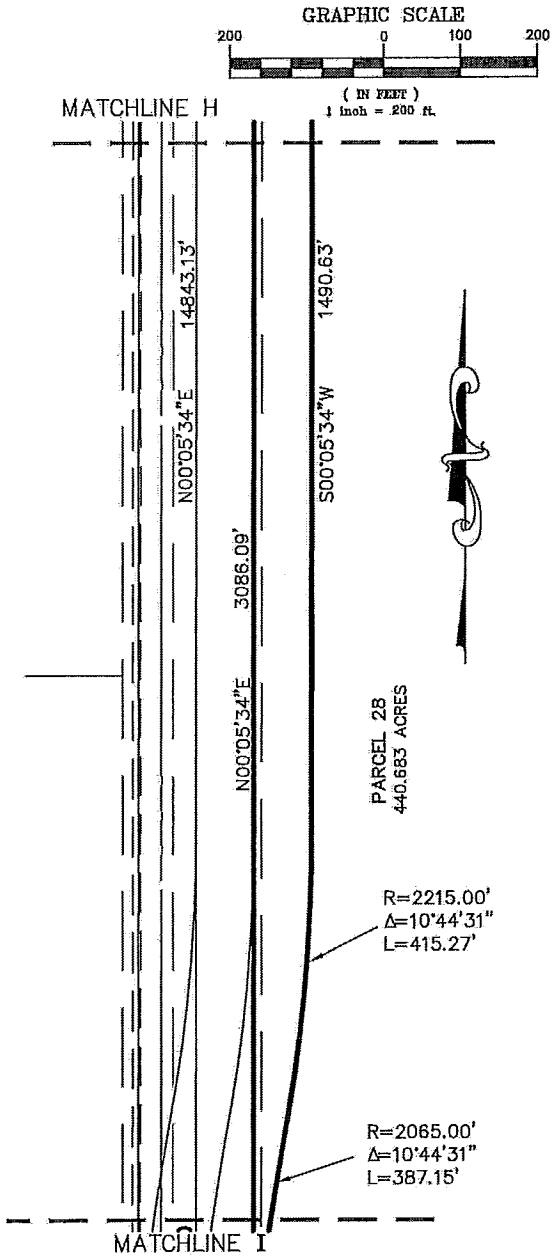
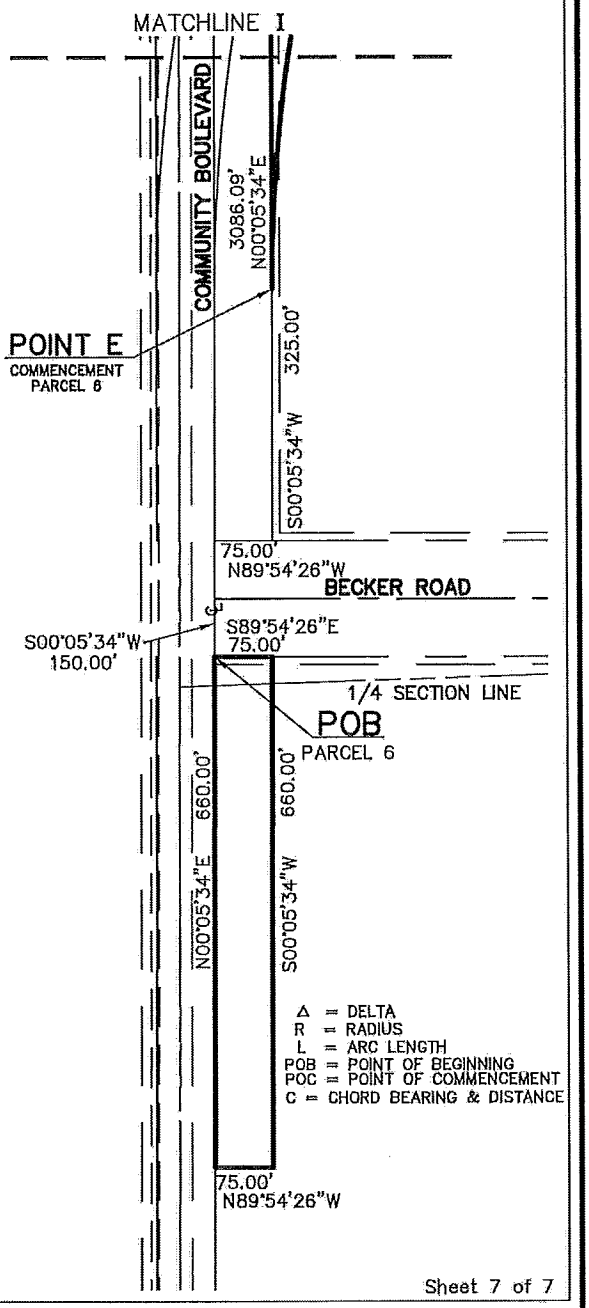
P:\Proj-2008\08-260 Southern Groves\Survey\WA-62\08-260-wa62 s&d realign3.dwg, 6/22/2016 4:04:38 PM

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**




Sheet 7 of 7

**SKETCH OF DESCRIPTION**
OF
**COMMUNITY BOULEVARD REALIGNMENT**

File: 08-260wa62 s&d realign.dwg
Date: 5-10-2012
Checked: TPK
Tech: GLM


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**EXHIBIT "B"**
Legal Description of the Property

"New/Relocated" E/W No. 2 road right-of-way

[See: Attached Pages 12 Through 14, Inclusive]

# LEGAL DESCRIPTION

Being a Parcel of land lying in a portion of Parcel 25, according to the plat of SOUTHERN GROVE PLAT NO. 3, as recorded in Plat Book 61, Page 17, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Northwest corner of said Parcel 25; thence North 90°00'00" East, along the South right-of-way of E/W 2 R/W (a 100.00 foot wide right-of-way), a distance of 75.00 feet to the POINT OF BEGINNING of the following described parcel;

Thence North 00°05'34" East, a distance of 125.00 feet; thence South 44°57'13" East, a distance of 35.33 feet; thence North 90°00'00" East, a distance of 285.32 feet to a point of curve to the right having a radius of 950.00 feet, a central angle of 44°08'59"; thence easterly along the arc a distance of 732.03 feet; thence South 45°51'01" East, a distance of 109.97 feet to the intersection with a non tangent curve concave to the southwest, having a radius of 135.00 feet, the chord of which bears South 45°51'01" East, 250.80 feet; thence southeasterly along the arc of said curve, a distance of 321.67 feet through a central angle of 136°31'23"; thence South 45°51'01" East, a distance of 41.90 feet to a point of curve to the left having a radius of 1,550.00 feet, a central angle of 49°17'14"; thence easterly along the arc a distance of 1,333.35 feet; thence North 84°51'45" East, a distance of 52.95 feet; thence North 40°19'25" East, a distance of 35.64 feet to the West right-of-way of Village Parkway (a 150.00 foot wide right-of-way) and to an intersection with a non tangent curve concave to the east, having a radius of 3,897.00 feet, the chord of which bears South 05°08'03" East, 149.99 feet; thence southerly along the arc of said curve, and along said West right-of-way of Village Parkway, a distance of 150.00 feet through a central angle of 02°12'20"; thence North 50°35'43" West, a distance of 35.64 feet; thence South 84°51'45" West, a distance of 52.95 feet to a point of curve to the right having a radius of 1,650.00 feet, a central angle of 49°17'14"; thence westerly along the arc a distance of 1,419.37 feet; thence North 45°51'01" West, a distance of 41.90 feet to the intersection with a non tangent curve concave to the northeast, having a radius of 135.00 feet, the chord of which bears North 45°51'01" West, 250.80 feet; thence northwesterly along the arc of said curve, a distance of 321.67 feet through a central angle of 136°31'23"; thence North 45°51'01" West, a distance of 109.97 feet to a point of curve to the left having a radius of 850.00 feet, a central angle of 44°08'59"; thence westerly along the arc a distance of 654.97 feet; thence South 90°00'00" West, a distance of 285.48 feet; thence South 45°02'47" West, a distance of 35.38 feet; thence North 00°05'34" East, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 7.305 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

7/1/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

Page 1 of 3

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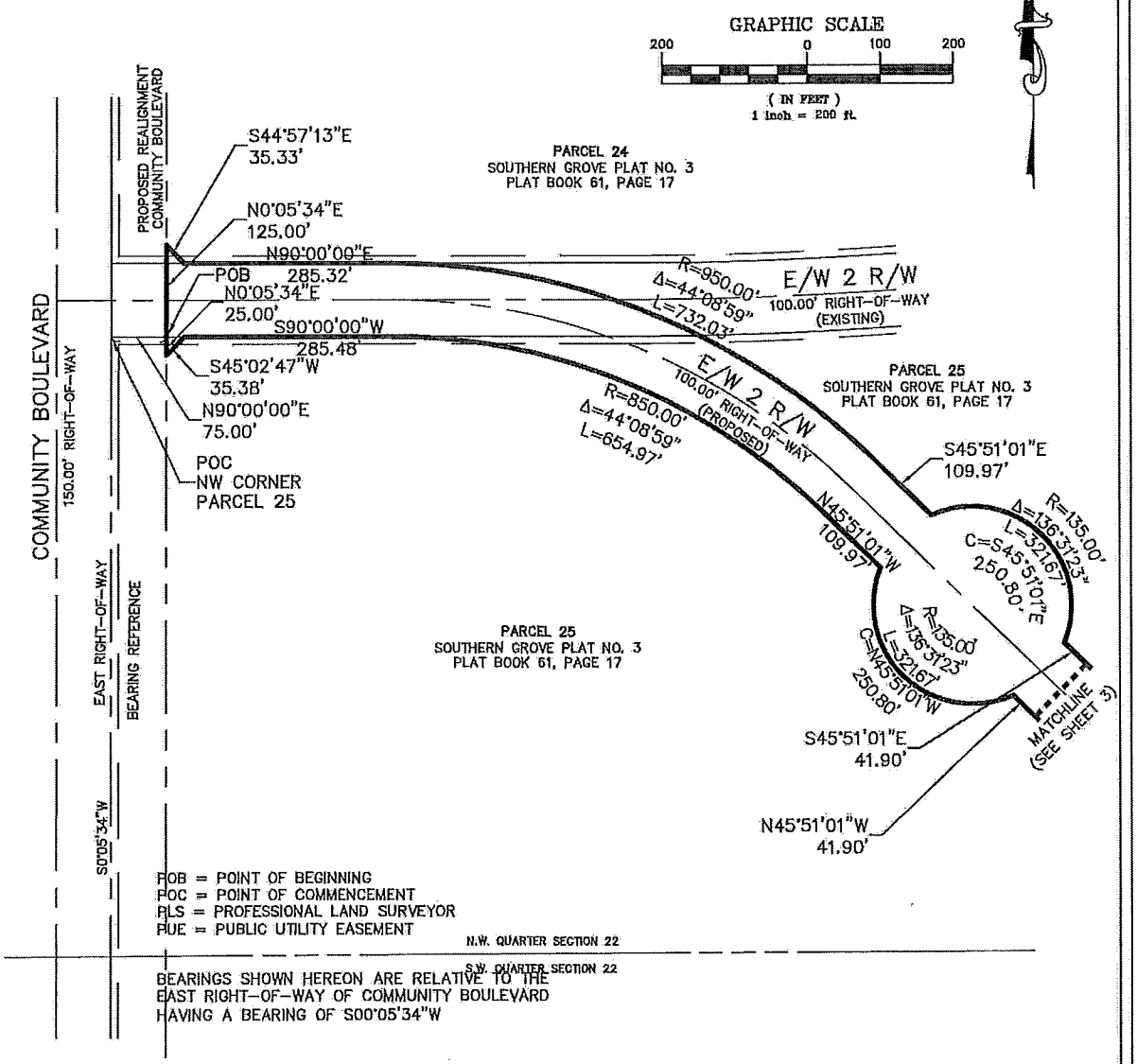
LEGAL DESCRIPTION

E/W 2 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=200' |
| FILE: 15-030 s&d EW2.dwg | DATE: 3-31-2016 |

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**




POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
PUE = PUBLIC UTILITY EASEMENT

BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST RIGHT-OF-WAY OF COMMUNITY BOULEVARD HAVING A BEARING OF S00°05'34"W

Page 2 of 3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STATE OF FLORIDA CERTIFICATION No. LB 4286

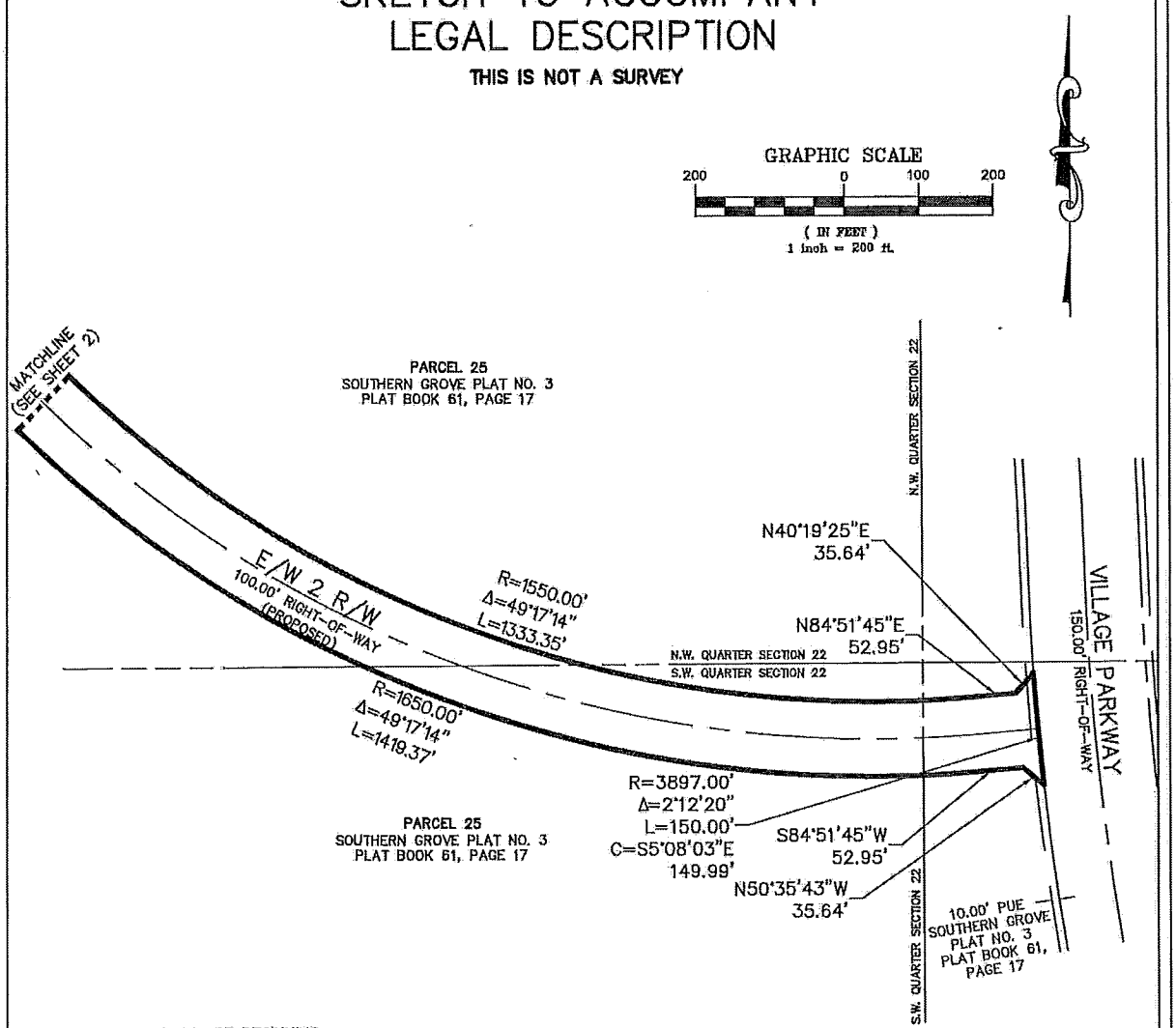

## SKETCH OF DESCRIPTION

E/W 2 R/W

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=100' |
| FILE: 15-030 s&d EW2.dwg | DATE: 3-31-2016 |

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**




POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
PUE = PUBLIC UTILITY EASEMENT

BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST RIGHT-OF-WAY OF COMMUNITY BOULEVARD HAVING A BEARING OF S00°05'34"W

Page 3 of 3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STATE OF FLORIDA CERTIFICATION No. LB-1286


| SKETCH OF DESCRIPTION | |
|---|---|
| E/W 2 R/W | |
| JOB NO: 15-030 | SCALE: 1"=200' |
| FILE: 15-030 s&d EW2.dwg | DATE: 3-31-2016 |

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**EXHIBIT "C"**
Legal Description of the Property

"New/Relocated" Utility Sites 1, 4, 5 and 6

[See: Attached Pages 16 Through 23, Inclusive]

# LEGAL DESCRIPTION

Being a Utility Site lying in a portion of Parcel 24, according to the plat of SOUTHERN GROVE PLAT NO. 3, as recorded in Plat Book 61, Page 17, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Begin at the Northeast corner of Tract R-1 of said plat of SOUTHERN GROVE PLAT NO. 3; thence South 89°57'32" East, along the South right-of-way of E/W 1 R/W (a 150.00 foot wide right-of-way) a distance of 123.62 feet; thence South 00°05'12" West, a distance of 148.78 feet; thence North 89°54'26" West, a distance of 148.64 feet to the East right-of-way of Community Boulevard (a 150.00 foot wide right-of-way); thence North 00°05'34" East, along said East right-of-way of Community Boulevard, a distance of 123.64 feet; thence North 45°04'01" East, a distance of 35.37 feet to the South right-of-way of E/W 1 R/W and the POINT OF BEGINNING.

Containing 0.500 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

6199

8/25/16

THOMAS P. KIERNAN — DATE

Professional Surveyor & Mapper
Florida Certificate No. 6199

REVISION: CORRECTED BEARING REFERENCE GLM 8-08-2016

Page 1 of 2

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LEGAL DESCRIPTION

UTILITY SITE 1

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030 s&d site1.dwg | DATE: 3-31-2016 |

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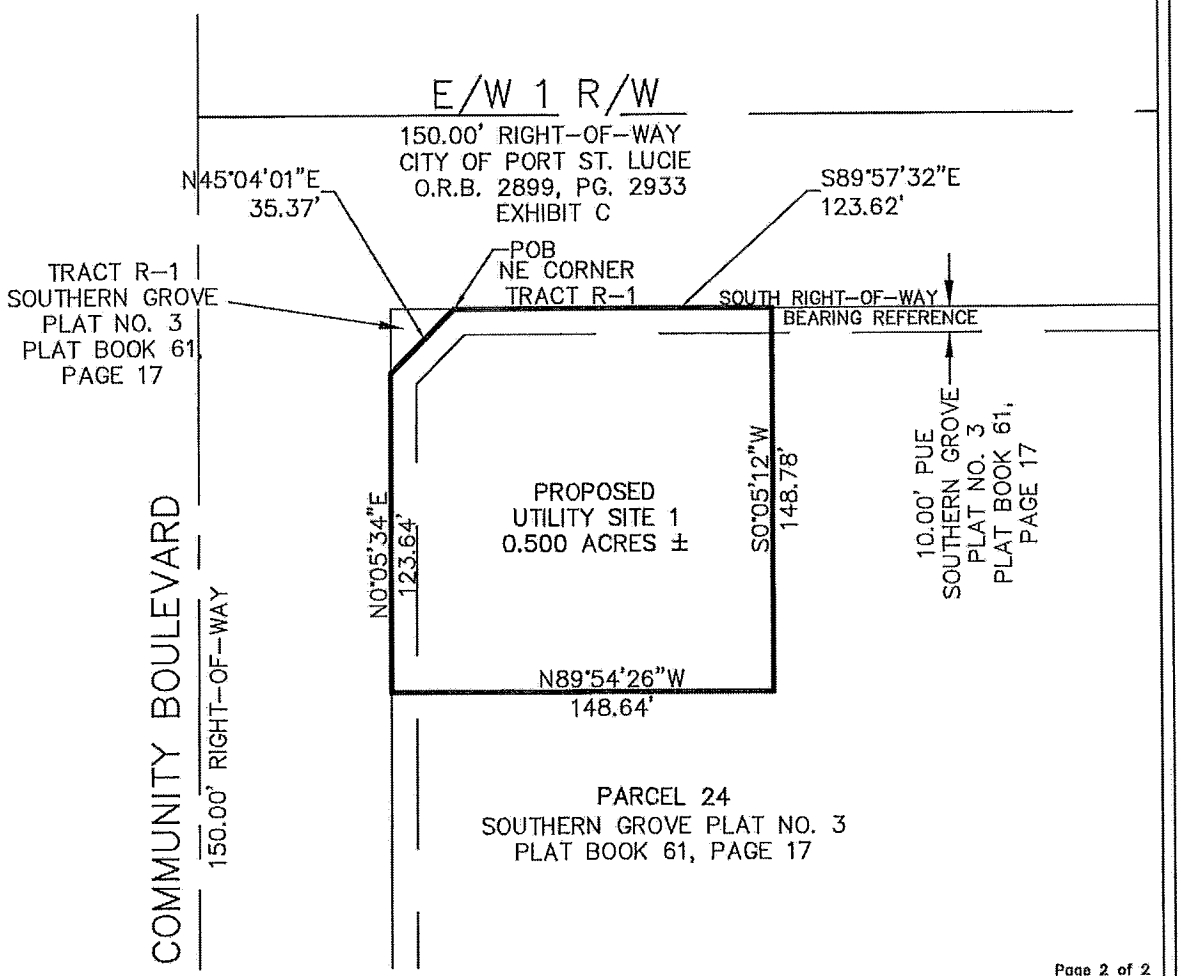
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
PUE = PUBLIC UTILITY EASEMENT

BEARINGS SHOWN HEREON ARE RELATIVE TO THE SOUTH RIGHT-OF-WAY OF E/W 1 R/W HAVING A BEARING OF S89°57'32"E

GRAPHIC SCALE
60 0 30 60
( IN FEET )
1 inch = 60 ft.




Page 2 of 2

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| SKETCH OF DESCRIPTION | |
|---|---|
| UTILITY SITE 1 | |
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030 s&d site1.dwg | DATE: 3-31-2016 |

# LEGAL DESCRIPTION

Being a Utility Site lying in a portion of Lot 6, according to the plat of SOUTHERN GROVE PLAT NO. 14, as recorded in Plat Book 71, Page 35, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Southeast corner of said Lot 6; thence South 89°33'50" West, along the North right-of-way of E/W 3 R/W (a 150.00 foot wide right-of-way), a distance of 605.49 feet to the POINT OF BEGINNING of the following described parcel;

Thence continue South 89°33'50" West, along said North right-of-way of E/W 3 R/W, a distance of 147.82 feet; thence North 00°00'00" West, a distance of 147.34 feet; thence North 89°33'50" East, a distance of 147.82 feet; thence South 00°00'00" East, a distance of 147.34 feet to the North right-of-way of E/W 3 R/W and the POINT OF BEGINNING.

Containing 0.500 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

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7/1/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

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LEGAL DESCRIPTION

UTILITY SITE 4

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=100' |
| FILE: 15-030 s&d site4.dwg | DATE: 3-31-2016 |

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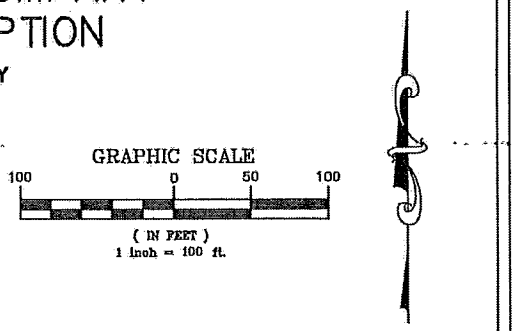
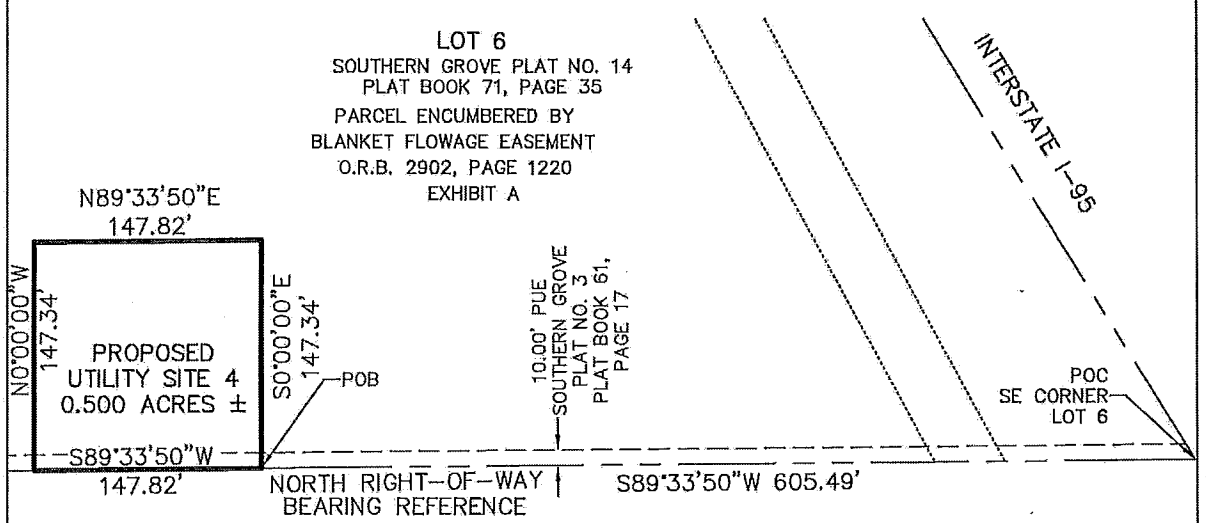
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

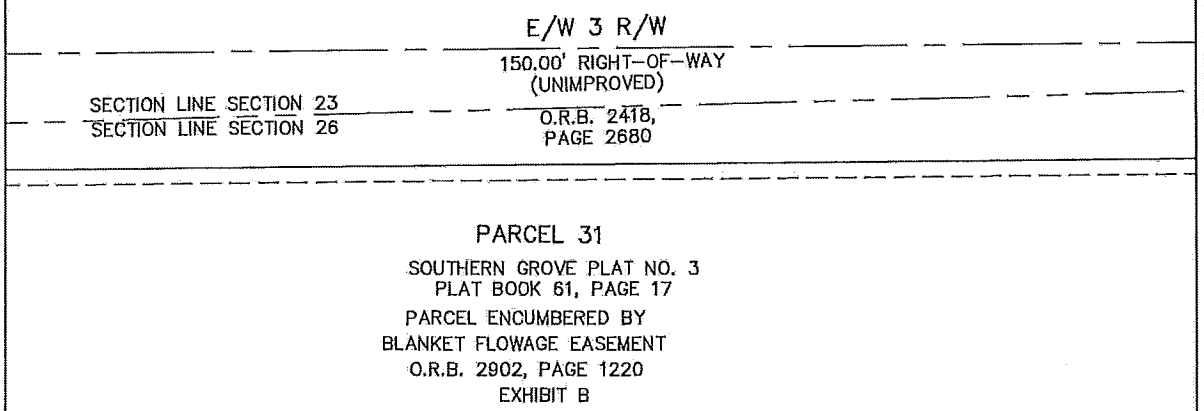
**THIS IS NOT A SURVEY**

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
PUE = PUBLIC UTILITY EASEMENT

BEARINGS SHOWN HEREON ARE RELATIVE TO THE NORTH RIGHT-OF-WAY OF E/W 3 R/W HAVING A BEARING OF S89°33'50"W




Page 2 of 2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| SKETCH OF DESCRIPTION | |
|---|---|
| UTILITY SITE 4 | |
| JOB NO: 15-030 | SCALE: 1"=100' |
| FILE: 15-030 s&d site4.dwg | DATE: 3-31-2016 |

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# LEGAL DESCRIPTION

Being a Utility Site lying in a portion of Lot 6, according to the plat of SOUTHERN GROVE PLAT NO. 14, as recorded in Plat Book 71, Page 35, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Southwest corner of said Lot 6; thence North 25°57'22" West, along the Easterly right-of-way of Village Parkway (a 150.00 foot wide right-of-way), a distance of 1204.23 feet to the POINT OF BEGINNING of the following described parcel;

Thence continue North 25°57'22" West, along said Easterly right-of-way of Village Parkway, a distance of 147.58 feet; thence North 64°03'05" East, a distance of 147.58 feet; thence South 25°57'22" East, a distance of 147.58 feet; thence South 64°03'05" West, a distance of 147.58 feet to the Easterly right-of-way of Village Porkway and the POINT OF BEGINNING.

Containing 0.500 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK, VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

6199

8/25/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

REVISION: CORRECTED BEARING REFERENCE GLM 8-08-2016



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DESCRIPTION

UTILITY SITE 5

| | |
|---|---|
| JOB NO: 15-030 | SCALE: |
| FILE: 15-030 s&d site5.dwg | DATE: 3-31-2016 |

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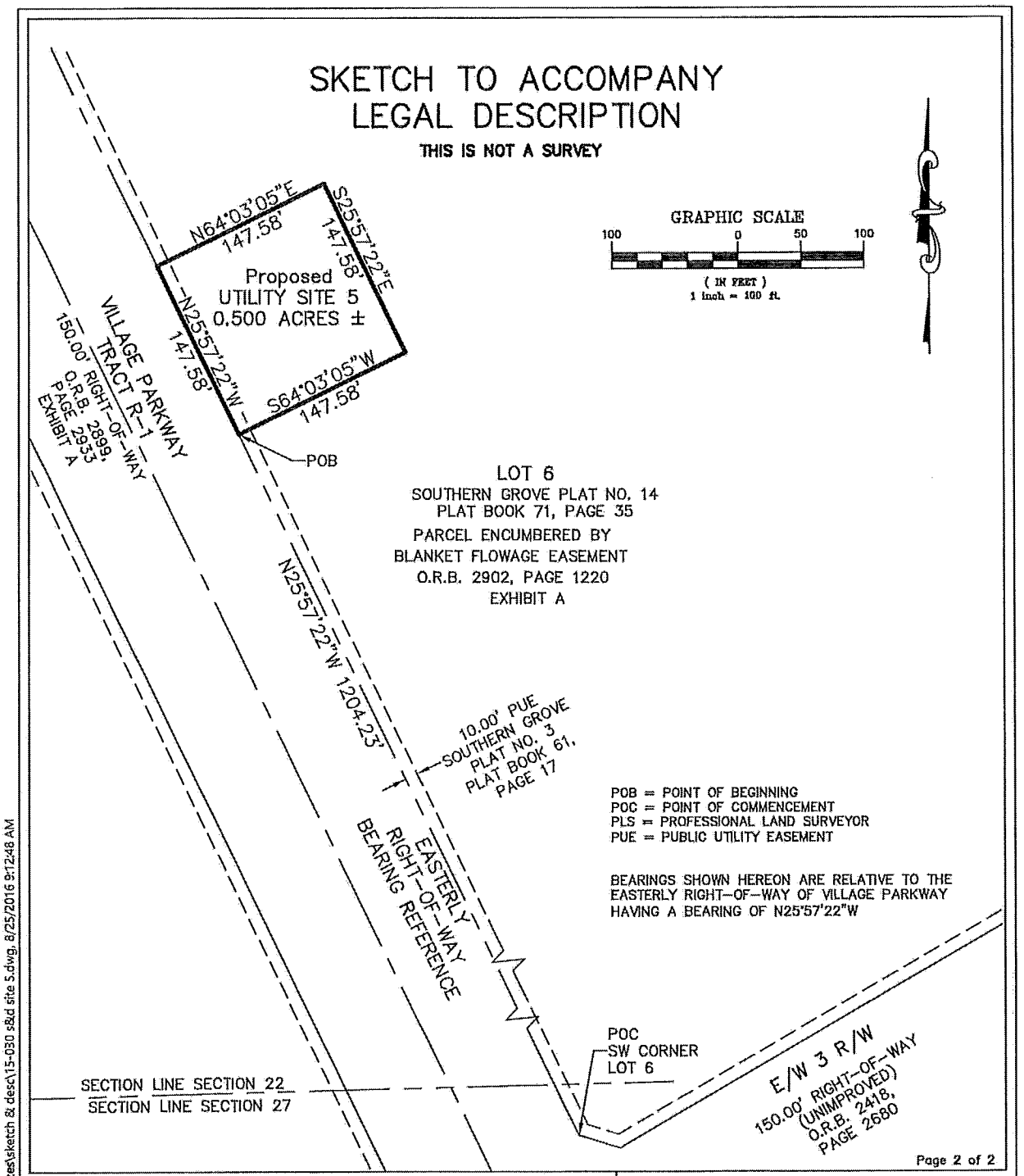
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**




Page 2 of 2

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## SKETCH OF DESCRIPTION

### UTILITY SITE 5

| | |
|---|---|
| JOB NO: 15-030 | SCALE: |
| FILE: 15-030 s&d site5.dwg | DATE: 3-31-2016 |

# LEGAL DESCRIPTION

Being a Utility Site lying in a portion of Parcel 25, according to the plat of SOUTHERN GROVE PLAT NO. 3, as recorded in Plat Book 61, Page 17, Public Records of St. Lucie County, Florida, being more particularly described as follows;

Commence at the Southwest corner of said Parcel 25 and the beginning of a curve to the right, of which the radius point lies South 07°39'30" West, a radial distance of 8,076.97 feet and having a chord bearing of South 82°04'34" East, 74.89 feet; thence easterly along the arc, and along the North right-of-way of E/W 3 R/W (a 150.00 foot wide right-of-way), through a central angle of 00°31'52", a distance of 74.89 feet to the POINT OF BEGINNING of the following described parcel;

To the intersection with a non tangent curve concave to the west, having a radius of 2,215.00 feet, the chord of which bears North 03°17'00" West, 141.00 feet; thence northerly along the arc of said curve, a distance of 141.03 feet through a central angle of 03°38'53"; thence North 90°00'00" East, a distance of 148.95 feet; thence South 00°00'00" East, a distance of 162.32 feet to the intersection with a non tangent curve concave to the south, having a radius of 8,076.97 feet, the chord of which bears North 81°18'18" West, 142.51 feet; thence westerly along the arc of said curve, a distance of 142.51 feet through a central angle of 01°00'39" to the POINT OF BEGINNING.

Containing 0.500 acres, more or less.

NOTE: THIS IS NOT A SKETCH OF SURVEY, BUT ONLY A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON. THERE HAS BEEN NO FIELD WORK,VIEWING OF THE SUBJECT PROPERTY OR MONUMENTS SET IN CONNECTION WITH THE PREPARATION OF THE INFORMATION SHOWN HEREON.

NOTE: LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAY AND/OR EASEMENTS OF RECORD.

6199

8/25/16

THOMAS P. KIERNAN — DATE
Professional Surveyor & Mapper
Florida Certificate No. 6199

REVISION:REVISED CURVE DATA AND LEGAL DESCRIPTION GLM 8-08-2016



CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET • FORT PIERCE, FLORIDA 34981
151 SW FLAGLER AVENUE • STUART, FLORIDA 34994
PHONE 772-464-3537 • FAX 772-464-9497 • www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

LEGAL DESCRIPTION

UTILITY SITE 6

| | |
|---|---|
| JOB NO: 15-030 | SCALE: 1"=60' |
| FILE: 15-030 s&d site6.dwg | DATE: 3-31-2016 |

P:\Proj-2015\15-030 Utility sites\sketch & desc\15-030 s&d site 6.dwg, 8/25/2016 9:13:10 AM

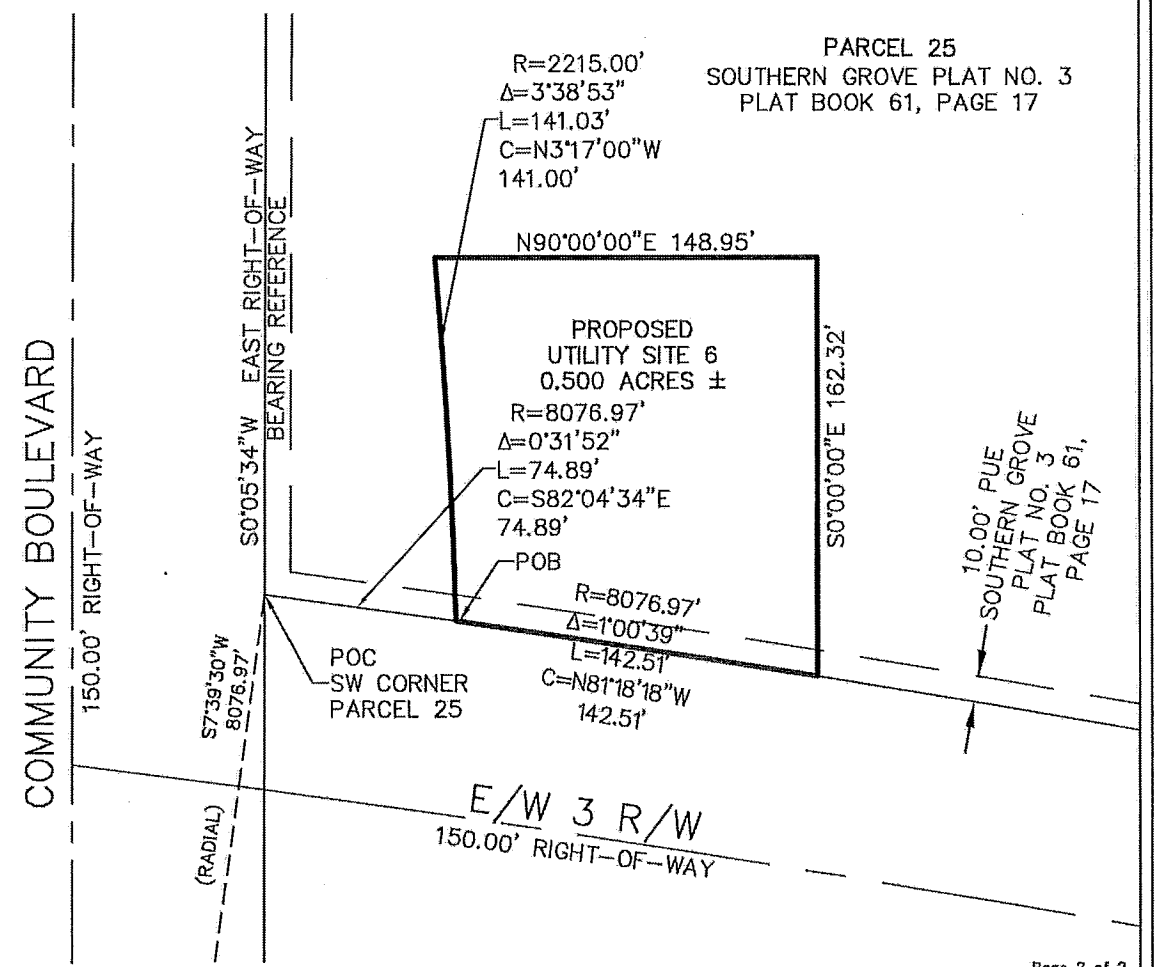
# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

**THIS IS NOT A SURVEY**

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PLS = PROFESSIONAL LAND SURVEYOR
PUE = PUBLIC UTILITY EASEMENT

BEARINGS SHOWN HEREON ARE RELATIVE TO THE EAST RIGHT-OF-WAY OF COMMUNITY BOULEVARD HAVING A BEARING OF S00°05'34"W

GRAPHIC SCALE
60 0 30 60
( IN FEET )
1 inch = 60 ft.




Page 2 of 2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| SKETCH OF DESCRIPTION | |
|---|---|
| UTILITY SITE 6 | |
| JOB NO: 15-030 | SCALE: 1"=60' |
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**EXHIBIT "D"**

Grantee's acceptance of title to the Property subject to any condition, restriction, limitation or other matter of record, however, shall not be construed as a waiver by Grantee of its claim of exemption, as a government purchaser, to the enforcement of any such condition, restriction, limitation or other matter of record against Grantee pursuant to *Ryan v. Manalapan*, 414, So.2d 193 (Fla. 1982).

Use of the Property described in Exhibits "A" and "B" are hereby forever restricted to uses for and/or in connection with public road, drainage and utility purposes (the "Permitted Use"); provided, however, pursuant to section 4(n) of that certain Annexation Agreement dated July 19, 2004 among Grantor, Grantee and the other parties named therein (as amended from time to time, the "Annexation Agreement"), Grantor hereby reserves the right to use the Property owned by Grantor for and/or in connection with agricultural and/or related purposes until the date that is 120 days after the date on which Grantee gives Grantor written notice that Grantee intends to commence a Permitted Use on the Property.

Use of the Property described in Exhibit "C" is hereby forever restricted to uses for utility purposes (the "Permitted Use"); provided, however, pursuant to section 4(n) of that certain Annexation Agreement dated July 19, 2004 among Grantor, Grantee and the other parties named therein (as amended from time to time, the "Annexation Agreement"), Grantor hereby reserves the right to use the Property owned by Grantor for and/or in connection with agricultural and/or related purposes until the date that is 120 days after the date on which Grantee gives Grantor written notice that Grantee intends to commence a Permitted Use on the Property.

Grantor hereby reserves for itself (and its successors and/or assigns) an exclusive easement in, on, under, over and upon the Property described in Exhibits "A" and "B" owned by Grantor for pedestrian and vehicular ingress, egress and access purposes, together with the right to: (a) plan, finance, acquire, construct and install roads, utilities and other infrastructure improvements on and within the Property including, without limitation, all improvements required by Grantee's Subdivision Regulations in its Code of Laws and Ordinances (the "Regulations") and/or the Annexation Agreement (all such roads, utilities and other infrastructure improvements are referred to herein as the "Improvements"); and (b) enter and go upon the Property for the purpose of designing, permitting, constructing and installing the Improvements on and within the Property. Any Improvements constructed or installed on or within the Property shall be owned by Grantor until such time as such Improvements are transferred and/or conveyed to Grantee, a community development district established pursuant to Chapter 190, Florida Statutes, whether now existing or hereafter created, the jurisdiction of which includes property benefited by any of the Improvements, or a special district established pursuant to Chapter 189, Florida Statutes, whether now existing or hereafter created, the jurisdiction of which includes property benefited by any of the Improvements, as required by the Regulations (including, without limitation, Section 156.146 thereof) and/or the Annexation Agreement.

Grantor shall assign to Grantee the reserved easements and rights set forth above thereby extinguishing the same upon Grantee's acceptance of the Improvements constructed and/or installed by Grantor on or within the Property and the maintenance obligation for the same. The recording of a resolution adopted by Grantee pursuant to Section 156.150 of the Regulations

stating Grantee's acceptance of such Improvements and the maintenance obligation for the same shall be conclusive proof of such acceptance and, without any further action by Grantor, shall effect a full and complete assignment to Grantee of such reserved easements and rights and extinguishment of the same.

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 13A
Meeting Date: 9/26/16

TO: Mayor and City Council

FROM: O. Reginald Osenton, City Attorney

Agenda Item: Motion: Addendum to Employment Agreement for Patricia Roebling, P. E., from Assistant City Manager to Interim City Manager

Submittal Date: 9/21/2016

---

**STRATEGIC PLAN LINK:** This item is consistent with the Port St. Lucie Government Mission to provide Exceptional Municipal Services; and the City of Port St. Lucie Goal 1 – Financially Sound City, High Performance City Organization.

**BACKGROUND:** On September 19, 2016, the City Council appointed Patricia Roebling, P.E. as Interim City Manager and expressed a desire to negotiate an Agreement whereby she would serve as Interim City Manager until a new City Manager could be brought on board.

**ANALYSIS:** At the direction of the City Council, the Addendum to the Employment Agreement is being presented for review and consideration.

**FINANCIAL INFORMATION:**

**LEGAL INFORMATION:** The Employment Agreement for Interim City Manager has been reviewed and approved as to legal form and sufficiency by O. Reginald Osenton, City Attorney.

**STAFF RECOMMENDATION:** N/A

**SPECIAL CONSIDERATION:** N/A

**PRESENTATION INFORMATION:** N/A

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** N/A

**ATTACHMENTS:** Addendum to Employment Agreement

ADDENDUM TO
EMPLOYMENT AGREEMENT

THIS ADDENDUM TO EMPLOYMENT AGREEMENT ("Addendum") effective the **19th day of September, 2016**, (the "Effective Date") by and between the CITY OF PORT ST. LUCIE, hereinafter referred to as CITY, acting through the CITY COUNCIL, hereinafter referred to as CITY COUNCIL, and **Patricia Roebling, P.E.**, hereinafter referred to as EMPLOYEE, supplements EMPLOYEE's Employment Agreement (the "Employment Agreement") which was executed on November 14, 2014.

WHEREAS, CITY COUNCIL desires to temporarily utilize the services of EMPLOYEE in the capacity of CITY's chief executive office;

WHEREAS, for the good of the organization, EMPLOYEE agrees to temporarily serve in a different capacity;

WHEREAS, CITY COUNCIL appoints EMPLOYEE and EMPLOYEE agrees to accept appointment with CITY in the position of Interim City Manager; and

WHEREAS, certain terms and conditions or EMPLOYEE's employment shall be governed by this Addendum during her tenure as Interim City Manager.

NOW THEREFORE, in consideration of the mutual covenants herein contained, CITY and EMPLOYEE agree to the following supplemental provisions:

I. DUTIES.

CITY agrees to appoint EMPLOYEE and EMPLOYEE agrees to accept the appointment as the **Interim City Manager**. A job description for the position delineating specific job duties is attached hereto as Exhibit A and incorporated herein by this reference.

II. DURATION OF ADDENDUM.

a. This Addendum covers "the Interim Period," which is defined as from the Effective Date until the start date of the new City Manager to be selected by CITY COUNCIL in the near future, or upon either party giving thirty (30) days written notice of the cancellation of this Addendum, whichever occurs first.

b. Upon the end of the Interim Period, this Addendum shall be considered expired and EMPLOYEE's terms and conditions of employment shall be solely governed by the Employment Agreement, except as permanently modified herein.

III. SALARY.

a. EMPLOYEE's annualized base salary shall be as provided for in the Employment Agreement.

b. For assuming the duties of Interim City Manager, Employee shall be compensated at the rate of One Hundred Seventy Thousand Dollars and Zero Cents ($170,000.00) per annum, payable in bi-weekly installments, during the Interim Period.

c. At the end of the Interim Period whereupon EMPLOYEE resumes her previously-held position, her annual salary shall return to One Hundred Forty-Seven Thousand Fifty-Six Dollars and Zero Cents ($147,056.00) per annum. This salary shall survive the expiration of the Addendum and be thereafter incorporated into the Employment Agreement as a binding modification.

IV. SEVERANCE PAY.

a. In the event EMPLOYEE's employment with CITY is terminated during the Interim Period, pursuant to Section IV of her Employment Agreement, she shall be granted five (5) months' severance pay (not to exceed 20 weeks of compensation). EMPLOYEE shall also

be compensated for all eligible accrued benefits to date, based on the limitations and conditions detailed in her Employment Agreement. This severance pay shall survive the expiration of this Addendum and be thereafter incorporated into the Employment Agreement as a binding modification.

b. In the event the CITY terminates EMPLOYEE's employment EMPLOYEE shall be entitled to receive the retiree healthcare stipend, in accordance with CITY policy, upon her attaining the age of Fifty-Five (55) on November 4, 2016. This provision shall survive the expiration of this Addendum and be thereafter incorporated into the Employment Agreement as a binding modification.

V. MODIFICATIONS.

The terms of the Employment Agreement, which are in effect from October 24, 2014 through October 24, 2016, shall continue in effect except as specifically noted as modified by the terms of this Addendum.

No change or modification of this Addendum shall be valid unless it is reduced to writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereunto have set their hands to this instrument this _____ day of _____, 2016.

| | |
|---|---|
| Patricia Roebling, P.E. EMPLOYEE Date | Gregory J. Oravec, Mayor Date |

APPROVED AS TO FORM:

O. Reginald Osenton, City Attorney Date

**CITY OF PORT ST. LUCIE**
**Position Description**

| | |
|---|---|
| **Job Title:** | City Manager |
| **Department:** | City Manager |
| **Reports To:** | City Council |
| **Job Code:** | 1030 |
| **Band:** | Administrator |
| **Union Status:** | Non |
| **FLSA Status:** | Exempt |
| **Prepared Date:** | July 16, 2004 |
| **Modification Date:** | |

**Summary**

Highly responsible administrative work directing and coordinating all phases of the general municipal government. Work involves the supervision of activities related to the City in accordance with the policies determined by the City Council, City Charter and applicable laws and ordinances.

**Essential Duties and Responsibilities** include the following. Other duties may be assigned.

Directs the overall effort of the City government. Acts as appointing authority for City employees by appointing department heads and staff as provided by state laws or local ordinances. Coordinates the efforts of the various departments under the City governmental structure.

Administers and supervises through subordinate department heads such functions as law enforcement, public works construction, maintenance of public streets and property, sanitation, financial operations and budgets, recreational activities, inspectional services, utilities operations, maintenance of public health, purchase of supplies and equipment, human resources functions and other related functions.

Prepares the annual City budget for submission to the Council. Submits recommendations and estimates to the Council for their discussion and approval concerning the efficient operation of the City government. Keeps the Council informed of general City operations and activities.

Plans for future development of urban and non-urban areas to provide for population growth and expansion of public services.

Recommends zoning regulation controlling location and development of residential and commercial areas.

Plans and recommends future City programs.

Maintains community respect for City operations through good public relations and by keeping residents informed of City progress and policies. Discusses problems and complaints concerning City operations with the taxpayers or refers to appropriate office for action.

Oversees the City's media relations activities.

**Job Title:** City Manager
**Department:** City Manager
**Supervisory Responsibilities**

Responsible for the overall direction, coordination, and evaluation of the units under incumbent's direction. Also directly supervises non-supervisory employees. Carries out supervisory responsibilities in accordance with the City's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

**Competency**

To perform the job successfully, an individual should demonstrate the following competencies:

**Analytical** - Synthesizes complex or diverse information; Collects and researches data; Uses intuition and experience to complement data; Designs work flows and procedures.

**Design** - Generates creative solutions; Translates concepts and information into images; Uses feedback to modify designs; Applies design principles; Demonstrates attention to detail.

**Problem Solving** - Identifies and resolves problems in a timely manner; Gathers and analyzes information skillfully; Develops alternative solutions; Works well in group problem solving situations; Uses reason even when dealing with emotional topics.

**Project Management** - Develops project plans; Coordinates projects; Communicates changes and progress; Completes projects on time and budget; Manages project team activities.

**Technical Skills** - Assesses own strengths and weaknesses; Pursues training and development opportunities; Strives to continuously build knowledge and skills; Shares expertise with others.

**Customer Service** - Manages difficult or emotional customer situations; Responds promptly to customer needs; Solicits customer feedback to improve service; Responds to requests for service and assistance; Meets commitments.

**Interpersonal Skills** - Focuses on solving conflict, not blaming; Maintains confidentiality; Listens to others without interrupting; Keeps emotions under control; Remains open to others' ideas and tries new things.

**Oral Communication** - Speaks clearly and persuasively in positive or negative situations; Listens and gets clarification; Responds well to questions; Demonstrates group presentation skills; Participates in meetings.

**Written Communication** - Writes clearly and informatively; Edits work for spelling and grammar; Varies writing style to meet needs; Presents numerical data effectively; Able to read and interpret written information.

**Teamwork** - Balances team and individual responsibilities; Exhibits objectivity and openness to others' views; Gives and welcomes feedback; Contributes to building a positive team spirit; Puts success of team above own interests; Able to build morale and group commitments to goals and objectives; Supports everyone's efforts to succeed.

**Visionary Leadership** - Displays passion and optimism; Inspires respect and trust; Mobilizes others to fulfill the vision; Provides vision and inspiration to peers and subordinates.

**Change Management** - Develops workable implementation plans; Communicates changes effectively; Builds commitment and overcomes resistance; Prepares and supports those affected by change; Monitors transition and evaluates results.

**Job Title:** City Manager
**Department:** City Manager

**Delegation** - Delegates work assignments; Matches the responsibility to the person; Gives authority to work independently; Sets expectations and monitors delegated activities; Provides recognition for results.

**Leadership** - Exhibits confidence in self and others; Inspires and motivates others to perform well; Effectively influences actions and opinions of others; Accepts feedback from others; Gives appropriate recognition to others.

**Managing People** - Includes staff in planning, decision-making, facilitating and process improvement; Takes responsibility for subordinates' activities; Makes self available to staff; Provides regular performance feedback; Develops subordinates' skills and encourages growth; Solicits and applies customer feedback (internal and external); Fosters quality focus in others; Improves processes, products and services.; Continually works to improve supervisory skills.

**Quality Management** - Looks for ways to improve and promote quality; Demonstrates accuracy and thoroughness.

**Business Acumen** - Understands business implications of decisions; Displays orientation to profitability; Demonstrates knowledge of market and competition; Aligns work with strategic goals.

**Cost Consciousness** - Works within approved budget; Contributes to profits and revenue; Develops and implements cost saving measures; Conserves organizational resources.

**Diversity** - Demonstrates knowledge of EEO policy; Shows respect and sensitivity for cultural differences; Educates others on the value of diversity; Promotes a harassment-free environment.

**Ethics** - Treats people with respect; Keeps commitments; Inspires the trust of others; Works with integrity and ethically; Upholds organizational values.

**Organizational Support** - Follows policies and procedures; Completes administrative tasks correctly and on time; Supports organization's goals and values; Benefits organization through outside activities.

**Strategic Thinking** - Develops strategies to achieve organizational goals; Understands organization's strengths & weaknesses; Analyzes market and competition; Identifies external threats and opportunities; Adapts strategy to changing conditions.

**Judgment** - Displays willingness to make decisions; Exhibits sound and accurate judgment; Supports and explains reasoning for decisions; Includes appropriate people in decision-making process; Makes timely decisions.

**Motivation** - Sets and achieves challenging goals; Demonstrates persistence and overcomes obstacles; Measures self against standard of excellence; Takes calculated risks to accomplish goals.

**Planning/Organizing** - Prioritizes and plans work activities; Uses time efficiently; Plans for additional resources; Sets goals and objectives; Organizes or schedules other people and their tasks; Develops realistic action plans.

**Professionalism** - Approaches others in a tactful manner; Reacts well under pressure; Treats others with respect and consideration regardless of their status or position; Accepts responsibility for own actions; Follows through on commitments.

**Job Title:** City Manager
**Department:** City Manager

**Quality** - Demonstrates accuracy and thoroughness; Looks for ways to improve and promote quality; Applies feedback to improve performance; Monitors own work to ensure quality.

**Quantity** - Meets productivity standards; Completes work in timely manner; Strives to increase productivity; Works quickly.

**Safety and Security** - Observes safety and security procedures; Determines appropriate action beyond guidelines; Reports potentially unsafe conditions; Uses equipment and materials properly.

**Adaptability** - Adapts to changes in the work environment; Manages competing demands; Changes approach or method to best fit the situation; Able to deal with frequent change, delays, or unexpected events.

**Attendance/Punctuality** - Is consistently at work and on time; Ensures work responsibilities are covered when absent; Arrives at meetings and appointments on time.

**Dependability** - Follows instructions, responds to management direction; Takes responsibility for own actions; Keeps commitments; Commits to long hours of work when necessary to reach goals; Completes tasks on time or notifies appropriate person with an alternate plan.

**Initiative** - Volunteers readily; Undertakes self-development activities; Seeks increased responsibilities; Takes independent actions and calculated risks; Looks for and takes advantage of opportunities; Asks for and offers help when needed.

**Innovation** - Displays original thinking and creativity; Meets challenges with resourcefulness; Generates suggestions for improving work; Develops innovative approaches and ideas; Presents ideas and information in a manner that gets others' attention.

**Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience**

Master's degree (M.A. or M.S.) in Business Administration, Public Administration or a related field from an accredited college or university. Four to ten (4-10) years of experience in a responsible administrative or management position in municipal government.

**Language Skills**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.

**Mathematical Skills**

Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

**Reasoning Ability**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

**Computer Skills**

To perform this job successfully, an individual should have knowledge of database software; Microsoft Excel spreadsheet software and Microsoft Word word processing software.

**Certificates, Licenses, Registrations**

A comparable amount of training, education or experience may be substituted for the minimum qualifications.

**Other Skills and Abilities**

Knowledge of laws and administrative policies governing municipal activities and of operations of municipal government, and in particular those of the City.
Ability to delegate authority and responsibility to subordinate department heads and to maintain an effective organization.
Ability to communicate clearly in writing and orally and to appear before groups of taxpayers and the Council to present data and programs that enhance the continued efficient operation of the City.

**Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is regularly required to sit; use hands to finger, handle, or feel and talk or hear. The employee is frequently required to walk. The employee is occasionally required to stand, reach with hands and arms and stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision and ability to adjust focus.

**Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate.

# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: 13B
Meeting Date: 9/26/16

TO: Mayor and City Council

THRU: Patricia R. Roebling, Interim City Manager/City Engineer

THRU: O. Reginald Osenton, City Attorney

FROM: Azlina Goldstein Siegel, Esq., Special Counsel

Agenda Item: Motion: Crosstown Parkway Extension Project Property Acquisition – Approval of Supplemental Agreement to FDOT Purchase Agreements for Parcels 801 and 802 Concerning the Liberty Lane Property located at 8881 and 8883 U.S. Highway 1 in Port St. Lucie, Florida

Submittal Date: 9/23/2016

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**STRATEGIC PLAN LINK:** This item relates to Port St. Lucie's Mission, which is to provide "exceptional municipal services" (Principle A) and that are "responsive to the community" (Principle B).

**BACKGROUND:** FDOT has been performing the right of way acquisition activities for the Crosstown Parkway Extension Project – Bridge Crossing of the North Forth of the St. Lucie River (the "Project") pursuant to that certain Memorandum of Understanding for Right of Way Acquisition, dated February 12, 2014, between State of Florida, Department of Transportation ("FDOT") and the City. FDOT will convey and transfer to the City any and all rights, title and interests it acquires for the Project. Accordingly, FDOT has been working to acquire necessary easement rights over that certain subject property, known as the Liberty Lane Property, located at 8881 and 8883 U.S. Highway 1 in Port St. Lucie, Florida. The units of land parcels that comprise the Liberty Lane Property are individually owned by Liberty Real Estate Holdings III, LLC, a Florida limited liability company, Liberty Real Estate Holdings II, LLC, a Florida limited liability company, Liberty Real Estate Holdings I, LLC, a Florida limited liability company. However, for ease of reference the unit owners together with Liberty Lane Condominium Association, Inc., a Florida not-for-profit corporation, are collectively referred to as "Liberty".

**ANALYSIS:** Since FDOT is acquiring the necessary real property interests for the Project on behalf of the City, the City participated in FDOT's pre-suit negotiations to acquire the necessary easement rights from Liberty. FDOT entered into Purchase Agreements with Liberty concerning Liberty's conveyance of perpetual easements over, across and upon certain portions of the Liberty Lane Property for the purpose of constructing and maintaining underground stormwater conveyance pipes, outfall pipes and/or drainage structures, including necessary clearing and excavating, and the joint use of stormwater management facilities and berms in connection with Project. However, as part of settlement negotiations, the City agreed to construct a new entrance to the Liberty Lane Property, including a gatehouse, from US Highway 1 in the event the City is unable to secure approval from the South Florida Water Management District to construct and install the underground stormwater conveyance pipes and/or drainage structures within the conservation easement located on the subject property. The Supplement Agreement attached hereto as Council Agenda Memorandum Attachment "1" sets forth the additional responsibilities of the City to reach a settlement of the negotiations between FDOT and Liberty for the acquisition of the necessary easements for the Property.

**FINANCIAL INFORMATION:** Expenditure of funds required to fulfill the City's obligations under the Supplemental Agreement will be paid for out of the Crosstown Parkway CIP Fund #314.

**LEGAL INFORMATION:** The Supplemental Agreement has been negotiated by and between Liberty, Liberty's legal counsel and City Staff, Project consultants and the City's special outside legal counsel. The Agreement has been reviewed and approved as to legal form and sufficiency by Azlina Goldstein Siegel and John J. Fumero, Special Counsel.

**STAFF RECOMMENDATION:** Staff recommends approval.

**SPECIAL CONSIDERATION:** Please place this matter on the September 26, 2016 City Council Meeting Agenda to meet the deadlines of the Parties to timely complete a closing of the real estate transactions.

**PRESENTATION INFORMATION:** Ms. Roebling or a member of the Project Team will be able to answer any questions of City Council.

**REQUESTED MEETING DATE:** 9/26/2016

**LOCATION OF PROJECT:** Liberty Lane Property: 8881 and 8883 U.S Highway 1, Port St. Lucie, FL

**ATTACHMENTS:** Supplemental Agreement

RECEIVED

SEP 2 3 2016

CITY MANAGER'S OFFICE

# MEMORANDUM TO
# CITY COUNCIL & CITY MANAGER

# ATTACHMENT
# "1"

# SUPPLEMENTAL AGREEMENT

**THIS SUPPLEMENTAL AGREEMENT** (this "**Agreement**") is made and entered into this ___ day of _____, 2016 (the "**Effective Date**"), by and among **CITY OF PORT ST. LUCIE, FLORIDA**, a Florida municipal corporation (the "**City**"), **LIBERTY REAL ESTATE HOLDINGS III, LLC**, a Florida limited liability company ("**LREH III**"), **LIBERTY REAL ESTATE HOLDINGS II, LLC**, a Florida limited liability company ("**LREH II**"), **LIBERTY REAL ESTATE HOLDINGS I, LLC**, a Florida limited liability company ("**LREH I**"; and together with LREH III, LREH II and LREH I, are collectively referred to as "**Liberty**") and **LIBERTY LANE CONDOMINIUM ASSOCIATION, INC.**, a Florida not-for-profit corporation ("**Association**") (the City, Liberty and Association are collectively referred to as the "**Parties**").

## RECITALS

**WHEREAS,** LREH I is the owner of the following described real property:

Unit 1 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**WHEREAS,** LREH II is the owner of the following described real property:

Unit 2 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**WHEREAS,** LREH III is the owner of the following described real property:

Unit 3 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**WHEREAS,** the Association is responsible for the management and operation of the condominium property (the "**Property**") known as "Liberty Lane" established pursuant to that certain Declaration of Condominium recorded in Official Records Book 1594, Page 392, of the Public Records of St. Lucie County, Florida, including the conservation area, retention pond, driveway and parking areas constituting common elements (referred to herein as the "**Common Elements**");

**WHEREAS,** Liberty Medical operates its business in Units 1 and 2 of the Property, which are owned by LREH I and LREH II, respectively;

**WHEREAS,** the City is undertaking the construction of a transportation project known as Crosstown Parkway Extension – Bridge Crossing Over the North Fork of the St. Lucie River (the "**Project**"); and

**WHEREAS,** pursuant to that certain Memorandum of Understanding for Right of Way Acquisition for the Crosstown Parkway Extension Project dated February 12, 2014 between State of Florida, Department of Transportation ("**FDOT**") and the City, FDOT has agreed to perform right of way acquisition activities for and on behalf of the City for the Project and FDOT will convey and transfer to the City any and all rights, title and interests it acquired for the City's Project (the "**Acquisition**");

**WHEREAS,** as part of its acquisition activities for the Project, FDOT has entered into Purchase Agreements with LREH III and the Association (together with all addenda thereto, the "**FDOT Purchase Agreements**") pursuant to which LREH III and the Association will be granting FDOT perpetual easements over, across and upon certain portions of the Property identified in **Exhibit A** as Parcel 801 ("**Parcel 801**") and Parcel 802 ("**Parcel 802**") for the purpose of constructing and maintaining underground stormwater conveyance pipes, outfall pipes and/or drainage structures, including necessary clearing and excavating, and the joint use of stormwater management facilities, and berms in connection with the Project;

**WHEREAS,** the Parties desire to enter into this Agreement to supplement the FDOT Purchase Agreements by setting forth additional terms of the Acquisition with respect to the Property, with the intention that this Agreement shall be fully binding upon the Parties and each of their respective successors and assigns.

**NOW, THEREFORE,** in consideration of, and in reliance upon, the premises and mutual promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and with the intent to be legally bound, the Parties hereby agree as follows:

1. Recitals. The Parties agree that the foregoing Recitals are true and correct and are incorporated herein by this reference.

2. Alternative Use of Conservation Easement Area for Parcel 801. A portion of the Property is subject to a conservation easement comprising approximately 7.39 acres (the "**Conservation Easement Area**") pursuant to that certain Deed of Conservation Easement dated July 12, 2001 and recorded on July 16, 2001 in Official Records Book 1413, at Page 2602, of the Public Records of St. Lucie County, Florida (the "**Conservation Easement**"). The Parties agree that the City, in its sole discretion and at its sole cost and expense, shall be permitted to seek and obtain the approval of the South Florida Water Management District (SFWMD) to construct certain drainage improvements for the Project, including underground stormwater conveyance pipes, outfall pipes and/or drainage structures, and to perform any necessary clearing and excavating within a portion of the Conservation Easement Area (the "**Drainage Improvements**") as more particularly depicted in **Exhibit B** (the "**CE Drainage Work Area**") in lieu of constructing such Drainage Improvements within Parcel 801. The Parties agree that in the event there are any additional obligations imposed by SFWMD or any other permitting agency in connection with the approvals issued for the Drainage Improvements within the CE Drainage Work Area, the City shall be responsible for the payment and performance of any such additional obligations.

3. Review and Approval of Construction Plans and Specifications. The construction plans and specifications for the Drainage Improvements shall be prepared by the City and subject to the reasonable approval by Liberty The City hereby agrees that it will not accept a permit from the SFWMD

unless and until the City obtains the prior, written approval of the construction plans and specifications from Liberty. Liberty's review and approval shall be completed within forty-five (45) days of Liberty's receipt of the construction plans and specifications for the Drainage Improvements. Liberty hereby agrees such approval shall not be unreasonably withheld by Liberty so long as the construction plans and specifications for the Drainage Improvements are materially consistent with the City's intended use of the Drainage Improvements in the CE Drainage Work Areaas depicted in Exhibit B. In addition, such review and approval shall not be subject to any terms and/or conditions not specifically set forth herein provided that the construction plans and specifications do not impose additional affirmative obligations on Liberty or the Association. . All expenses of every nature, including the costs to obtain permits, the preparation of plans and specifications, and the City's legal fees and consultants' fees incurred by the City in connection with the filing and procurement of the approval of SFWMD and any necessary approval of any other governmental authority having jurisdiction over the Conservation Easement Area within the Property shall be the sole responsibility of the City. Liberty and the Association agree to cooperate with the City and execute any reasonable instruments deemed necessary by SFWMD and any governmental authority to obtain the required permits associated with constructing the Drainage Improvements in the CE Drainage Work Area and will provide any information reasonably requested by the City within a reasonable time to enable the City to proceed in obtaining all required permits and approvals in an expeditious manner. In the event all required approvals to construct the Drainage Improvements are issued to the City, Liberty and/or the Association, then (a) the City agrees that it shall, or shall cause FDOT to, execute an amendment to the perpetual easement for Parcel 801, Part 1, to only allow the use of such parcel for ingress and egress purposes; and (b) Liberty, the Association and the City shall promptly execute and record an easement in the form attached hereto as **Exhibit B-1** granting the City a perpetual easement over, under, through, across and upon the CE Drainage Work Area for the purpose of constructing and maintaining the Drainage Improvements (the "**CE Drainage Easement**"). The City's construction and maintenance obligations under the CE Drainage Easement shall be undertaken and performed pursuant to the applicable terms, covenants and conditions of this Agreement.

4. Donation to City of Easement Within the CE Easement Work Area. Liberty and the Association hereby agree that the grant of the CE Drainage Easement to the City as contemplated herein shall be deemed a donation and therefore not require an appraisal to be prepared.

5. Construction Covenants for Parcel 801.

(a) In the event the City is unable to secure approval from SFWMD to construct the underground stormwater conveyance pipes, outfall pipes and/or drainage structures in the CE Drainage Work Area as described in Section 2 hereinabove, then the City will continue to enjoy the rights granted under the perpetual easement given by Liberty and/or the Association over Parcel 801, and the City shall construct a new entrance ("**New Entrance**") to the Property from US-1 and gatehouse ("**Gatehouse**") in the area depicted in **Exhibit C** attached hereto using equal or similar quality of materials, appearance, landscaping, size and condition of the existing entrance and gatehouse (hereinafter collectively referred to as the "**New Liberty Entrance Project**"). The City agrees that the landscaping plans must reflect the incorporation of sod, trees, shrubs, flowers and ornamentals that are of equal or similar quantity and type as the landscaping features of the existing entrance and gatehouse, but may in its reasonable discretion select different species. The construction plans and specifications for the New Liberty Entrance Project which includes landscaping, shall be prepared by the City and shall be approved by Liberty prior to commencing construction. All expenses of every nature, including the costs to obtain permits, the preparation of plans and specifications, the City's legal fees and consultants' fees, and the building materials associated with the construction of the New Liberty Entrance Project, as such items are incurred by the City in connection with its pursuit and construction of the New Liberty Entrance Project shall be the sole responsibility of the City. Liberty and the Association agree to cooperate with the

City, and to execute any reasonable instruments that are deemed necessary to obtain any required permits associated with the construction of the New Liberty Entrance Project, and will provide any information reasonably requested by the City pertaining to the New Liberty Entrance Project within a reasonable time to enable the City to proceed in an expeditious manner. Once construction of the New Liberty Entrance Project is commenced, it will be prosecuted to completion with reasonable diligence. In exchange for the City's construction of the New Entrance and Gatehouse, the City shall only be required to restore such portions of Parcel 801 wherein the current entrance to the Property is located with sod and irrigation systems sufficient to maintain an aesthetically pleasing appearance consistent with the current condition of such areas (i.e., no need to put new trees or other features given that those features will be installed in the New Entrance).

(b) At closing, the Association will execute a License Agreement in the form attached hereto as **Exhibit D** for the purpose of allowing the City and its consultant(s) and contractor(s) access to the property described therein to perform any and all activities related to the construction of the New Liberty Entrance Project.

(c) The City agrees that it shall not alter, utilize or otherwise modify the existing entrance to the Property until the New Entrance is constructed and is fully operational.

6. Covenants related to the Property.

(a) Prior to the commencement of construction of any improvements on the Property by the City, including the Drainage Improvements and the New Liberty Entrance Project, the City shall submit to Liberty and the Association for their approval a complete set of construction plans and permits for all construction, alterations, modifications or improvements to be made to and/or within the CE Drainage Work Area, Parcel 801, Parcel 802 and the New Liberty Entrance Project, if applicable, along with a timeline covering all phases of construction (the "**Construction Plans**"). The City acknowledges that the construction activities on the Property related to the Project will utilize a phased approach with the main drive built first, followed by the drainage and pond construction and the parking space and lot connection completed last. All required permits, which may include, but are not limited to, an environmental resource permit from the Florida Department of Environmental Protection and SFWMD, and a U.S. Army Corps of Engineers Dredge and Fill Permit, for all improvements to be constructed by the City shall be procured by the City at its sole cost and expense.

(b) The City agrees to notify Liberty and the Association prior to seeking the modification of any permit associated with the Property.

(c) The City agrees to provide Liberty and the Association with periodic updates of the timelines regarding the status of construction activities upon Liberty's and/or the Association's request. Prior to the commencement of any construction or the performance of any maintenance, the City shall provide Liberty and the Association with a comprehensive contact list identifying the names, phone numbers and email addresses of one or more individuals with whom Liberty and the Association may communicate regarding the status of construction and maintenance, or to notify the City of any violations.

(d) The City acknowledges and agrees that the drainage facilities to be constructed in connection with the Project will not interfere with or diminish the drainage from the Property.

(e) To the extent any request by Liberty and/or the Association is limited to ministerial duties or matters (including, for example, the submission of permit applications, plans and other

information to the appropriate party and associated follow-up of status or approval thereof or comments thereto), the City agrees to cooperate with and assist Liberty and the Association in obtaining all permits and approvals from the City and SFWMD in connection with bringing the Property into conformance as a result of the Project. Liberty and the Association expressly understand and agree that the City shall not be liable in any manner whatsoever to Liberty, the Association, or any other party or person for the exercise of its governmental authority, regulatory powers and/or police powers. The parties agree that the City's agreement to facilitate such permitting process is not a guarantee of the issuance of any permits and that Liberty and the Association shall be responsible for the construction of any other improvements to the Property approved pursuant to such permits. Further, Liberty and the Association expressly understand, acknowledge and agree that the City retains all of its sovereign prerogatives and rights as provided for under Florida laws and applicable codes, ordinances and regulations, and shall in no way be required to issue any approvals of applications for building, zoning, planning, or development under present or future laws and regulations of whatever nature applicable to the planning, zoning, design, construction, and development of the Property or the operation thereof, or be liable for the same except in accordance with the then-existing laws and regulations of whatever nature applicable to the planning, zoning, design, construction, and development to which the City is subject. Moreover, in no event shall a failure of the City and its governing bodies, boards or councils to adopt any of the planning and zoning, building, or other applications, approvals or permits that Liberty and the Association may request be construed as a breach or default of this Agreement.

(f) All vehicles, materials and equipment shall only be permitted to be temporarily located, placed, parked or stored in a mutually agreeable temporary construction easement area while active construction of the New Liberty Entrance Project, as depicted in Exhibit C, is ongoing.

(g) All portions of the easement parcel(s) on the Property that have not been altered pursuant to the design plans for the Project shall be restored by the City to as good as its original condition, shall be left in a clean and good condition, with all debris removed therefrom and with trenches and cuts properly filled so that all grades, paved areas, lighting, landscaping, parking areas, driveways, irrigation systems, pavers and grass areas that are disturbed by such work are restored to their former condition. This same standard shall apply to all future maintenance, repair or replacement of the drainage facilities constructed by the City on the Property. In addition, the City shall, absent any emergency situation, provide Liberty and the Association with at least two (2) weeks' advance notice in connection with any future maintenance, repair or replacement of drainage facilities constructed on the Property (except in case of emergency).

7. City's Representations and Warranties. The City hereby represents and warrants to Liberty and the Association as follows:

(a) The City has full power and authority to enter into this Agreement and to carry out the transactions contemplated herein, and all proceedings or corporate action required to be taken by the City relating to the execution and delivery of this Agreement was taken at or prior to the City's execution of this Agreement; and

(b) This Agreement constitutes a valid and binding obligation of the City, and the individuals who have executed this Agreement on behalf of the City have been duly authorized to do so; and

(c) The City 's representations and warranties set forth in this Agreement do not contain untrue statements of material fact and do not omit material facts to the best knowledge of the City; and

(d) The City shall perform all construction and maintenance activities permitted or required hereunder with minimal interference with Liberty's business and the business of all other owners, tenants or occupants of the Property. The City shall cause its employees, agents, contractors, customers, invitees and licensees to use best management practices for all construction-related activities; and

(e) The City shall immediately notify Liberty and the Association if any contractor, subcontractor or materialmen performing work on the Property have obstructed or blocked vehicular and pedestrian access to the Property and shall use its best efforts to ensure that access to the Property is maintained at all times; provided, however, that an interruption in access for one full business day which is beyond the control of the City shall not be deemed a violation hereof; and

(f) In the event of an emergency, the parties agree that they shall undertake to reach the person identified in each other's contact list as the "emergency contact", disclose the nature of the emergency and cooperate with each other to minimize any damages or adverse consequences to the Property, Liberty's business and the business of all other owners or occupants of the Property. The City agrees that it shall undertake all standard and best management practices and commercially reasonable efforts and measures to prevent any emergency situations from arising.

(g) The City shall make a request of, and shall use commercially reasonable efforts to cause, its contractor to name Liberty and the Association as an additional insured under such contractor's commercial general liability policy and builder's risk policy, at Liberty's and the Association's sole cost and expense. However, the City shall in no way whatsoever be considered in breach of this Agreement in the event the City's contractor denies such a request to have Liberty and the Association named as additional insureds under its policies.

8. Liberty's and the Association's Representations and Warranties. Liberty and the Association hereby represent and warrant to the City as follows:

(a) Liberty and the Association have the full power and authority to enter into this Agreement and to carry out the transactions contemplated hereby, and all proceedings or action required to be taken by Liberty and the Association relating to the execution and delivery of this Agreement shall have been taken at or prior to their execution of this Agreement;

(b) This Agreement constitutes a valid and binding obligation of Liberty and the Association; and

(c) Liberty's and the Association's representations and warranties set forth in this Agreement do not contain untrue statements of material fact and do not omit material facts.

9. Notices. Any and all notices or other communications required or permitted to be given under any of the provisions of this Agreement shall be in writing and shall be deemed to have been duly given when personally delivered or delivered by overnight courier for next business day delivery addressed to the Parties at the addresses set forth below (or at such other address as any of the Parties may specify by notice to all other Parties given as aforesaid).

| | |
|---|---|
| As to the City: | City Attorney's Office<br>City of Port St. Lucie<br>121 S.W. Port St. Lucie Blvd.<br>Port St. Lucie, FL 34984<br>Attn: City Attorney |
| As to the Association and Liberty | Liberty Real Estate Holdings III, LLC<br>Liberty Real Estate Holdings II, LLC<br>Liberty Real Estate Holdings I, LLC<br>Liberty Medical, LLC<br>Liberty Lane Condominium Association, Inc.<br>505 S. Flagler Drive, Suite 1550<br>West Palm Beach, Florida 33401<br>Attn: _____ |

With a copy to the Association's and Liberty's counsel:

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Attn: Mark A. Tobin, Esq.

10. Miscellaneous. Each of the Parties to this Agreement further agrees as follows:

(a) Each of the Parties acknowledges and agrees that this Agreement is fully and adequately supported by consideration and is fair and reasonable. The Parties further acknowledge and agree that: (i) each of the Parties has had the opportunity to consult with, and has in fact consulted with, such professionals, experts and legal counsel of its choice as such party may have desired with respect to all matters settled and resolved herein; (ii) each of the Parties has participated fully in the negotiation and preparation of this Agreement; and (iii) each of the Parties has carefully reviewed this Agreement and is entering into same freely. Accordingly, this Agreement shall not be more strictly construed against any of the Parties hereto.

(b) No waiver of any breach or default hereunder shall be considered valid unless in writing and signed by the party giving such waiver, and no such waiver shall be deemed a waiver of any subsequent breach or default of the same or similar nature.

(c) This Agreement may be executed in counterparts, and/or by the execution of counterpart signature pages which may be attached to one or more counterparts of this Agreement, and all so executed shall constitute one Agreement binding on each of the Parties hereto, notwithstanding that each of the Parties is not a signatory to the original or the same counterpart. In addition, any counterpart signature page may be executed by any of the Parties wherever such party is located, and may be delivered by telephone facsimile transmission or electronic mail, and any such facsimile or electronic mail transmitted signature page may be attached to one or more counterparts of this Agreement, and such faxed or e-mailed signature(s) shall have the same force and effect, and be as binding, as if an original signature executed and delivered in person.

(d) This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without regard to conflicts of law principles.

(e) Any amendment to this Agreement shall only be effective if mutually agreed upon and in writing and executed by the City, Liberty and the Association, or their respective successors and/or assigns

(f) In the event any term or provision of this Agreement is determined by appropriate judicial authority, or other authority, to be illegal, unenforceable, or otherwise invalid or inoperative as a matter of law, the remaining terms and provisions will not be affected thereby, but will be valid and remain in full force and effect so far as possible. If any term or provision of this Agreement may be construed in two or more ways, one of which would render the provision invalid or otherwise voidable or unenforceable and another which would render the provision valid and enforceable, such provision shall have the meaning which render it valid and enforceable. The parties expressly agree that any inconsistency or doubt as to the scope of the rights and privileges granted to the City under this Agreement shall be resolved in a manner which causes the least burden on the Property and the use thereof by the Liberty and the Association and any other owners, tenants and invitees of the Property.

(g) There are no intended or incidental third-party beneficiaries to this Agreement. The easements and rights granted and established in this Agreement do not, and are not intended to, and/or shall not be construed, to create any easements, rights or privileges in and for the benefit of the general public.

(h) Any and all controversies, lawsuits, claims, actions or disputes arising out of, relating to, or connected with, this Agreement or the breach or validity thereof shall be settled by litigation in a court of competent jurisdiction located in St. Lucie County, Florida, and the Parties consent to such venue and personal jurisdiction for this purpose. **THE PARTIES HERETO SPECIFICALLY AND KNOWINGLY WAIVE ANY RIGHTS THEY MAY HAVE TO A TRIAL BY JURY. FURTHER, THE PARTIES SPECIFICALLY AGREE THAT THIS WAIVER OF JURY TRIAL IS A MATERIAL INDUCEMENT TO ENTRY INTO THIS AGREEMENT**.

(i) This Agreement shall be binding upon and inure to the benefit of each of the Parties hereto, its successors and assigns.

(j) This Agreement represents a compromise and settlement of disputed claims.

(k) The representations and warranties of the Parties set forth herein shall survive the execution and delivery of this Agreement and the Parties' obligations hereunder, indefinitely.

(l) If any Party hereto fails to perform or breaches any obligation, requirement, duty or covenant contained herein, the other non-defaulting party shall have the right, at its option, in addition to any of its other rights, privileges or remedies otherwise stated elsewhere herein to (i) bring an action for the recovery of all damages (not including punitive, consequential or incidental loss or damage) in a court of competent jurisdiction, and/or (ii) bring an action for specific performance in a court of competent jurisdiction.

(m) In the event there is any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs from the other Party upon final court judgment, including appellate proceedings.

(n) This Agreement and all covenants, agreements, representations and warranties made herein shall survive the closing of this Agreement, and shall continue in full force and effect so long as the City is performing any construction or maintenance activities on the Property.

11. Entire Agreement. This Agreement constitutes the full and entire agreement and understanding among the Parties hereto with respect to the subject matter hereof and there are no agreements, representations or warranties by or among the Parties, except as specifically set forth herein. This Agreement may not be amended or modified except by an instrument in writing signed by the Parties hereto, or their respective successors and/or assigns.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

**IN WITNESS WHEREOF**, the undersigned have executed this Agreement as of the date and year first written above

LIBERTY REAL ESTATE HOLDINGS III, LLC, a Florida limited liability company

By:

_____

Shaun McGruder, Manager

LIBERTY REAL ESTATE HOLDINGS II, LLC, a Florida limited liability company

By:

_____

Shaun McGruder, Manager

LIBERTY REAL ESTATE HOLDINGS I, LLC, a Florida limited liability company

By:

_____

Shaun McGruder, Manager

LIBERTY LANE CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation

By:

_____

_____

_____

_____

_____

_____

Shaun McGruder, Manager

CITY OF PORT ST. LUCIE, FLORIDA, a Florida municipal corporation

By:

_____

Name:

_____

Title:

_____

Attest:

By:_____
Name: Karen A. Phillips
Title: City Clerk

Approved as to Form and Legal Sufficiency

By:_____
Name: O. Reginald Osenton
Title: City Attorney

# EXHIBIT A

(LIBERTY PROPERTY DESCRIPTION)

**LREH I is the owner of the following described real property:**

Unit 1 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**LREH II is the owner of the following described real property:**

Unit 2 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**LREH III is the owner of the following described real property:**

Unit 3 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

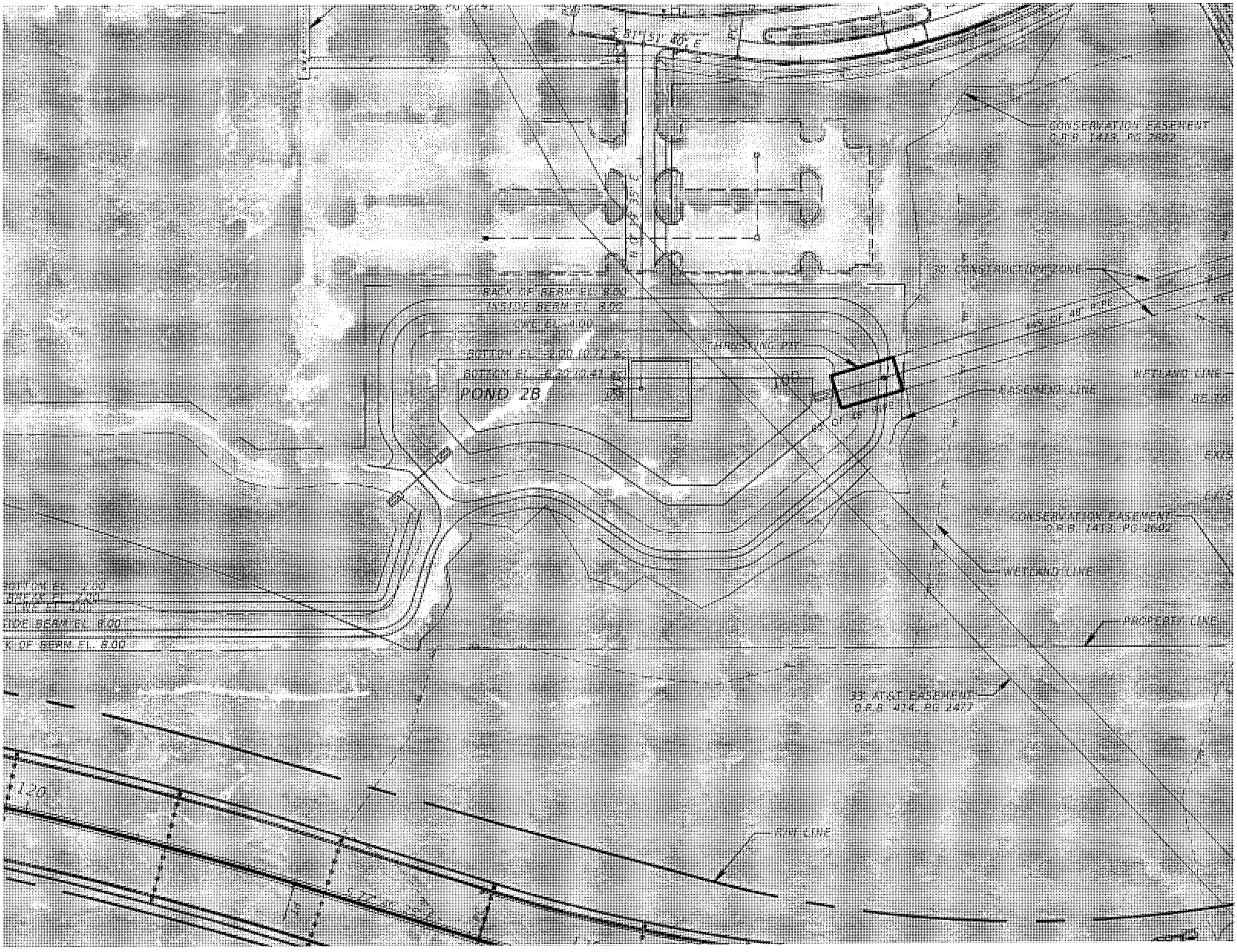
**The Association is responsible for the management and operation of:**

All common elements of "Liberty Lane" established pursuant to that certain Declaration of Condominium recorded in Official Records Book 1594, Page 392, of the Public Records of St. Lucie County, Florida, including the conservation area, retention pond, driveway and parking areas constituting common elements.

# EXHIBIT

# "B"

(to Supplemental Agreement)


CONSERVATION EASEMENT
O.R.B. 1413, PG 2602
30' CONSTRUCTION ZONE
BACK OF BERM EL. 8.00
INSIDE BERM EL. 8.00
CWE EL. 4.00
BOTTOM EL. -2.00 (0.22 AC)
BOTTOM EL. -6.50 (0.41 AC)
POND 2B
THRUSTING PIT
100
EASEMENT LINE
WETLAND LINE
CONSERVATION EASEMENT
O.R.B. 1413, PG 2602
WETLAND LINE
PROPERTY LINE
33' AT&T EASEMENT
O.R.B. 414, PG 2417
R/W LINE
120

# EXHIBIT

# "B-1"

(to Supplemental Agreement)

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:

Michelle N. Gonzalez, Esq.
Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131

---------- [SPACE ABOVE THIS LINE FOR RECORDING DATA] ----------

# PERPETUAL EASEMENT AGREEMENT

**THIS PERPETUAL EASEMENT AGREEMENT** ("**Agreement**") is made as of _____ ___, 2016 ("**Effective Date**"), by and between **LIBERTY REAL ESTATE HOLDINGS III, LLC**, a Florida limited liability company ("**LREH III**"), **LIBERTY REAL ESTATE HOLDINGS II, LLC**, a Florida limited liability company ("**LREH II**"), **LIBERTY REAL ESTATE HOLDINGS I, LLC**, a Florida limited liability company ("**LREH I**"; and together with LREH III, LREH II and LREH I, are collectively referred to as "**Liberty**") and **LIBERTY LANE CONDOMINIUM ASSOCIATION, INC.**, a Florida not-for-profit corporation ("**Association**") and **CITY OF PORT ST. LUCIE, FLORIDA**, a Florida municipal corporation (the "**City**").

## RECITALS

A. Liberty, the Association and the City are parties to that certain Supplemental Agreement, dated as of _____, 2016 (as supplemented, amended or modified, the "**Supplemental Agreement**").

B. Liberty and the Association are the owner of property described in **Exhibit A** attached hereto and by this reference incorporated herein ("**Liberty Property**"). A portion of the Liberty Property is subject to a conservation easement comprising approximately 7.39 acres (the "Conservation Easement Area") pursuant to that certain Deed of Conservation Easement dated July 12, 2001 and recorded on July 16, 2001 in Official Records Book 1413, at Page 2602, of the Public Records of St. Lucie County, Florida (the "**Conservation Easement**")

C. The City wishes to construct certain drainage improvements for the Project, including underground stormwater conveyance pipes, outfall pipes and/or drainage structures, and perform any necessary clearing and excavating within a portion of the Conservation Easement Area (the "**Drainage Improvements**") as more particularly depicted in **Exhibit B** (the "**CE Drainage Work Area**")

D. The parties, by execution of this Agreement, and pursuant to the provisions of the Supplemental Agreement, desire to establish a perpetual non-exclusive easement in favor of the City for purposes of access to and the installation and maintenance of the Drainage Improvements within the CE Drainage Work Area, all upon the terms and provisions more specifically set forth in this Agreement.

**NOW, THEREFORE**, in consideration of the mutual grants and covenants herein and the further consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto do hereby agree as follows:

1. Recitals. The above recitals are true and correct, form a material part of this Agreement and are incorporated herein by reference.

2. Grant of Drainage Easement. Liberty and the Association hereby grant to the City, a perpetual, non-exclusive easement in, over, upon, across and through the CE Drainage Work Area for the construction, operation, repair and maintenance of the CE Drainage Work Area (the "**Drainage Easement**"). The Parties agree that in the event there any additional obligations imposed by South Florida Water Management District (SFWMD) or any other permitting agency in connection with the approvals issued for the Drainage Improvements within the CE Drainage Work Area, the City shall be responsible for the payment and performance of any additional obligations. The construction plans and specifications for the Drainage Improvements shall be prepared by the City and subject to the reasonable approval by Liberty. The City hereby agrees that it will not accept a permit from the SFWMD unless and until the City obtains the prior, written approval of the construction plans and specifications from Liberty. Liberty's review and approval shall be completed within forty-five (45) days of Liberty's receipt of the construction plans and specifications for the Drainage Improvements. Liberty hereby agrees such approval shall not be unreasonably withheld by Liberty so long as the construction plans and specifications for the Drainage Improvements are materially consistent with the City's intended use of Drainage Improvements in the CE Drainage Work Area as depicted in Exhibit B. In addition, such review and approval shall not be subject to any terms and/or conditions not specifically set forth herein provided that the construction plans and specifications do not impose any additional affirmative obligations on Liberty or the Association. All expenses of every nature, including the costs to obtain permits, the preparation of plans and specifications, and the City's legal fees and consultants' fees incurred by the City in connection with the filing and procurement of the approval of SFWMD and any necessary approval of any other governmental authority having jurisdiction over the Conservation Easement Area within the Property shall be the sole responsibility of the City.

3. Construction and Maintenance Obligations. The parties acknowledge and agree that the Drainage Easement, including the construction, maintenance and use thereof, shall be subject to, and shall comply with, the applicable provisions of the Suppplemental Agreeement, which provisions are hereby incorporated by reference as if fully set forth herein.

4. Notices. Any and all notices or other communications required or permitted to be given under any of the provisions of this Agreement shall be in writing and shall be deemed to have been duly given when personally delivered or delivered by overnight courier for next business day delivery addressed to the Parties at the addresses set forth below (or at such other address as any of the Parties may specify by notice to all other Parties given as aforesaid).

| | |
|---|---|
| As to the City: | City Attorney's Office<br>City of Port St. Lucie<br>121 S.W. Port St. Lucie Blvd.<br>Port St. Lucie, FL 34984<br>Attn: City Attorney |
| As to the Association and Liberty | Liberty Real Estate Holdings III, LLC<br>Liberty Real Estate Holdings II, LLC<br>Liberty Real Estate Holdings I, LLC<br>Liberty Medical, LLC<br>Liberty Lane Condominium Association, Inc.<br>505 S. Flagler Drive, Suite 1550<br>West Palm Beach, Florida 33401<br>Attn: _____ |

With a copy to the Association's
and Liberty's counsel:

Akerman LLP
Three Brickell City Centre
98 Southeast Seventh Street, Suite 1100
Miami, Florida 33131
Attn: Mark A. Tobin, Esq.

5. Binding on Successors and Assigns. It is expressly understood and agreed that all grants, obligations, benefits and burdens of the parties under this Agreement shall be covenants appurtenant to and running with the land in perpetuity, and shall apply to, be binding upon, and inure to the benefit of, all present and future owners of the Property and to the successors of the City, respectively. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the Association, Liberty or the City, nor shall it cause them to be considered joint venturers or members of any joint enterprise. Each party shall be considered a separate party, and no such party shall have the right to act as an agent for another party unless expressly authorized to do so herein or by separate instrument signed by the party to be charged.

6. No Dedication. Nothing contained herein shall create any rights in the general public. Furthermore, this Agreement is made for the exclusive benefit of the parties hereto and their respective legal representatives, heirs, successors-in-title, transferees and assigns, but not for any third person except as otherwise specifically provided herein.

7. Captions, Number and Gender. The captions and headings are for the convenience only and are not intended to be used in construing any provision of this Agreement. The singular and plural shall each include the other where appropriate. Words of any gender shall include other genders when the context so permits.

8. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without regard to conflicts of law principles.

9. Incidental Rights. Each of the rights and benefits granted herein shall include all those additional rights and benefits which are necessary for the full enjoyment thereof and are customarily incidental thereto.

10. Amendment; Rescission. This Agreement may be modified, rescinded or terminated only by an instrument in writing executed and acknowledged in the manner suitable for recording, by the City, Liberty and the Association, and mortgagees of the Property, which instrument of amendment, rescission or termination to be fully effective, must be recorded in the public records of St. Lucie County, Florida.

11. Counterparts. The parties to this Agreement may execute different counterparts of the Agreement, in such event all such counterparts shall be considered to constitute one single document.

12. Severability. In the event any term or provision of this Agreement is determined by appropriate judicial authority, or other authority, to be illegal, unenforceable, or otherwise invalid or inoperative as a matter of law, the remaining terms and provisions will not be affected thereby, but will be valid and remain in full force and effect so far as possible. If any term or provision of this Agreement may be construed in two or more ways, one of which would render the provision invalid or otherwise voidable

or unenforceable and another which would render the provision valid and enforceable, such provision shall have the meaning which render it valid and enforceable. The parties expressly agree that any inconsistency or doubt as to the scope of the rights and privileges granted to the City under this Agreement shall be resolved in a manner which causes the least burden on the Property and the use thereof by the Liberty and the Association and any other owners, tenants and invitees of the Property.

13. Attorney's Fees. In the event there is any litigation arising out of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs from the other Party upon final court judgment, including appellate proceedings.

14. Counterparts. This Agreement may be executed in counterparts, and/or by the execution of counterpart signature pages which may be attached to one or more counterparts of this Agreement, and all so executed shall constitute one Agreement binding on each of the Parties hereto, notwithstanding that each of the Parties is not a signatory to the original or the same counterpart. In addition, any counterpart signature page may be executed by any of the Parties wherever such party is located, and may be delivered by telephone facsimile transmission or electronic mail, and any such facsimile or electronic mail transmitted signature page may be attached to one or more counterparts of this Agreement, and such faxed or e-mailed signature(s) shall have the same force and effect, and be as binding, as if an original signature executed and delivered in person.

15. Entire Agreement. This Agreement constitutes the full and entire agreement and understanding among the Parties hereto with respect to the subject matter hereof and there are no agreements, representations or warranties by or among the Parties, except as specifically set forth herein.

**[Remainder of Page Intentionally Blank - Signatures Begin on Next Page]**

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed on the day and year first above written.

Signed, sealed and delivered
in the presence of:

**LIBERTY:**

LIBERTY REAL ESTATE HOLDINGS I, LLC, a Florida limited liability company

_____
Print Name:_____

_____
Print Name:_____

By:

_____
Shaun McGruder, Manager

_____
Print Name:_____

LIBERTY REAL ESTATE HOLDINGS II, LLC, a Florida limited liability company

_____
Print Name:_____

By:

_____
Shaun McGruder, Manager

_____
Print Name:_____

LIBERTY REAL ESTATE HOLDINGS III, LLC, a Florida limited liability company

_____
Print Name:_____

By:

_____
Shaun McGruder, Manager

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____ as Manager of LIBERTY REAL ESTATE HOLDINGS II, LLC, a Florida limited liability company, LIBERTY REAL ESTATE HOLDINGS II, LLC, a Florida limited liability company and LIBERTY REAL ESTATE HOLDINGS III, LLC, a Florida limited liability company, on behalf of said entities. He is ___ personally known to me or ____ has produced _____ as identification.

_____
Notary Public, State and County Aforesaid.
My Commission Expires:_____

**ASSOCIATION:**

_____
Print Name:_____

_____
Print Name:_____

LIBERTY LANE CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation

By:

_____
_____
_____
_____
_____
_____
Shaun McGruder, Manager

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Shaun McGruder, as Manager of LIBERTY LANE CONDOMINIUM ASSOCIATION, INC., a Florida not-for-profit corporation, on behalf of said corporation. He is ___ personally known to me or ____ has produced _____ as identification.

_____
Notary Public, State and County Aforesaid.
My Commission Expires:_____

**CITY:**

CITY OF PORT ST. LUCIE, FLORIDA, a Florida municipal corporation

By:

Name:

Title:

Print Name:

Print Name:

Attest:

By:
Name: Karen A. Phillips
Title: City Clerk

Approved as to Form and Legal Sufficiency

By:
Name: O. Reginald Osenton
Title: City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by _____ as _____ of CITY OF PORT ST. LUCIE, FLORIDA, a Florida municipal corporation. He or she is ___ personally known to me or ____ has produced _____ as identification.

Notary Public, State and County Aforesaid.
My Commission Expires:

# EXHIBIT A

(LIBERTY PROPERTY DESCRIPTION)

**LREH I is the owner of the following described real property:**

Unit 1 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**LREH II is the owner of the following described real property:**

Unit 2 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**LREH III is the owner of the following described real property:**

Unit 3 of LIBERTY LANE, a Condominium according to the Declaration of Condominium thereof, recorded in Official Records Book 1594, Page(s) 322, of the Public Records of St. Lucie County, Florida, and any amendments thereto, together with it undivided share in the common elements.

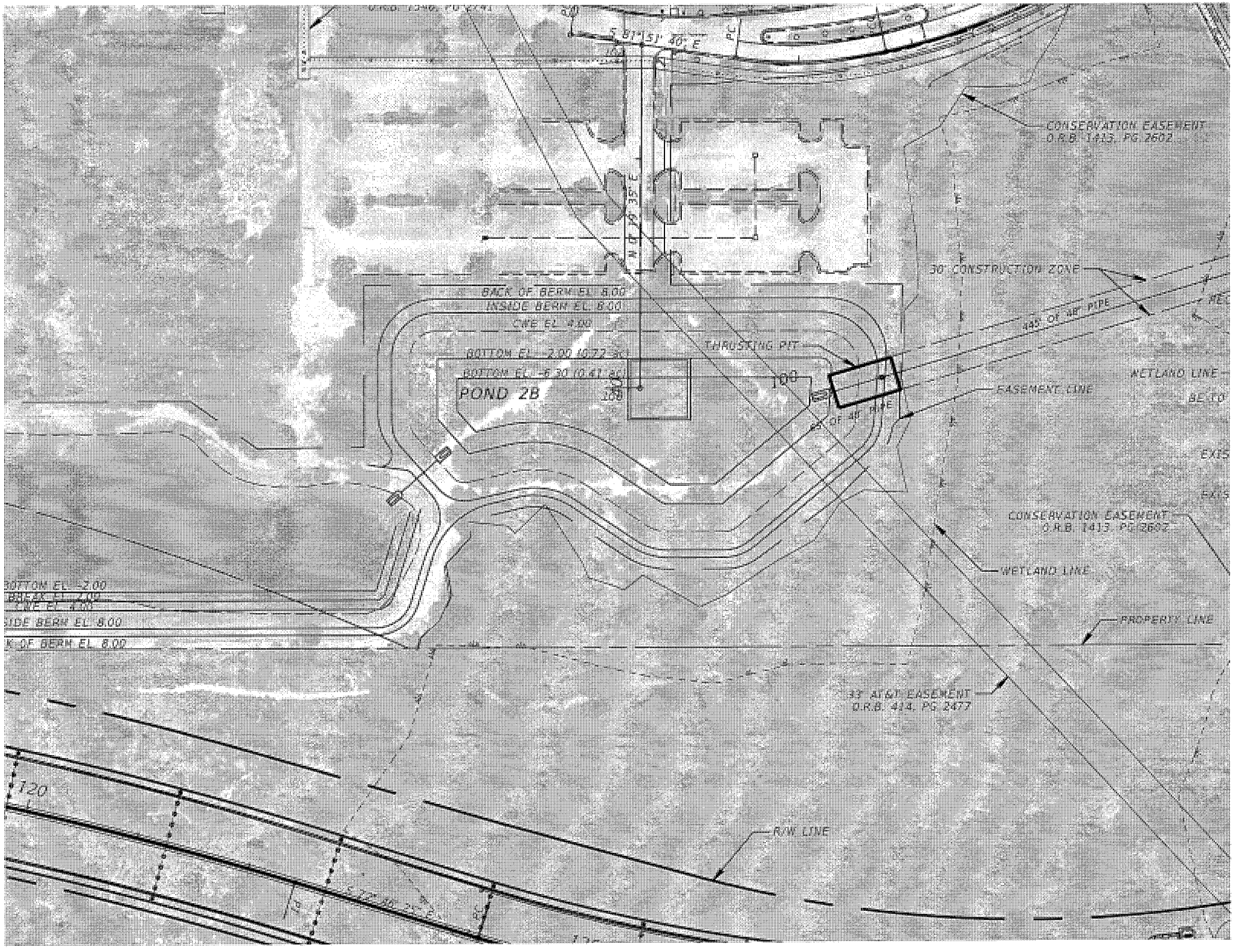
LESS AND EXCEPT the land conveyed to City of Port St. Lucie by virtue of Special Warranty Deed recorded August 26, 2008 in Official Records Book 3008, Page 225.

**The Association is responsible for the management and operation of:**

All common elements of "Liberty Lane" established pursuant to that certain Declaration of Condominium recorded in Official Records Book 1594, Page 392, of the Public Records of St. Lucie County, Florida, including the conservation area, retention pond, driveway and parking areas constituting common elements.

**EXHIBIT B**

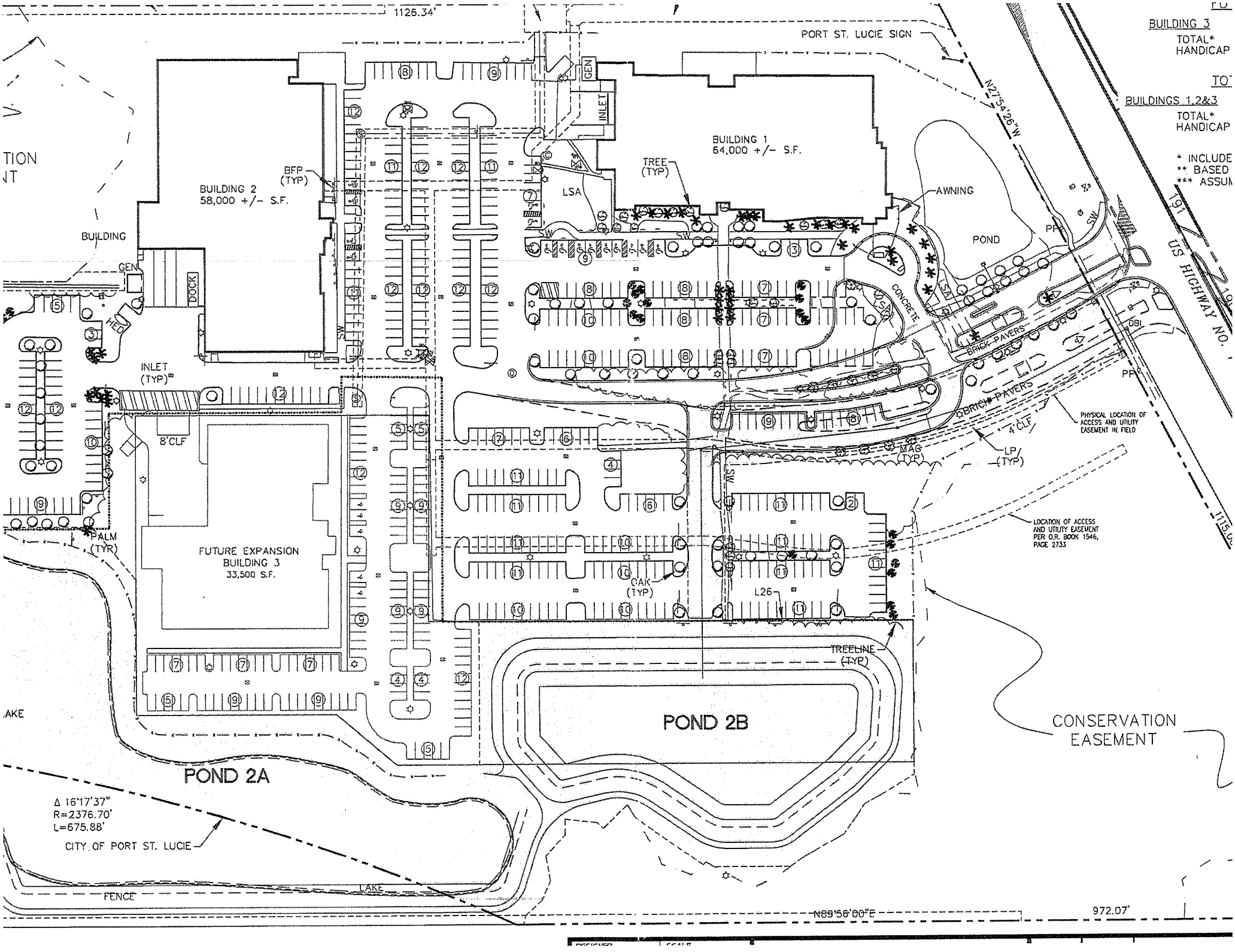
(CE DRAINAGE WORK AREA)


CONSERVATION EASEMENT
O.R.B. 1413, PG. 2602
30' CONSTRUCTION ZONE
BACK OF BERM EL. 8.00
INSIDE BERM EL. 8.00
CWE EL. 4.00
BOTTOM EL. -2.00 (0.22 ac)
BOTTOM EL. -6.30 (0.41 ac)
POND 2B
THRUSTING PIT
100
EASEMENT LINE
WETLAND LINE
CONSERVATION EASEMENT
O.R.B. 1413, PG. 2602
WETLAND LINE
PROPERTY LINE
37' AT&T EASEMENT
O.R.B. 414, PG. 2477
R/W LINE
120

# EXHIBIT

# "C"

(to Supplemental Agreement)


1126.34'
PORT ST. LUCIE SIGN
BUILDING 3
TOTAL*
HANDICAP
BUILDINGS 1,2&3
TOTAL*
HANDICAP
* INCLUDE
** BASED
*** ASSUM
N27°54'26"W
US HIGHWAY NO.
BUILDING 1
64,000 +/- S.F.
BUILDING 2
58,000 +/- S.F.
BFP
(TYP)
TREE
(TYP)
LSA
AWNING
POND
BUILDING
GEN
DOCK
INLET
(TYP)
8'CLF
BRICK PAVERS
CONCRETE
PHYSICAL LOCATION OF ACCESS AND UTILITY EASEMENT IN FIELD
4'CLF
MAG
(TYP)
LP
(TYP)
LOCATION OF ACCESS AND UTILITY EASEMENT PER O.R. BOOK 1546, PAGE 2733
PALM
(TYP)
FUTURE EXPANSION
BUILDING 3
33,500 S.F.
OAK
(TYP)
L26
TREELINE
(TYP)
POND 2B
CONSERVATION
EASEMENT
POND 2A
Δ 16°17'37"
R=2376.70'
L=675.88'
CITY OF PORT ST. LUCIE
LAKE
FENCE
N89°56'00"E
972.07'

# EXHIBIT

# "D"

(to Supplemental Agreement)

| | | |
|---|---|---|
| This instrument prepared under the direction of: Laurice C. Mayes, Esq. _____ Document prepared by: Grace K. Abel (05-25-16) Department of Transportation Right of Way Production Services 3400 W. Commercial Boulevard Ft. Lauderdale, Florida 33309 | Parcel No. | 910.1 |
| | Item/Segment No. | 4108444 |
| | Section: | N/A |
| | Managing District: | 04 |
| | City Road: | Crosstown Parkway Ext. |
| | County: | St. Lucie |

**LICENSE**

This Agreement made the _____ day of _____, 201____, between LIBERTY LANE CONDOMINIUM ASSOCIATION, INC., a Florida corporation not-for profit, whose address is: 8881 Liberty Lane, Port St. Lucie, Florida 34952, herein called licensor, and the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, herein called licensee.

In consideration of the benefits accruing unto the licensor, the parties agree as follows:

Licensor hereby grants to licensee, its successors and assigns, a license to occupy and use, subject to all of the terms and conditions hereof, the following described premises:

A parcel of land being a portion of the premises conveyed to Liberty Lane Development Company, Inc. by Deed recorded in Official Records Book 1360, at Page 1481, Public Records of St. Lucie County, Florida and lying in Section 35, Township 36 South, Range 40 East, City of Port St. Lucie, St. Lucie County, Florida.

The premises may be occupied and used by licensee for the purpose of allowing the City of Port St. Lucie and its contractor(s) access to the remainder property of the Liberty Lane Parcels to construct the entryway referenced in attached Exhibit "A", together with incidental purposes related thereto during the period beginning with the date first above written and continuing until completion of the transportation project, but not later than the last day of February 2019.

The making, execution and delivery of this agreement by licensor has been induced by no representations, statements, warranties, or agreements other than those contained herein. This agreement embodies the entire understanding of the parties and there are no further or other agreements or understandings, written or oral, in effect between the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the said licensor has signed and sealed these presents the day and year first above written.

_____ L.S.

Print Name: _____

# Candidate Materials: Reviewing and Interpreting Them

# Suggestions for Reviewing Candidate Materials

The materials contained herein are prepared to provide you with information concerning the candidates we are recommending you consider. The materials we and the candidates prepare are designed to provide you with information first and foremost concerning the candidate's ability to do the job. You can then review the materials and determine which candidates you wish to interview.

As you can see, what we have for each candidate is often fairly extensive. When you review the materials, we recommend you begin with:

- The Candidate's Resume. This document provides a brief history of the candidate's employment and possibly some personal information.

- The Candidate's Cover Letter and Introduction. These have been prepared by the candidate and offer insight into what the individual feels is important and his/her ability to communicate.

- The References. These materials provide information concerning what people who know the candidate think about the individual. It is important to note that people are often reluctant to say anything negative about a candidate so even though we push fairly hard to get them to identify weaknesses, the weaknesses and negatives are often limited. Further, if a candidate's references are poor or if we see significant red flags, we generally do not present that individual. We also attempt to reach references who know the candidate but were not provided.

The other materials for each candidate are important as well but probably do not need the same level of attention. They are:

- The Internet / Newspaper Archives Materials. These materials provide information concerning the issues the candidate has dealt with and what he/she has done well and not so well. We do not recommend that you read these materials word for word but rather you scan them and carefully read the sections you feel are the most important. Please also see the following pages for comments concerning the Internet's limitations.

- The Background Checks. For the most part, the City and County Manager Candidates we present tend to have very few if any items of note on their records.

It is important to understand what is provided in the background checks and what it not. First, National Criminal Information Center (NCIC) is the gold standard for reviewing someone's criminal past. Its use, however, is limited to law enforcement agencies for specific purposes. It is not something we have access to. Our nationwide criminal checks are run through a database assembled from data from a wide range of state and local agencies and is not as complete as the NCIC database. Nonetheless, we have confidence in it and have used it successfully for years. Further, we supplement it with checks of the databases of the county and state of residence.

You also need to be aware the criminal databases we use contain convictions and not allegations, complaints, or arrests (unless these lead to a conviction). We also do not check records in family court. The reason is cases are often emotional and parties are not always truthful in attempting to achieve their desired goal. If the allegations are serious and substantiated, they are generally found in the criminal records or covered in the newspaper, at least for people with significant positions in the public sector. Further, a substantial body of law exists concerning what can and cannot be considered in government employment. For example, it is illegal to use a bankruptcy as the basis for not considering a candidate.

Overall, we try to focus on someone's ability to perform the duties of their job. We do not delve into their personal lives which can be murky. It should also be noted that a large body of law exists concerning what can and cannot be considered and it varies from state to state. We try to stay safely on the right side of the line, both for our own sake and that of our clients.

The other thing to consider is we do not want you to be surprised. Even if you cannot legally use a matter in your decision making, if it has been reported, we want you to hear about it from us rather than a third party. That way we can present you with a fair and unbiased analysis of the situation and you can determine what weight is appropriate to give the matter in your decision making.

## Interpreting the Internet

When considering material gathered from the Internet, it is important to read carefully and to understand the Internet's limitations.

In part of each candidate's materials is what CB&A's staff gleaned from the Internet and from newspaper archives concerning the semi-finalists. While we would like to think everything published is accurate, we know it is not. For example:

1) Some news sources have biases concerning particular individuals or write with incomplete information. Further, reporters have different capabilities and some do not understand the matters they are reporting on. Hence the story may not be accurate.

2) Occasionally, governments purposely provide information to the media that is not accurate or the full story, particularly when someone is leaving their employment.

3) Some elected officials occasionally make allegations concerning managers or staff members for political reasons whether or not the allegations are based in fact. Further, officials sometimes shoot from the hip without a complete understanding of the real issue and/or all the facts.

4) Some residents make allegations that are inaccurate or untrue and which are repeated in the media.

5) A manager may be blamed for issues and problems that come to the surface during his/her tenure but existed long before the individual took office. In fact, occasionally a manager uncovers a problem and is dealing with it. That very action can bring problems to light and result in a news story that reflects badly on the manager who is actually trying to fix the problem rather than the manager who let it fester for years and did nothing.

6) Managers may have more articles than, say, assistants because of the nature of their work. Assistants tend to be much lower profile and hence, less is written about them. Further when assistants make mistakes, the manager tends to get blamed.

Further, the Internet changes daily. Articles are added and removed. What is provided here is a snapshot in time concerning what was available on the Internet the day(s) we did the research. If someone were to search the internet tomorrow concerning information on these candidates, additional information or less information might be found. Search engines take up to six weeks to "find" stories after they are posted on websites. By the same token, a story appearing on a website yesterday may be deleted and may not be there tomorrow.

We should also note we have not included everything we found. Many articles mentioning the candidate's name have little if any relevance to the candidate's qualifications. Hence these are often been excluded. Further, if multiple articles exist concerning the same issue, we often select the most relevant and complete articles and do not include the rest.

Where issues of concern were found in the following articles, we have attempted to research them and determine their true nature. Where we found information that we believed was serious in nature and the result of the candidate's actions or that would could potentially embarrass you, our client, we would have dropped the candidate from consideration and his/her information would not be in this notebook.

One final note is that we generally do not include information from blogs as they are notoriously slanted and unreliable.

# Interview Procedures / Questions

# Interviewing Candidates

The interview is generally the final step in the selection process. At this point, the executive recruiter has screened the candidates and is satisfied that all finalists are capable of doing an outstanding job. Reference checks and more extensive background checks have been conducted, including discussions with individuals of our choosing and not on the candidate's list of references. Internet searches have been completed, along with a review of newspaper archives. Credit history, educational verification, and criminal background checks have also been run so there should be no surprises once a candidate is selected.

The interview is an opportunity for both the elected officials and the candidate to learn about each other and to determine how well they will work together. It is also an opportunity for the elected officials to evaluate each candidate's management abilities and to decide if he/she would be a good leader for the community. It is important for both the elected officials and the candidate to act professionally and in a manner that will impress the other party, all the while learning what they can about the other.

Since all the candidates are capable of performing the job, the focus of the interview should be on determining who fits best with the elected officials, the staff and the community. Some candidates will have more experience than others. Some have special areas of expertise that others do not. Some have better instincts, and some are simply more capable than others. While those with less experience may make more mistakes than others, they may also hit more home runs. The key is to determine which candidate will have the best chemistry with the elected officials, but also who can best lead the staff. No matter how technically sound a candidate may be, if he or she cannot build and maintain strong working relationships with the elected officials and staff, he/she will not last long as the community's appointed leader. Of course, experience and expertise are critical and should not be overlooked.

### *The Internal Candidate / Local Candidate*

If an internal candidate / local candidate is among the finalists, elected officials occasionally will assume they already know the individual and just chit-chat instead of actually conducting an interview. Doing so is neither fair to the candidate nor the organization. Internal / local candidates may have ideas about what they would do differently as the City Manager, but have not been willing or able to convey these thoughts to the elected officials, much less act upon them. Unless the same hard questions are asked of the candidate as the external candidates, meaningful comparisons cannot be drawn.

It should also be recognized that a competent, likable, internal / local candidate will have a natural advantage in any job competition. To select the known quantity is a natural, human tendency, particularly in public sector recruitments. It feels comfortable and is viewed as safe. It may also be exactly the wrong thing to do. For example, we have seen governing bodies select

individuals with whom they were comfortable and assume the individual will grow into the position. In our experience, they generally do not. Once someone has the top position, he/she has no mentors and it is difficult for them to improve in areas where they are weak. There simply is no one to teach them so they to focus on the areas where they are strong rather than improving in areas where they are weak.

Further, if the candidate does not do well in the position, then a year or so later the same governing body is struggling with a difficult decision. What should it do with someone who was a valuable employee or friend but who is not providing the necessary leadership? The choices become to continue with the employee even though he/she is not performing up to standards, demote the employee, or terminate his/her employment altogether. None of these choices is attractive, but one must be selected. Someone who was a perfectly good employee in his/her previous position may be lost. Of course, this same candidate, with a few more years of experience and mentoring, might make an excellent City Manager.

Please understand that we are not trying to discourage the hiring of an internal / local candidate. We do believe, however, that the internal / local candidate must be examined just as critically as the other candidates. We have found it helpful to ask the internal / local candidate what problems he/she sees in the organization and what he/she would propose to resolve them. If the individual does not have a good, specific answer to that question, then he/she is not ready to be the community's City Manager. External candidates will not have the same depth of experience or knowledge about the government, so it would not be fair to expect the same response to this question as you would from the internal / local candidate.

Another thing to keep in mind is that, if an internal candidate is hired as the City Manager, then a search must begin to fill his/her position. If an outside candidate is hired as the manager, in most cases the internal candidate stays, but is somewhat disappointed. Of course there is also the risk that the internal candidate may be so disappointed that he/she decides to seek employment elsewhere.

### *Possible Interview Questions*

The questions on the next few pages may be useful in determining the information that you need. There are undoubtedly others. The point is to ask the questions that you feel will give you the best idea of what the candidate believes, how he/she will work with you and with the staff, and whether or not he/she is good match for the community.

The following topics and questions are divided into four groups. The first set contains standard introductory questions covering an individual's background, management style, and experience. The second set is designed to provide information about how the candidate will interact with the elected officials and staff, and to focus on particular issues that may be of concern to the community. Set III should always be asked at the end of the interview. The fourth section outlines what questions should not asked as they could provoke a law suit.

Since time will not permit asking all the questions, you should select the ones that are most important to you. The last four should always be asked, and five minutes should be allotted at the end of the interview to ask them.

**Topics / Question Set I:**

1. Tell me about yourself.
2. Why are you interested in our community?
3. What is your management style?
4. What would your staff say about you as a manager?
5. What would your elected officials say about you?
6. Have you fired people? How did you handle it? How did you feel about it?
7. What do you think your strengths are?
8. What do you think your weaknesses are?
9. What has been your biggest success? Tell us about it.
10. What has been your biggest failure (or mistake) in your career? What did you learn from it?
11. If you were asked to cite one particular situation or event in your career that gave you the greatest satisfaction, what would it be?
12. What would you do during the first six months in our community?
13. What do you hope to learn in the first six months in our community? What do you expect to teach us?
14. What do you believe to be the challenges and opportunities facing our community? How are these likely to change in the future?

15. The City wants a City Manager with new ideas and lots of energy. How do you meet those requirements?

16. What is your value system? How will your values determine how you manage our City?

17. Why should we select you to be our next City Manager?

18. Is there anything else you would like to tell us?

**Topics / Question Set II:**

1. Explain what you believe the role of our City Manager should be.

2. What are the three most important commandments for a City Manager?

3. Can you give me a breakdown of your typical day as a City Manager?

4. How would you view your relationship with the elected officials?

5. How will you go about building a strong relationship with elected officials? How will you maintain it?

6. How do you build consensus on an elected body when it is deeply divided?

7. What information do you think the governing body needs to have concerning day-to-day operations and on-going projects?

8. How will you keep the elected officials informed?

9. What kind of direction do you expect to get from the elected officials? What will you do if you do not feel they have made it clear how they want the staff to precede on a particular issue?

10. There is an expression, "A good City Manager only needs to be able count to three." Of course in our case, that would be five. Could you please comment on that statement?

11. What do you do when your views on handling a situation differ from those of the governing body as a whole?

12. What will you do if a particular elected official disagrees with how you believe a situation should be handled?

13. What will you do when an elected official contacts a department head directly and tells him/her to do something?

14. What would you do if an elected official walked into your office and told you that you needed to repaint it navy blue?

15. Can you tell your elected officials what they need to hear rather than what they want to hear?

16. How well do you accept criticism? Please give me an example of a case where an elected official suggested you could improve your performance. How did you respond and what did you do?

17. What are your core values and which one is most important to you?

18. Tell us something unique about yourself.

19. Can you describe an ethical issue that you have had to deal with in your career and how you handled it?

20. As a manager, how do you evaluate your own performance?

21. What do you believe to be the highlights of your career over the past three years?

22. How will you build a strong relationship with our existing staff?

23. What kind of relationship do you want to have with the senior managers and the rest of the staff, and how will you establish it?

24. How many people reported to you in your last job? How did you keep them informed of the community's priorities? What do you intend to do differently if you are appointed here?

25. How will you keep the general employees informed of the elected officials' priorities?

26. To what extent do you believe contact with citizens and citizen's groups is important? How do you typically handle this responsibility? How will you build relationships with the community?

27. How do you plan to communicate with our residents?

28. How many community meetings have you attended in the last six months? What was the last one you attended and why did you go?

29. Sensitivity to different genders, races and ethnic groups is a priority for us. Can you provide us with some specific examples of how you have demonstrated your commitment to these principles in the past?

30. People are: _____. Please fill in the blank and explain your choice of that word or words.

31. How will you go about identifying the organization's strengths, weaknesses, and opportunities for improvement? Once you have identified them, how will you go about making changes?

32. How will you approach the short and long range planning processes? What system do you use to set goals and objectives? How do you monitor progress against these goals and objectives?

33. Please describe your experience with strategic planning.

34. Please outline the similarities between our community and the previous communities you have served.

35. History defines the future. Can you please define the character of our community based on what you have seen and then tell what you would like it to look like in 25 years?

36. What will you do if you feel an employee is not doing his/her job in a manner you feel is satisfactory?

37. What do you do when you observe an employee - who works for a department director - who is not doing his/her job the way you think it should be done?

38. Describe the steps you would take if you needed to recruit, say, a new Planning Director.

39. Please describe a situation where you have had to "step up and lead" relative to a controversial issue.

40. Describe a situation where you had to build a team to solve a problem.

41. Please give an example of organizational restructuring you initiated. What was the reason for the restructuring and was it successful? Would you do anything differently if the situation presented itself again?

42. How would you go about raising morale in our organization?

43. Please describe your general experience in human resources administration including the development of personnel policies and performance appraisal systems.

44. Please describe your experience with and philosophy of labor/management relations.

45. What qualities make someone successful as a negotiator in labor contract discussions?

46. Have you sat at the bargaining table in contract negotiations? Tell us about the experience and what you learned from it.

47. Please identify the most difficult situation you have encountered with a labor union and how it was resolved.

48. What would labor unions you have dealt with say about you?

49. Describe an incident in which you played a role that embarrassed your government or caused it difficulty. What did you learn from it?

50. Are there any events in your professional or personal life that may reflect negatively upon your performance or which would be awkward or embarrassing to us if reported upon by our local/regional news media?

51. What are your long term career goals?

52. What areas of your skills/professional development do you want to work on at this point in your career?

53. How do you insure that your staff continues to develop professionally?

54. Are you willing to take calculated risks?

55. What kind of decisions did you make in your last job?

56. What kinds of decisions are difficult for you to make?

57. What personal skills do you feel are necessary for someone to be successful in this position?

58. What particular personal characteristic do you have that will most benefit our residents if you are hired?

59. What is your average workweek now, and what would you expect it to be if you came to work here?

60. Why did you leave your last job? (Ask if the candidate is in transition.)

61. Why do you want to leave your current job? (Ask if the candidate is currently employed.)

62. From what you know about our community, what is the most burning issue that we face, and how would you address it?

63. Strong fiscal management skills are central to this position. Please describe the most challenging budgeting situation you have encountered and how you reacted.

64. What innovative, cost saving programs and projects have you initiated and how successful were they?

65. What is your philosophy for developing and implementing a budget for our City?

66. Would you consider implementing a Zero Based Budget?

67. What techniques would you employ to develop and implement a balanced budget in these difficult economic times?

68. What techniques have you employed to reduce payroll expenses without layoffs and without reducing the level of service we provide?

69. How do you encourage staff to stay in your organization?

70. Give me some examples of cases where you have introduced new technologies to improve productivity or service delivery in a local government organization?

71. Like many communities, we are experiencing rapid growth and development. What would you do to protect the character of the community while permitting acceptable growth?

72. Do you view growth as a positive?

73. Tell us about your experience closing the gap between what is the ideal amount of infrastructure (roads, drainage, facilities, etc.) and what is actually present.

74. What experience do you have with economic development?

75. Please describe your experience in working with a business community, Chamber of Commerce, downtown business association, etc.

76. Tell us about an economic development project that you are particularly proud of and your role in its success.

77. What sort of concessions would you ask of developers when discussing their desire to bring a new development to our community?

78. Can you tell us about your experience with Tax Increment Financing?

79. Do you think it is necessary or appropriate to redevelop this community? If yes, how would you go about redeveloping it?

80. Do you feel it is desirable to bring new businesses to the community? What kind of businesses would you try to attract?

81. What actions would you pursue to bring jobs to our City? What sectors would you target?

82. What attributes of the City would market to businesses that you want to attract to our community?

83. Describe your experience with out-sourcing and your methodology for evaluating the cost-effectiveness of outsourcing.

84. What is your opinion of sole source procurements?

85. How will you balance the need for timely/efficient procurement with the need for checks and balances?

86. How would you go about building a good relationship with the County?

87. How would you go about building a positive relationship with other governments with whom you will have to deal if you are selected for this position?

88. Describe your experience in dealing with state agencies.

89. Describe your experience dealing with federal agencies.

90. Describe your experience obtaining grants. What agencies would you approach for grants? What kind of grants do you think would benefit us?

91. Are there other external sources of funds (beyond grants) that you would seek out?

92. Have you ever been involved in initiatives to contract out services? Tell us about them. Did these efforts succeed?

93. How do you feel about succession plans for managers and directors? Do you presently have one in your City?

94. What experience do you have in developing and implementing policies and programs that further the goal of green and sustainable communities?

95. Describe the kind of organization for which you would like to work. If you could change one thing in your current (or most recent) job, what would it be?

96. Who do you view as your customers? How will you interact with them?

97. What great idea have you had that did not go anywhere and why did it fail?

98. If we were look at your personnel file, what would we find? Would there be anything negative?

99. How do you respond when a resident walks into City offices and wants to meet with you about an issue that concerns him/her?

100. Would you make yourself available for two hours a week to see the public on a first-come, first-served basis?

101. How would you address a situation where an employee places the City in an embarrassing light?

102. What do you see as the primary drawback to being the City Manager of our community? What do you know about our operations and current employees?

103. If we hire you, would you seek a salary increase every year?

104. If the community decides to install a plaque somewhere in your honor after you leave your current job, what would it say?

105. If they decide to give you a roast, what would people say about you?

106. What was the most pertinent question you were asked today by any one of us, and how did you answer it?

107. Would you favor setting up a non-profit to deal with the feral cat and stray dog population in our community? [This question may seem a bit odd but it tests the ability of a candidate to think on his/her feet.]

108. Assume our 100th anniversary is next year. What ideas would you offer to make it a rousing success?

109. What was the last book you read and why did you choose it?

110. Who is your favorite comedian and how do you incorporate humor in your management style?

111. What did you do to prepare for today's interview?

112. If you accept this position, how long do you expect to stay?

113. How do your spare time? What are your hobbies?

114. How would you describe your ideal day off?

115. Why should we hire you?

**Topics / Question Set III**:

1. If you are selected as the successful candidate, and understanding that pay and benefits are matters for negotiation, tell us in broad terms what sort of compensation package you would expect?

2. If we hire you, how long would you expect to stay in the position?

3. What kind of severance package would you expect if you were terminated?

4. When would you be available to start work?

5. Is there anything which we have not discussed today that you would like us to know?

6. Are there any questions you would like to ask us?

## *Topics / Questions Set IV: Topics to Avoid During the Interview Process*

A large body of legislation has developed over the years addressing civil rights and race/gender/age discrimination. Questions in these areas should be avoided during the interview process. The process of interviewing and selecting an applicant is no longer a simple matter of conducting a casual conversation and hoping to learn a candidate's strengths, weaknesses, likes, and dislikes. Various civil rights laws now make the average interview a process that should be approached with extreme caution. However, if you keep in mind certain basic rules, you will facilitate the process and avoid problems.

In most instances, asking inappropriate questions may raise an inference of either discrimination or retaliation against a particular candidate. In other instances, such as those involving issues of mental or physical health, inappropriate questions are presumptively discriminatory. Therefore, the interviewer must avoid questions relating to the following:

1. Political affiliation, political views, or voting history.
2. Religious beliefs or practices.
3. A candidate's race.
4. A candidate's age.
5. A candidate's national origin or ancestry.
6. A candidate's family and whether or not they would be willing/able to join them in the new City.
7. A candidate's desire to have children or raise a family.
8. Pregnancy and other gender related issues.
9. Sexual orientation or sexual practices.
10. Marital status or personal and private relationships.
11. Potentially controversial issues of race, gender or ethnicity.

Any information a candidate may *volunteer* during the interview process regarding these matters does not render the interview invalid or otherwise taint the process. Consequently, open-ended questions, such as asking if the candidate wants to reveal anything else to the City that has not already been covered, are not prohibited. In fact, they can sometimes provide valuable insight into a candidate's views and perspectives.

With regard to issues of physical or mental health, many questions are appropriate after a conditional offer of employment is made, but must be avoided beforehand. The interviewer must avoid questions relating to the following topics:

***Topics / Questions Set IV: Topics to Avoid During the Interview Process***

1. A candidate's medical history.

2. Past workers compensation claims.

3. Past use of sick leave.

4. Health of a candidate's family members.

5. Any obvious physical or mental impairment of the candidate. However, it is permissible to ask if the candidate is able to perform the essential functions of the job for which he/she is applying. A better practice is not to ask this type of question at all. Of course, from a practical point of view, it is hard to imagine anyone answering negatively.

6. A candidate's frequency of illegal drug use or addiction. However, it is permissible to ask if the candidate ever used illegal drugs, and if so, the last time he/she did so. Once again, this is a very delicate area that can create significant problems for the employer if the questioning is intrusive.

7. Alcoholism or the frequency of alcohol consumption.

The questions listed above which relate to medical conditions may properly be asked of a candidate after he or she has received a conditional offer of employment. Before an offer is made, however, the questions must be avoided.

If you need further assistance in crafting proper interview questions, please do not hesitate to contact us for further guidance.

# Suggested Interview Schedule

To Be Provided When the Number of Finalists Has Been Determined.

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 4*

# *Daniel "Dan" Biles*

# *Port St. Lucie City Manager Candidate Report*

# Section 4

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# *Cover Letter and Resume*

Mayor Gregory J. Oravec
City Council
Port St. Lucie, FL
c/o Mr. Colin Baenziger
Colin Baenziger & Associates

Mayor and Council,

With the utmost enthusiasm, I would like to express my interest in the City Manager position at Port St. Lucie, FL. I believe that my passion for leading impactful, award-winning teams, strong commitment to integrity and transparency, and keen interest in improving the lives of my fellow citizens make me an ideal candidate to lead your city management team. I have over 25 years of experience leading and developing award-winning teams, from the best Engineering unit in the Air National Guard to a market dominating consulting firm to the "we can't believe the" culture changes in both the Public Works Group at the City of Corpus Christi and the Jefferson County Infrastructure Group.

A dynamic and seasoned leader: In my role as Deputy County Manager – Infrastructure, I reached out to both the development and the environmental community and brought them together with a plan and strategy to work together to rewrite our development standards to both better protect the natural environment while stimulating economic development.

As a paradigm breaking leader: In my role as Executive Director of Public Works, I initiated the reconfiguration of the City's 10 year infrastructure capital improvement plan as well as our bond program, from a crisis response process to one that evaluated the complete risk assessment of the individual programs and prioritized the projects based on the maximum impact to reducing each program's operating risk.

As a visionary, strategic leader: At each organization I've led, I not only developed award-winning teams, but I also ensured the development of the future leaders of our organization. As a commander of three different Air National Guard units, each of whom were awarded outstanding unit awards, I developed the next generation of leaders that continued to lead those award winning teams.

With this background, I am confident I would be able to make an immediate and positive impact on your city in much the same way I have impacted every organization I have led. I look forward to hearing from you.

Sincerely,

Dan Biles

https://www.linkedin.com/in/danbiles

# Daniel Biles, P.E., Col (ret)

[redacted]

*PROFESSIONAL PROFILE*

**Leader** of award winning organizations; successfully built highly motivated internal and external teams focused on achieving project, program and organizational goals through teamwork and shifting of outdated paradigms with new strategies under broad vision. **Highly decorated military officer** that has successfully led military, construction and municipal teams through complex operations in harsh environments under challenging conditions. A **developer** of organizations into award-winning performers at every step in his career journey.

**Accomplished manager** and **strategic thinker** with a proven ability to develop and implement strategies that support the respective business, financial and political objectives. Has led key project teams that have delivered a wide variety of residential and commercial development and infrastructure rehabilitation projects across the public works spectrum. Recognized as **an expert** in applying leadership and management concepts to the full scope of organizational processes to continually improve operational processes and deliver "best of class" results.

*CIVILIAN EXPERIENCE*

2014 To Present — Jefferson County Commission, Birmingham, AL

**DEPUTY COUNTY MANAGER - INFRASTRUCTURE**

- Interim County Manager for Infrastructure for 6 months during County Manager's medical leave.
- Named to the 2016 Chris Traeger List of Top 100 Local Government Influencers by the national Engaging Local Government Leaders group.
- Serves on the ICMA Sustainable Communities Advisory Committee and is a Alabama City/County Managers Association Board Member
- Leads the County Infrastructure Group which includes: Environmental Services, Roads and Transportation, General Services, Land Planning, Inspection Services and Storm Water.
- This group accomplishes their respective missions with 850 personnel on an annual operating budget of $130M and annual Capital Budget of almost $94M.
- Led the development of the first ever strategic road and facility maintenance and capital plans for the County; effort was praised by the Commission and led to State Legislative success for the funding to support the long term implementation of these plans.
- Coordinated road improvement plans with multiple individual municipalities elected officials as well as state transportation officials to ensure that our efforts complemented and met the long term needs to maintain connections between economic centers in the county.
- Developed a short term and long term roadside litter collection strategy and plan, resulted in over 100 tons picked up in first four months of implementation. The County received state level awards from Alabama People Against a Littered State for this effort.
- Worked with stakeholders to build a multi-year strategy to improve river water quality while reducing capital commitments at existing wastewater treatment plants. This ongoing effort has been praised by diverse groups from all sides of the spectrum from the Cahaba River Society and Black Warrior Riverkeepers to the regulatory agencies, the development community as well as multiple other groups.
- Streamlined the Wastewater Operating and Capital Plans; Implementation of the improvements and subsequent briefing to the Rating Agencies directly led to improvement in the County's Bond Ratings.
- Led the customer service improvement initiative in the permitting process based on feedback from the development community. Work applauded by the Greater Birmingham Home Builders Association.

2010 To 2014 — City of Corpus Christi, Corpus Christi, TX

**EXECUTIVE DIRECTOR, PUBLIC WORKS ('13-14)**

**DIRECTOR ('12-13); ASSISTANT DIRECTOR ('10-'12) ENGINEERING SERVICES DEPARTMENT**

- Led the Street Operations Department, the Solid Waste Department and the Capital Programs Department. This group accomplishes its mission with 341 personnel on and annual operating budget of $53.6M and annual Capital Budget of almost $300M.

- Handpicked by the City Manager to be the staff member representative to many outside organizations: Island Strategic Action Committee, Downtown Management District, Metropolitan Planning Organization Technical Advisory Committee, Chamber of Commerce Infrastructure Committee, North Beach Community Association, Lindale Park Association, Texas A&M – Corpus Christi 20/20 Plan Committee, Destination Bayfront Committee, Bold Future.
- Testified to several Legislative Committee issues on infrastructure and local government issues.
- Also led the 84 person Engineering Department – Enterprise impact from Capital and Bond project management to Land Acquisition to Construction Management and Traffic Engineering. The Department was working on 190 active projects valued at over $700M. Executing the planning, design and construction projects to maintain and construct infrastructure across the enterprise.
- Completely reimagined and rebuilt the culture of the Department, led to many – "we can't believe the change" comments from political and community leaders.
- Worked with the Downtown Management District to develop a long term infrastructure and streetscape improvement plan that jump-started over $50M in privately funded downtown redevelopment projects.
- Developed the Street Risk Assessment Matrix that utilizes industry standard benchmarks to assist in the prioritization of proposed Bond 12 and Bond 14 Street reconstruction project list.
- Specifically requested the review of Department operations by an American Society of Civil Engineers (ASCE) team of experts. This team noted that they were "truly impressed by the amount of work the department does", noted that the "Department does an exceptional job of delivering projects."
- Developed monthly project status reports that track schedule and budget status for each individual project; increased project manager accountability and transparency with the public resulted in maintaining "on schedule" and "on budget" projects in excess of 90%.
- Implemented a client-based project management structure: aligned specific project managers with specific departments to be their advocate within the Engineering Department.
- Initiated the development of a "one of a kind" public information and involvement campaign to support and educate the traveling public of the S. Staples Road reconstruction project. Lead the business and contractor partnering effort on this project resulting in an accelerated completion while simultaneously overcoming significant competing obstacles.
- Led the negotiations with Valero resulting in the first of its kind agreement for industry to purchase wastewater effluent for their plant operations and thereby eliminating their use of 4 million gallons a day of raw water from our water supply reservoirs.
- Lead the Department into electronic plan review process, eliminating significant reproduction costs; brought the private utilities into the plan review process through this initiative; led to significantly reduced construction start delays due to utility relocations.
- Was a key team member for the City in the negotiations with both the Corpus Christi Hooks Baseball team that resulted in a long term renewal of their lease and the Schlitterbaun group that resulted in their selecting North Padre Island for not only their next park, but their first mixed use community.
- Elected by the Leadership Corpus Christi Alumni to serve as a Leadership Corpus Christi Board Member.

2008 To 2010 — Maverick Engineering, Inc., Corpus Christi, TX

**INFRASTRUCTURE BUSINESS STREAM MANAGER**

- Accountable for the company's Infrastructure Business Sector engineering quality, performance, profit/loss statement and marketing. Work includes transportation, residential, commercial and industrial land development, water, storm water, wastewater, and public works.
- Led the Business Group with the development and implementation of refined budgeting and cost control/analysis procedures that identified and corrected internal process inefficiencies. Improved unit profitability by 10% in first year of implementation.
- Developed plans and procedures that led to improved customer service and schedule predictability.

2006 TO 2008 — SBI Developing LLC, Puyallup, WA

**ENTITLEMENT/PROJECT MANAGER**

- Responsible for the management of all commercial and residential land development projects in the feasibility, entitlement and permitting phase of development throughout western Washington.

- Led the operations for all of the overall engineering design/permitting/approval, schedules, project budgets, contracting and construction management of land development projects for the second largest home builder in Washington.
- Efforts led to a significantly improved time from conception to market for development projects in a highly constrained regulatory environment. Critical to business profitability.
- Managed the efforts of over 20 different sub-consultants covering a wide range of areas of expertise as part of the development and construction of 15 over active projects in municipalities up and down the Puget Sound region.

1998 TO 2006 — Hatton Godat Pantier, Olympia, WA

**SR. PROJECT MANAGER/PRINCIPAL**

- Responsible for gaining new work and marketing to the larger builders that entered the Thurston County market. Landed the firms initial projects with two of the largest homebuilders is Washington.
- Leadership and project management was key to the firm's strong growth from a 25-person to a 75-person firm that was the recognized local leader in land development planning and strategies.
- Assisted in the development of the strategic business and customer focus plan that led to HGP becoming the firm of choice by the development community and subsequently dominating the local market share.
- Responsible for civil engineering planning, design, and construction management for all types of residential, commercial, industrial and public projects, from a 1,200-lot project to first successfully constructed residential LID in the state, to a commercial development that attracted first Cabalas store in the state.

*MILITARY EXPERIENCE (AIR NATIONAL GUARD (ANG) & UNITED STATES AIR FORCE)*

2008 To 2015 — 248th Civil Engineering Flight, ANG, Camp Murray, WA

**COMMANDER ('12-'15); VICE COMMANDER/DIRECTOR OPERATIONS ('08-'12)**

- Named top commander in the Wing and a Superior Performer at USPACOM Exercise Terminal Fury '09
- Leads a Staff Augmentation team that has supported multiple Pacific Command Exercises; deployed 12 members to support ongoing military operations in Southwest Asia.
- Directed joint and combined operations to include theatre battle staff command and control operations in both the Pacific and Southwest Asia theaters of operations.
- Led the unit program and process development that developed the unit from scratch in 2008 to one that became the unit of choice for the Pacific Air Forces Civil Engineer staff during crisis response situations.
- Key leader in ANG issues; Hand selected by the ANG Civil Engineer to be the National Guard Bureau representative to Pacific Air Forces Civil Engineering staff.

2007 TO 2008 — 120th Fighter Wing Headquarters Squadron, ANG, Great Falls, MT

**COMMANDER**

- Group included multitude of wing agencies such as legal, chaplain, financial, safety, public affairs and command post support as well as EEO coordinator, diversity program, drug testing program, inspector general and family readiness program coordinator.
- Past deployment knowledge was essential as member of the 120th Fighter Wing's Exercise Evaluation Team; Led to increased mission readiness during the Feb 08 Operational Readiness Exercise.

1998 TO 2007 — 219th RED HORSE Squadron, ANG, Malmstrom AFB, MT

**COMMANDER ('04-'07); DEPUTY COMMANDER ('98-'04)**

- Responsible for all of the design, construction, training and war-fighting efforts of this 120-person mobile engineering and construction unit.
- Leadership resulted in the Unit receiving the Deneke Trophy as the best Civil Engineering Unit in the ANG. Number one of 92 ANG civil engineering units.
- Unit received two "Excellent" Operational Readiness Inspection ratings (2000 & 2007) from the ACC Inspector General during his tenure. We were the only RED HORSE unit in the entire Air Force to receive ratings this high from a Major Command Inspector General.
- Led a successful 8-month deployment into Iraq serving as Deputy Commander for a 400-person mobile construction unit tasked to complete missions at multiple locations across northern Iraq.

Managed all of the logistical support for over 500 Air Force engineers in 9 different countries through contracts and purchases valued at over $120M during a '02-'03 deployment to SW Asia.
Coordinated for CENTCOM of all of the theater engineering support necessary to support the Air Force build up to Operation Iraqi Freedom. Ensured that the Air Force could execute the President's directives.

1997 TO 1998 — 819th RED HORSE Squadron, Malmstrom AFB, MT

**CHIEF OF ENGINEERING**

- Responsible for all phases of the development, planning, design and construction management of over 20 stateside and international projects annually.
- Designed and built the Engineering Section of this new unit from the ground up, utilizing the best processes and procedures from the other existing RED HORSE units.
- Commanded the unit's first overseas deployment to SW Asia, leading a team of 40 craftsmen to complete two construction projects at a forward base in Kuwait as well as responded to a short notice mission to expand another Kuwaiti location for additional aircraft and support crews in response to a Presidential Directive under Operation Southern Watch.

1995 TO 1997 — 36th Civil Engineer Squadron, Andersen AFB, Guam

**MAINTENANCE ENGINEERING CHIEF ('96-'97); ENVIRONMENTAL FLIGHT CHIEF ('95-'96)**

- Led the effort to open up the mothballed, dilapidated Andersen South housing complex to take in 10,000 Kurdish refugees; began receiving within 48 hours of notification.
- Provided the 250 person Operations flight with project management, design, phasing, tasking and technical design support.
- Responsible for ensuring environmental restoration, compliance, and conservation. Flight's efforts resulted in an "excellent" rating from an internal Air Force environmental compliance audit.
- Led the Environmental Flight to "Best in the Command" results from FACAF

1992 TO 1995 — 56th Civil Engineer Squadron, Luke AFB, AZ

**CIVIL ENGINEERING OFFICER**

- Engineering Flight Civil Engineer and then Environmental Flight Hazardous Waste Program Manager.
- Unit received the "Best in the Command" award from Air Education and Training Command.

*EDUCATION*

1994 Texas A&M University, College Station, TX — MASTERS OF SCIENCE, CIVIL ENGINEERING
1990 Texas A&M University, College Station, TX — BACHELOR OF SCIENCE, CIVIL ENGINEERING

Continuing Education includes professional military education such as Air War College, Air Command and Staff College, Squadron Officer School and as well as engineering and business related short courses.

*PROFESSIONAL REGISTRATION & AFFILIATIONS*

- Professional Engineer, Texas License 101367
- International City/County Managers Association
- Engaging Local Government Leaders
- National Guard Association of the United States
- Society of American Military Engineers
- Leadership Corpus Christi Class of XXXVIII
- Alabama City County Management Association
- Alabama County Administrators Association
- Washington Association of the National Guard
- Water Environment Federation

*MAJOR MILITARY AWARDS AND DECORATIONS*

- Legion of Merit
- Meritorious Service Medal (2)
- Air Force Achievement Medal
- Meritorious Unit Award
- Bronze Star
- Air Force Commendation Medal (3)
- Joint Meritorious Unit Award
- Air Force Outstanding Unit Award (5)
- Multiple Superior Performer and Officer of the Quarter Awards

# *Candidate Introduction*

**Dan Biles, P.E., Col (ret)**

## EDUCATION

Master of Science & Bachelor of Science in Civil Engineering from Texas A&M University
Continuing Education includes professional military education such as Air War College, Air Command and Staff College, Squadron Officer School and as well as engineering and business related short courses.

## EXPERIENCE

| | |
|---|---|
| Deputy County Manager, Jefferson County, AL | 2014 – present |
| Executive Director, Public Works, City of Corpus Christi, TX | 2013 – 2014 |
| Director, Engineering Services Department, City of Corpus Christi, TX | 2012 – 2013 |
| Assistant Director, Engineering Services Department, City of Corpus Christi, TX | 2010 – 2012 |
| Infrastructure Business Stream Manager, Maverick Engineering, Inc. | 2008 – 2010 |
| Entitlement/Project Manager, SBI Developing LLC | 2006 – 2008 |
| Sr. Project Manager/Principle, Hatton Godat Pantier | 1998 – 2006 |
| | |
| Washington Air National Guard, Camp Murray, WA | 2008 – 2015 |
| Montana Air National Guard, Great Falls, MT | 1998 – 2008 |
| United States Air Force, Malmstrom AFB, Andersen AFB & Luke AFB | 1992 – 1998 |

## BACKGROUND

Jefferson County is home to more than 658,000 residents and contains Birmingham, the most populous city in the state of Alabama as well as over 30 other municipalities. The entire metropolitan region has a population in excess of 1.2 million. The County is the economic hub with the regional GDP comprising over 30% of the state GDP. The County also contains a research and medical hub centered on the campus of the University of Alabama at Birmingham, a Top 25 National Institutes of Health research facility.

Jefferson County's General Fund budget is $178 million and the total budget was $698 million in 2016. That total includes several special revenue funds as well as enterprise funds. The county manager has 1900 employees under his operational authority, which includes two Deputy County Managers and the Chief Financial Officer.

As the Deputy County Manager for Infrastructure, I manage six departments containing 822 employees on an operating budget of $130 million and an annual capital budget of $84 million. I directly supervise five department directors and am currently also the acting director of the Land Planning Department which contains 18 employees.

The three most significant issues facing the County are:

1. Infrastructure maintenance funding: The County faces an annual funding deficit of $25M to maintain its existing transportation network and public facilities at just an adequate level of service.
2. Consent Decree on Sanitary Sewer overflows: While the County has developed and presented a plan to the EPA as well as the state regulators and local environmental groups, it will still require diligently working through the actions required to get the Consent Decree lifted.
3. Consent Decree on hiring practices: In the early 1980s, the County was found in violation of numerous civil rights issues relative to hiring. Unfortunately, over the past 3 decades the County leadership has done very little to resolve the issues so in 2013 the court found the County in contempt and subsequently put a Receiver in place to develop the processes necessary for appropriate hiring. While the Receiver is working through this with the plaintiffs, the Department of Justice and the court, the County is experiencing significant vacancies that are negatively impacting our service delivery.

## GENERAL, MANAGEMENT STYLE AND EXPERIENCE

1. Tell me why are you interested in Port St. Lucie and how does it fit into your career path.

As one can see from my highly diverse career path, I am always looking for ways to utilize my leadership abilities to impact and improve the lives of people in a community. While the issues facing Port St. Lucie have some unique elements to them, they are not unlike issues facing many local governments throughout the country. As my resume shows, I have had plenty of experience not only developing award winning organizations, but also making significant improvements to the organizational culture at both the City of Corpus Christi and the Jefferson County Commission. I believe this diverse experience has prepared me to be able to come into a leadership role such as the one at Port St. Lucie and make an immediate, positive impact on the community.

2. What is your management style?

My leadership style is highly fluid and will change depending on the situation and quality of the subordinates I manage. I have built or been a key member on many high performing and award winning teams throughout my career, from military ones to private business to public organizations and recognize that no one leadership style fits all situations. In my current position I utilize a democratic management style.

A focus area of mine has always been to hire the best people that I can and then empower them to do the best job they can and to give them the flexibility to modify/change processes to improve their performance. I set high expectations and goals and expect my teams to exceed them. One of the things my staff frequently hears me say is that "a good plan violently executed today is better than a perfect plan next week." - Gen George S Patton. I also say that "perfect is

the enemy of the good." The point of these ideas is to avoid spending so much of our time in planning mode that it negatively affects our ability to act in a timely manner.

Furthermore, employees who don't feel significant won't make a significant contribution. So, you must get out there and educate them on how their work makes a significant contribution to improving the City for their friends and family to enjoy. You also have to have the right leaders in the right places; you can't manage people to greatness, they must be led there.

Gallup has measured employee engagement across the nation and in 2015, only 29% of government employees are actively engaged at work. If you desire high performing, highly motivated teams, then the team members must be engaged. What Gallup found was that engagement and thus high team performance largely comes down to whether people have a manager/leader who cares about them, grows them and appreciates them.

I built this environment at the City when I took over as the Director of Engineering Services. Through communicating with and engaging all of my employees, we turned an organization around from one that was an impediment to progress to one that became the model department for the city.

3. What would your staff say about you as a manager?

My staff would say that I am an excellent leader and brought that ability from my military background to build and lead diverse teams to accomplish the tasks and goals assigned. That I am fair and compassionate but firm when dealing with personnel issues. That I am a strategic thinker/leader that allows my subordinates the freedom to solve their tactical problems. That I set high standards and goals across the board and then allow them the flexibility to determine how to achieve those goals. That I work to remove obstacles that they face so that they can be successful. That I listen well and allow them to be creative and develop innovative solutions to the issues they face.

4. What would your elected officials say about you?

The elected officials that I have worked with would say that I am an accomplished leader and strategic thinker with a proven ability to develop and implement strategies that support the organizational objectives. That I am a person of utmost integrity and ensure that they receive all potential outcomes when discussing strategic decisions and operations.

5. What do you think your strengths are?

I get things done. I play chess not checkers…a city administrator/manager or deputy job is strategic, not tactical so you must always be thinking several moves ahead about how today's actions will impact future issues. I am a team builder and have been very successful bringing competing people and organizations together to work as a team toward a common goal.

6. What do you think your weaknesses are?

My tendency to trust and give people, even those I have just met, the benefit of the doubt.

Coming into a new situation, my initial assumption is that all players are honest brokers and can be high performing individuals until proven otherwise.

7. What metrics [performance measures] do you use to measure performance and determine if you and your staff are meeting your organization's goals.

I use a wide variety of metrics to track the different department's performance toward their goals from plan review time to the amount and volume of sanitary sewer overflows to the amount of recurring work orders completed compared to scheduled and reactive work in our facilities maintenance group. Our metrics are tracked and reported monthly to the County Manager who compiles the higher level metrics into a monthly report for the Commission. At the City, we developed and then posted our monthly metrics to the City's website so that all interested citizens could review them.

8. What has been your biggest achievement (success)? Tell us about it.

I took over 400 Air Force and Air National Guard construction engineers to Iraq in 2005, accomplished all of our missions and brought every one of them home safely to their families. As a unit, we completed over 100 different construction projects at eight different locations throughout northern Iraq in support of the U.S. Army 101st Airborne Division.

9. What has been your biggest failure (or mistake) of your career? What did you learn from it?

"I have not failed. I've just found 10,000 ways that won't work." – Thomas Edison. I don't consider any bad decisions, mistakes, poorly developed projects etc… as failures because I've used them to guide and improve how I operate as I go forward. To paraphrase Lincoln, it's really only a failure if you quit. That being said, probably my biggest mistake was when I left Hatton Godat Pantier for SBI Developing in 2006. I was a principle at the time (had about a 15% share) and had recently returned from a 9 month absence due to my Iraq deployment. I had some significant concerns about several of the personnel decisions that had caused several of my friends to leave the firm while I was gone and instead of having a tough conversation with the president (and majority owner) I decided it would be best if I left as well.

10. Have you fired people? How did you handle it? How did you feel about it?

Over the course of my career I have handled a wide variety of personnel issues, both positive and negative. While there are circumstances that have resulted in immediate termination, outside of those instances I prefer to work with an employee or team in a progressive manner to develop coaching and training plans to bring their performance up to the standard expected of them. Most of the time that has resulted in a rescued employee becoming an essential and high performing team member. On the rare instances where that has not worked, separation of an employee has been necessary. Even this has resulted in improved team performance, addition by subtraction can also be successful.

11. What do you think will be the challenges facing the person who takes this job?

The transition from one manager to a new manager is a difficult one for the staff, manager and Council. Since I have made many leadership transitions during my career, I know how to deal with the turmoil transitions can cause.

Maintaining and improving the quality of life for the residents of Port St. Lucie and the level of services from the City they have come to expect while also working to reduce the current property tax rate. One step is to work thorough and develop a mindset of continual evaluation of operational and organizational approaches that work toward true enhancement of operations and efficiencies as well as priority based budgeting instead of traditional budgeting methods.

Another step to sustain the existing level of services would be to work toward growing the tax base itself, i.e. economic development internal to the city. While the traditional approach works toward bringing new business to the City, another approach is to work on improving the internal City operations in planning and permitting that would reduce or remove the hindrance these operations can be to the existing local businesses pursuing additional opportunities.

12. What would you do the first six months in Port St. Lucie?

Having taken over numerous organizations in my career, the first order of business is to listen and evaluate. Listen to the Commissioners and Mayor, other local and regional officials, the existing staff – from the leaders to the field level employees. While I would come in with a 100 day plan that would contain 8-12 goals to accomplish in that period, they all would be related and spin off of this first task. For example, the first goal would be to talk to people: get perspectives and identify issues, while the second would be to evaluate the organization: identify strengths and weaknesses which would be followed by several more.

13. How do you work with the media? Is there anything in your background that would embarrass our client if it became public knowledge?

Historically, I have worked very well with the media. I believe they are a resource that can be utilized to help inform and educate the residents about activities going on at the City or County. There isn't anything in my background that would embarrass anyone if it became public knowledge.

14. How would you use social media to communicate with residents in Port St. Lucie? How have you effectively used social media in the past?

I have used a wide variety of strategies to reach out to citizens, from an active social media (Twitter and Facebook) presence to meeting with various groups. I led the City of Corpus Christi's pre-election outreach effort to the community for our 2012 and 2014 Bond programs. As part of this initiative, we developed a consistent message about the bond projects along with answers to the most commonly asked questions. I then spoke to over 20 groups throughout the community leading up to the 2012 vote. I also regularly attended and spoke to various neighborhood groups such as the North Beach Community Association, the Island Strategic Action Committee, and the Downtown Management District. We also published monthly

updates to all of the active capital projects to the City's web site and then pushed those updates out on both Twitter and Facebook.

15. When it becomes known in your community that you are a finalist in Port St. Lucie you?
I do not anticipate anyone contacting the City with negative information about me.

16. What do you do in your leisure time?
Our youngest child is a senior in high school and the only one of our children still at home, so we are transitioning from kids' activities filling our leisure time to one where we have greater flexibility. We enjoy hiking the various trails in the local area as well as traveling when the opportunity presents itself.

## SIX ADJECTIVES OR PHRASES YOU WOULD USE TO DESCRIBE YOURSELF

- Honest
- Creative
- Confident
- Adaptable
- Proactive
- Strategic

## REASON FOR WANTING TO LEAVE CURRENT JOB

I am looking to move from my current Deputy role into a City Manager position. As I noted above, I believe my diverse career path has prepared me to be able to come in and assume a leadership role and begin to make an impact for the lives of the residents immediately. This position interests me because it represents an increase in both the depth and breadth of my current responsibilities and while I enjoy where I am and what I do now, I am also looking for the ability to continue to develop my skills further by taking on more challenging positions.

## CURRENT/MOST RECENT OR RELEVANT SALARY

My current salary is $176,800.

# Section 4

# *CB&A Background Checks*

# Background Check Summary for
## DANIEL BILES

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Jefferson County, AL | No Records Found |
| Nueces County, TX | No Records Found |
| San Patricia County, TX | No Records Found |
| Pierce County, WA | No Records Found |
| Thurston County, WA | No Records Found |
| Cascade County, MT | No Records Found |
| State | |
| Alabama | No Records Found |
| Texas | No Records Found |
| Washington | No Records Found |
| Montana | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Jefferson County, AL | No Records Found |
| Nueces County, TX | No Records Found |
| San Patricia County, TX | No Records Found |
| Pierce County, WA | No Records Found |
| Thurston County, WA | No Records Found |
| Cascade County, MT | No Records Found |
| Federal | |
| Alabama | No Records Found |
| Texas | **August 2013 –** Job Discrimination Lawsuit filed against the City of Corpus Christi including Mr. Biles in his role as Public Works Director. ***Disposition*: May 2015**, Terminated<br><br>**See Personal Disclosure for Candidate Explanation for Records Found* |
| Washington | No Records Found |
| Montana | No Records Found |

# Background Check Summary for
## DANIEL BILES

| | |
|---|---|
| **Motor Vehicle** | |
| Alabama | No Records Found |
| **Credit** | Excellent |
| **Bankruptcy** | No Records Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

# Background Check Summary for
## DANIEL BILES
### Personal Disclosure

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Personal Disclosure Questionnaire

Name of Applicant: Daniel Biles

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No ☒
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No ☒
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes ☐ No ☒
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☒ No ☐
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No ☒
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No ☒
7. Have you ever sued a current or former employer?
   Yes ☐ No ☒
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes ☒ No ☐
9. Do you have a personal Twitter Account?
   Yes ☒ No ☐
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
    Yes ☐ No ☒
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: _____
**Signature of Applicant**

**Please email this form via PDF DOCUMENT to** Lynelle@cb-asso.com **or via fax to (888) 539-6531** no later than 5:00 PM EST 09/06/16.
**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

Property of Colin Baenziger & Associates

# Background Check Summary for
## DANIEL BILES
## Personal Disclosure Explanation

4. An employee at the City of Corpus Christi I terminated for cause filed a complaint with the EEOC. Once they dismissed it, he then filed a lawsuit against the city. A jury also found for the City.

8. Old myspace account; currently have facebook, Linkedin, Instagram and various other social media accounts.

9. My personal twitter account is @dan_biles

11. Only the item mentioned as a part of question 4.

# Section 4

# *CB&A Reference Notes*

**Natasha Fudge – Interim Director of Capital Projects, Corpus Christi, TX**

Ms. Fudge worked with Mr. Biles from January 2010 to August of 2014. She was a Project Manager and he was the Assistant Director of Engineering. He advanced to Director and she became the Project Manager Lead. He later became the Public Works Director and she was the Interim Director of Capital Projects. In every position held she was part of his team.

Mr. Biles's job performance is exceptional. They had an open and honest working relationship. The team always knew that he had their back and they trusted him. When they had an issue they brought it to him and he worked collaboratively with them to resolve it. They could go to him with concerns. Sometimes he took their input and sometimes he did not, but he always listened.

In addition to making good decisions when hiring personnel Mr. Biles has a knack for recognizing when employees are not performing at the appropriate level and addressing any issues. His decisions in general are good. He is a leader with a big picture mentality. He had a vision for the department and was not afraid to lead the organization in the direction of change. He does not accept the status quo.

To keep everyone informed Mr. Biles had standing five minute meetings almost every morning with his direct reports to go over critical items of business. They also discussed what to expect for the day and what needed to happen. He has good financial skills and is very schedule driven.

Mr. Biles was very involved in the American Society of Civil Engineers. He served on boards and attended Council meetings every Tuesday. He was often the guest speaker at various clubs including the rotary club and the league of voters. On occasion he was interviewed during the local morning news hour. He does very well when working with the public. He held a variety of public meetings and outreach for the bond 2012 program. He ran public meetings for city projects to engage the public and solicit feedback. He was very involved in the advisory committee and many other community organizations.

After Mr. Biles was hired he recognized a need to change how the city prioritized streets for residential or bond programs. The selection process was political and almost one third of the streets recommended by staff were replaced with Council requests. At the time the streets were the #1 priority and residents were questioning how decisions were made. Mr. Biles drove the process and led the team to develop a criteria matrix. He developed a system based on need and because it was a scientific based analysis, the list of streets they presented the Council was accepted in its entirety.

The shoreline realignment project was part of a larger vision to develop a park and became very controversial, though it did not involve Mr. Biles personally. Ms. Fudge is not aware of anything in his background that would embarrass an employer.

In a leadership position you cannot please everyone all of the time. Mr. Biles stands up for what he believes in and sometimes ruffles a few feathers, which is not necessarily a bad thing. He

resigned from Corpus Christi because he had an opportunity to grow in his professional career, in a place that offered more opportunities for his family in terms of education.

Ms. Fudge would hire Mr. Biles and welcomes the opportunity to work for him again. Though she has not seen him in the role of manager, he would do well because of his experience and military background.

**Words or phrases used to describe Daniel Biles:**

- Driven,
- Professional,
- Integrity,
- Trustworthy,
- Intelligent,
- Reader, and
- Team builder.

**Strengths:** Leadership skills. Great at providing direction for the team. Change agent. Delegates and trusts his team enough not to micro manage them.

**Weaknesses:** None identified.

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**Ron Olson – City Manager, City of Corpus Christi, TX**

Mr. Olson supervised Mr. Biles from 2010 to 2014. Mr. Biles performed very well. He was enjoyable to work with. He was always honest and straight forward. He was good about keeping others informed on what was happening in his department.

When hiring personnel and in general, Mr. Biles makes good decisions. He is a change agent if change is needed. If given a high performing organization he keeps it performing at that level. He is adaptable and does what needs to be done.

Mr. Biles frequently interacted with the community. He worked with local engineering firms and led projects that required many community and neighborhood meetings. He spoke in public meetings about road projects and explained the process. He was excellent in public interactions.

In terms of management style Mr. Biles is very much a leader. He is customer service oriented. Running a capital program is always challenging and has issues beyond their control which make it hard to stay on schedule. Mr. Biles accomplished tasks in a timely manner to the extent possible within a capital program.

The engineering department and capital improvement program had its own accounting section. Everything ran smoothly which indicates that Mr. Biles did a good job of managing the budget.

Typically consultants are brought in on a city wide basis. Mr. Biles hired consultants to conduct a performance improvement review on the internal efficiency of the engineering department and the capital improvement program. The way he included the manager and elected officials in the process was great.

Some projects were contentious but the controversy did not pertain to Mr. Biles directly. Mr. Olson is not aware of anything controversial in Mr. Biles' background, or of anyone who has a negative opinion of him.

Mr. Biles resigned from Corpus Christi to gain experience as an Assistant County Manager. Becoming a municipal manager has been a goal of Mr. Biles for as long as Mr. Olson has known him. He has taken the steps necessary to achieve this goal.

Mr. Olson would hire Mr. Biles. Not all cities fit all managers, but if the fit is right he will be an excellent manager.

**Words or phrases used to describe Daniel Biles:**

- Professional,
- Integrity,
- Persuasive,
- Team work,
- Leadership, and
- Stability.

**Strengths:** Communicates well. Makes complicated issues understandable. What he says can be trusted.

**Weaknesses:** He is very responsible and takes his job seriously. He tends to take too much responsibility on himself when he could delegate to others.

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**Colleen McIntyre – City Councilperson, Corpus Christi, TX**

Ms. McIntyre worked with Mr. Biles from 2012 to 2014 in her role as City Councilperson and in his capacity as Director of Engineering Services. He was exceptionally knowledgeable in areas of engineering, public works, and utilities and was an incredible asset to Corpus Christi.

Mr. Biles managed his staff very well while handling many projects. He communicated his philosophy of solution-making exceptionally to his staff, ensuring complete comprehension. He

applied expedience and attention to budget and detail. Teamwork and cohesiveness were trademarks of his management style. He worked with staff, other departments and city personnel and contractors toward producing quality products. A project he led was completed ahead of time due to his efforts in encouraging staff and contractors to work as a team and planning ahead to solve potential issues before they became problems.

Mr. Biles communicated well on a variety of levels. He answered questions openly. Citizens felt satisfied that their concerns and suggestions were heard. He presented legitimate answers and reasons when he could not fulfill a customer's wishes. He thinks systematically and was very good at understanding the big picture. He understands very well how day to day operations affect the success of departmental goals and processes.

Mr. Biles oversaw numerous capital projects in Corpus Christi. He streamlined processes, established transparency and open communication within his department and with contractors, and reviewed budget and project management in minute detail. He saved the City significant amounts of money and time with his innovative responses, solution finding attitude, and incredible attention to detail. He demonstrated flexibility and the ability to think on the fly when challenges arose with a project. He had the proper people involved in problem solving immediately for more effective results. His decisions were solid.

Mr. Biles changed the City's approach to bond projects. He and his staff designed projects before they went to election. He ensured everything was in place to begin construction the day following an election if he was certain of a positive outcome. He also implemented community meetings at key points in a project so changes could be made as needed instead of realizing issues existed after work was done. These community meetings increased efficiency by bringing to light potential issues before completion, instead of after when they would be more expensive to correct.

Mr. Biles carefully considered others' thoughts and suggestions. He communicated in an analytical, linear fashion. His communications were efficient and articulate. He dealt comfortably with the public, was well received, did a good job and was knowledgeable. He was the only department head about whom the public has not complained to Ms. McIntyre. Not everybody agreed with his decisions, but the public recognized his expertise and efforts on behalf of the City. While working on a street renovation, Mr. Biles collaborated with several City officials to minimize disruption to local businesses, keep costs down, and address public concerns. His approach to project evaluation demonstrates excellent customer service.

Mr. Biles managed controversial projects, but none reflected upon him negatively. Ms. McIntyre wanted Mr. Biles' relationship with the City of Corpus Christi to continue. He would accomplish truly astounding projects as a Manager. She is excited to see what he can do, given the opportunity.

# Reference Notes
# Daniel Biles

**Words or phrases used to describe Daniel Biles:**

- Analytical,
- Efficient,
- Organized,
- Team building,
- Proactive, and
- Proficient.

**Strengths:** He analyzes how decisions will affect both probable and immediate concerns, sees connections, and makes unique suggestions for solutions which solve as many challenges as possible. Innovation and cohesiveness of staff and contractors are also strengths.

**Weaknesses:** No matter how well he explains or how eloquently he presents, not everybody will understand or agree with the direction his department is going. He maintains professionalism and calm, but sometimes, in those situations, he internalizes frustration with his inability to further or more effectively communicate.

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**David Loeb – Former City Councilperson, Corpus Christi, TX**

Mr. Loeb has known Mr. Biles since 2008. Mr. Biles worked for an engineering firm before being hired as Director of Engineering, interacting with Mr. Loeb in both capacities until 2014.

Mr. Biles is very knowledgeable in terms of engineering, public works and utilities. Employees and contractors never approached Mr. Loeb with complaints or concerns regarding Mr. Biles. He thinks strategically, deals well with the big picture, and explains complex issues comprehensibly. He is very personable.

Mr. Biles oversaw many capital projects, two examples being a street project and a waterfront project. Both projects were managed very successfully. He was exceptionally good at engineering, follow up, and accomplishing assignments on time. He thinks well on his feet but does not guess at answers. When an answer was not immediately available, he researched and followed up with information. He was innovative and managed his department effectively.

Mr. Biles is customer service oriented. He solves problems with the community in mind. The original scope of a street renovation called a two year closure. Mr. Biles decided such a closure would be unacceptably disruptive to local business owners. He designed a phase plan, shutting the street down in increments. He and other project designers also cut construction time by one third of what had been projected. Business owners and citizens are very happy with the result of the project and his work on their behalf.

Mr. Biles is an effective employee with a clean, ethical work history. He would be a great Manager.

**Words or phrases used to describe Daniel Biles:**

- Aggie,
- Diligent,
- Intelligent,
- Committed,
- Sense of humor, and
- Thorough.

**Strengths:** **C**ommunicates well. Listens effectively and acts appropriately. Listens to the needs of the community.

**Weaknesses:** None identified.

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**Bill Fortran – COO, Maverick Engineering Inc., Corpus Christi, TX**

Mr. Fortran met Mr. Biles in 2008 when the latter began working at Maverick Engineering, Inc. Mr. Fortran was Mr. Biles supervisor. They have not had any interactions since around 2010.

Mr. Biles had a very good grasp of engineering, public works, and utility operations. He managed his crew efficiently and professionally. He made good decisions. During his time with Maverick Engineering, a downturn in business created a very difficult situation. Mr. Biles carried forth an effort to create and strengthen an infrastructure group that still exists today in a much better environment. He kept his supervisor well informed of project status and goals.

Mr. Biles involved himself with public functions and related well with the public. He solved problems effectively. He focused on the best possible outcome for his customers and his organization. When he decided to leave Maverick Engineering for a position with the City of Corpus Christi, he put into place procedures and processes ensuring a flawless transition upon his exit from the company. He accomplished tasks on or before deadline.

Mr. Fortran knows of nothing which reflects negatively on Mr. Biles history or ethics. He would hire Mr. Biles to work for him again if the opportunity were right. Mr. Biles would be an excellent Manager.

**Words or phrases used to describe Daniel Biles:**

- Military background,
- Delegates,

- Quick and to the point,
- Very interested in growing his career,
- Conscientious, and
- Knowledgeable.

**Strengths:** His military background and variety of experiences.

**Weaknesses:** None identified.

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**Grant Jackson – Vice President, Naismith Engineering, Corpus Christi, TX**

Mr. Jackson is a consulting engineer to the City of Corpus Christi. He worked with Mr. Biles department from 2009 to 2014. Mr. Jackson is very impressed with Mr. Biles as a person and a manager, and hated to see him leave Corpus Christi.

In Mr. Biles' capacity as Assistant Director and then Director of Engineering, he managed a large department, numerous contractors and consultants, and every kind of public works challenge imaginable. His experience with public works, engineering and utility operations is extensive. He effectively managed his department. He carefully selected employees to work on projects they could most effectively perform and benefit. He established efficient systems for tracking and reporting progress. He communicated well with staff and consultants and did a great job juggling multiple projects.

Mr. Biles gave credible, eloquent presentations to various types of groups. He exhibited grace under pressure. He gave many presentations in front of very unfriendly, even hostile, audiences. Some of the most hostile citizens tried to baffle him with irrelevant or confusing questions or information. Mr. Biles answered such attacks with straightforward, comprehensible information and explanations. He skillfully explained technical things in practical terms. He made almost weekly presentations to City Council. Council often questioned his progress and projects aggressively. He listened well to questions, comments and concerns and addressed each one adroitly. He excelled in contentious or hostile situations due to his calm, reasonable nature.

Mr. Biles thinks strategically, planning for the big picture. He understands day to day operations and how they affect the whole. He delegates daily operations to qualified staff, leaving him to function in a strategic visionary role. He grants his staff leeway to make decisions and solve problems, while monitoring progress. He asks staff to challenge their motivation and reasoning for making changes before implementation, ensuring well thought out and all-encompassing solutions. He motivates staff to look for results to best benefit the community. He trusts employees to accomplish assignments, and they do.

Mr. Biles inherited the Broadway Wastewater Treatment Plant project from a predecessor. The project experienced significant issues during construction. He systematically resolved those

issues. He brought projects to completion very quickly. He addressed challenges immediately. In the case of the Broadway Wastewater Treatment Plant renovation, equipment was found to be unsuitable for its intended application after delivery. He worked through modifications with the construction contractor, equipment supplier, and City operating staff. He and his staff made site visits, consulted all involved parties, sat down and formulated solutions. He presented solutions to the involved parties and included them in problem solving. The project was completed efficiently and effectively.

Mr. Biles significantly improved his department and his staff. He trained and worked with employees who showed initiative and willingness to work. He unflinchingly removed from his department those employees who did not wish to contribute their best efforts. He implemented a streamlined method for evaluating proposals from outside organizations. His innovations increased ease and decreased cost for consulting engineers to respond to. The system is more transparent and completely fair. His fair and unbiased treatment is one of his most respected traits by the contractors and consultants with whom he worked.

Mr. Biles actively listened to public response regarding proposals. He changed his department's planning process to accommodate community needs and suggestions. When he could not incorporate community suggestions, he explained restrictions or constraints to the public. Even those who disagreed with his decisions respected him for listening to their concerns and accommodating their wants or needs where possible.

Mr. Biles is an excellent choice. His work record is spotless. His ethical, holistic honoring of duties and responsibilities make him an asset to any organization.

**Words or phrases used to describe Daniel Biles:**

- Effective,
- Transparent,
- Hardworking,
- Intelligent,
- Solid engineer, and
- Plays well with others.

**Strengths:** He is very organized. Trusts his staff to know their roles and responsibilities, but verifies things are going well. His staff is very loyal to him; he engenders respect from staff and consultants.

**Weaknesses:** He sometimes accepts so many responsibilities he overloads himself. He should work to find better ways to share his heavy load.

**Lynda Herndon – Subordinate, Corpus Christi, TX**

Ms. Herndon worked for Mr. Biles in the Corpus Christi Engineering Department from 2010 to 2014. She has been employed by the Engineering Department since 1996. Mr. Biles' moral fiber is incredible; his knowledge and discipline phenomenal. He is a man of integrity and on the forefront of the electronic age. Ms. Herndon characterizes him as the best Department Director she has worked for to date.

Mr. Biles revitalized his department technologically. He developed and implemented an electronic bidding process. He purchased iPads for staff to provide instant communication, collaboration, and customer service. He is technologically savvy and an innovative thinker. He presents outstanding solutions and plans. He demands employees take pride in their work space and appearance. He challenged his staff to create a clean, professional, customer friendly office space. His holistic approach to management includes attention to departmental morale and pride in results.

Mr. Biles' holistic approach extends to all levels of his department, including himself. He conducted peer review on himself to better understand which areas of his own performance he could improve. He gave the names of his angriest, most aggressive contractors and vendors to the review board in order to paint the most complete picture possible. The only suggested improvement was to increase interpersonal dialog, to be more visible. His response was to have more personal contact with his department and outside entities. He implemented a recognition program for employees, participated more in dialogs with staff, recognized efforts and successes in real time via email or phone, recognized his department was overwhelmed with the current workload and pushed for permission to hire additional employees.

Mr. Biles supported employees who made efforts to work to their potential. He unflinchingly removed from the department employees who showed no desire to contribute. He refused to tolerate a poorly functioning department because employees refused to work. Employees who contribute find Mr. Biles supportive and motivating. His department was as diverse as the City of Corpus Christi. He was unbiased and open to talent and ideas, no matter the source. He maintained an open door policy, held weekly meetings to evaluate progress, and allowed his staff freedom to solve problems and accomplish tasks.

Mr. Biles hired talented people and trained them to do the job. He empowered staff. He made changes to support staff, improve morale and optimize results. Allowed to implement his brave, innovative ideas on a larger level, Mr. Biles would drastically improve the direction of his community. He was fiscally responsible and acted for the betterment of his organization and his customers. He and his department worked tirelessly to improve the City, generating enough work to justify more staff. Given the opportunity to work at a higher level, he could do very exciting things.

Mr. Biles' dynamic leadership and quiet humility make him a great supervisor. He has led three platoons into battle, is a decorated war hero, leads confidently in intense situations, and quietly

achieves great success. Looking at a street renovation designed to provide better access to businesses in one area, he noticed the neighborhood would better benefit from more extensive renovations to multiple streets. He devotes attention to the big picture and acts with long term impact and needs in mind.

Mr. Biles presented calm, well prepared and researched reports for Council and community. He maintained neutrality when presenting ideas. He gave facts, explained how a proposal benefited the community and addressed questions and concerns. He collaborated well with internal and external agencies. He carefully considered the pros and cons of any situation. He acted quickly, but not rashly. He expected his department to function as a customer service department. He instructed his employees to listen to customers' needs and act to fulfill those needs when possible. He kept staff on time and working efficiently without micromanaging.

Mr. Biles is a man of valor. Ms. Herndon is aware of nothing in his background that reflects negatively on him. She feels honored to have worked for him. If Mr. Biles is given the opportunity to effect positive changes on a City-wide scale, the benefit would be phenomenal.

**Words or phrases used to describe Daniel Biles:**

- Organized,
- Leads by example,
- Professional,
- Moral standard is irreproachable,
- Encouraging,
- Innovative ideas and implementation of technology, and
- Adaptable.

**Strengths:** Attention to detail. Loves and embraces technology. Holistic approach and big picture strategizing. He can put on a jacket and make high profile presentations, then take that jacket off and comfortably talk informally with the public.

**Weaknesses:** Mr. Biles peer review identified his need to have more contact with employees. He implemented improvements by recognizing employee successes and efforts, meeting with staff and consultants weekly, attending to morale, and seeking opportunities to interact positively with personnel.

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**Ron Guzman – Consultant Engineer, Maverick Engineering, Corpus Christi, TX**

Mr. Guzman and Mr. Biles were coworkers at Maverick Engineering, beginning in 2008. Mr. Guzman had the opportunity to consult on projects with Mr. Biles in his position as Director of Engineering in Corpus Christi from 2010 to 2014.

# Reference Notes
# Daniel Biles

Mr. Biles is very knowledgeable and capable. His presentations are concise, articulate and well versed. He answers all questions asked of him or arranges to research any questions he cannot immediately answer. He streamlines processes, establishes order, and expects his department to function with a high level of efficiency and transparency. He takes a strategic role in his department, understanding, but delegating day to day operations to his staff. He is capable of focusing on day to day operations, but really enjoys strategic, global thinking.

Mr. Biles was complimented in public forums for his exemplary work. City Council showed high confidence in him. Major initiatives occurred during his tenure in Corpus Christi and he was involved in most. His department's ability to execute projects quickly and before deadline led to bond elections running on a two year schedule in place of the historical four year schedule. He managed one of the largest projects Corpus Christi has ever overtaken, securing long term water supply for the City. The project was on time and on budget.

Mr. Biles dealt well with unhappy citizens. He communicated facts, shared information, explained all aspects of projects, listened to comments, heard concerns, and maintained transparency and approachability. He was customer service oriented and worked to provide the public with quality, reasonably priced products. A project under construction he had inherited from a predecessor experienced delays and construction issues. Mr. Biles decided to re-evaluate the consulting construction team. The situation was difficult and his decision was unpopular with the consulting team. He made reassignments to move the project forward, maintained professionalism, and the project progressed rapidly after his adjustments.

Mr. Biles will be a great Manager. His transparency and diplomacy allow him to remain unstained by controversy and irreproachable in ethical matters. One may not like his decisions, but understands and respects his reasoning.

**Words or phrases used to describe Daniel Biles:**

- Strategic,
- Thorough,
- Transparent,
- Understanding,
- Personable, and
- Approachable.

**Strengths:** Very quick study. Articulate, communicates effectively with staff and public. Strategic thinking.

**Weaknesses:** Mr. Biles had many duties and was given additional responsibilities outside the normal scope of his position. Extra responsibilities made face to face time with his peers rarer than Mr. Guzman felt was wise or necessary.

# Reference Notes
# Daniel Biles

**Steve Hatton - President, Hatton Godat and Pantier, Corpus Christi, TX**

Mr. Biles began working for Mr. Hatton in 1998. He was a great employee and very knowledgeable in terms of engineering, public works and utilities.

Mr. Biles delegated effectively. He was organized and very personable. He managed large groups of people in his role with the National Guard. Mr. Biles made good decisions. He acted as lead engineer on a residential subdivision. As with any project, there were challenges to be addressed. Under his management, no monumental issues arose, he effectively solved minor issues as they occurred and comported himself well.

Mr. Biles was customer service oriented and a problem solver. He accomplished tasks in a timely manner. Mr. Hatton would employ him again given the opportunity, knows of nothing controversial in his background, and feels Mr. Biles would be a good Manager.

**Words or phrases used to describe Daniel Biles:**

- Organized,
- Integrity,
- Leader,
- Competent,
- Skilled, and
- Personable.

**Strengths:** Organized. Personable.

**Weaknesses:** At the time he worked for Mr. Hatton, Mr. Biles needed to give more attention to detail. He has since, in his subsequent positions, seemed to have improved.

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**Prepared by:** Lynelle Klein
Colin Baenziger & Associates

# Section 4

# *CB&A Internet Research*

ELGL
January 12, 2016

**We're back with another installment of The Assistant series. Today we hear from Dan Biles, Deputy County Manager for Jefferson County, AL**
by Benjamin McCready

With a background in engineering and prior military service, Dan Biles made a natural transition to local government in 2010 when he joined the City of Corpus Christi, TX. While managing Engineering Services and ultimately serving as the Director of Public Works, Biles made a lasting impact on the organization. Managing a staff of more than 340 personnel, Biles worked to change internal and external perceptions of the Engineering Services, improve transparency, implement new design standards, and map the city's current processes.

In 2014, Biles accepted a new position serving Jefferson County, Alabama as Deputy County Manager. His purview would include infrastructure, a key position responsible for managing the county's 1,900 miles of roadway, 310 bridges, and 3.5 million square feet of jails, court buildings, parking decks, and numerous other county facilities. The monumental task naturally aligned with Biles engineering and management background. Since arriving Biles has worked to address the County's deferred maintenance, manage snow removal, replaced aging infrastructure, and played a role in helping elevate the county's debt to investment grade status.

Jefferson County is home to more than 658,000 residents and the most populous city in the state, Birmingham, AL. Officially established in 1819, the county was named in honor of, you guessed it, Thomas Jefferson. Birmingham has served as the county seat since it was incorporated in 1873. Birmingham, the county seat, was at the epicenter of the civil rights movements throughout the 1950's and 1960's. During 1963 Dr. Martin Luther King wrote the famous "Letter from Birmingham Jail", later that year the community would be rocked by tragedy with the 16th Street Baptist Church bombing. In 2011 Jefferson County filed for bankruptcy, in large part related to the debt associated with sanitary sewer work. At the time this was the largest municipal bankruptcy until it was surpassed by Detroit in 2013. Another fun fact about Jefferson County is that it has been home to the Southeastern Conference since it moved there from Jackson, MS in 1948.

Jefferson County has a long been a community driven by industry and mining, so much so that it's home to the largest cast iron statute "Vulcan". Vulcan, a "burly, beaded, bare-bottomed man", may be found looking over the City. Aside from the worlds largest cast iron statue, the area today is home to an amazing food scene, know for its affordability, and a great place for those in the STEM fields. The County is governed by a five member commission, each commissioner elected to a four year term and representing a single district.

The commission elects its own President who serves as chairman and is responsible for additional executive duties. On the Administrative side, the County's leadership consists of a Chief Executive Officer, two Deputy County Manager's, and a Chief Financial Officer. Not to

overlook the importance of random local government trivia, Jefferson County is one of only eight counties in Alabama permitted to operate with a limited form of home rule.

**Lightning Round:**

**First concert you attended:**
George Strait at the Houston Livestock Show and Rodeo

**Dream job as a child:**
probably a baseball player or pilot.

**Book you are currently reading:**
In Search of Excellence by Tom Peters

**If ELGL visited Birmingham, where should we go to lunch?**
Birmingham is a great foodie city with many local options, so depends on what you'd like – one of my haunts is Taj India, excellent Indian restaurant.

**Before I die I want to…**
at least double the number of countries I have visited (from 22 to over 50).

**Q & A with Dan:**

**Your first local government job:**
Assistant Director of Engineering Services. Managed the City's Capital Improvement Program from planning through construction. Enjoyed seeing our projects have an immediate positive impact on our citizens.

**Three professional accomplishments that you are most proud of:**
Leading my unit through a deployment to Iraq in 2005/6. Our engineering and construction unit designed and built facilities for the Army throughout northern Iraq. I was the commander for my Air National Guard unit and the Deputy Commander for the combined active duty and guard 450 member unit.

As the Director, my team completely rebuilt the City of Corpus Christi's Engineering Department's reputation from one of a hindrance to progress to a facilitator in getting projects completed. Significantly improved project on schedule and budget delivery, resulted in praise from an ASCE Peer Review Team and more importantly Council and the public.

Led the reopening of an old section of military housing on Guam in order to take in and hold 10,000 Kurdish refugees for several weeks as the State Department worked to resettle them in the US.

**Internet – Newspaper Archives Searches**
***Daniel Biles***
***(Articles are in reverse chronological order)***

**Tell us about a project you are currently working on.**
Working with local environmental groups and developers to rewrite our zoning, subdivision and construction codes so that the codes incentivize protection of our river systems while promoting economic development. Our river systems are under TMDLs for sediment and nutrients. While the permitted wastewater treatment plants have made significant progress on reducing their nutrient loading into the rivers, there has been minimal progress on reducing the sediment loading into the stream and river systems (requires controls during and after new development as an initial step). I am working to overcome a long history of mistrust between the groups.

**Give us three tips for succeeding as a Deputy County Manager.**
Understand your manager's strengths and weaknesses and work to mitigate the weaknesses. Argue in private, agree in public.

Be an obstacle remover for your direct reports… it's my job to make their jobs easier.

Play chess not checkers…this job is strategic, not tactical so you must always be thinking several moves ahead and how today's actions will impact future issues.

**Your local government mentors**
Ron Olson, City Manager in Corpus Christi, TX. He deliberately and completely changed the culture of the city government when he was hired.
Toby Futrell, retired City Manager of Austin, TX. She was a very successful CM in a highly political and rapidly growing city.
Sam Gaston, City Manager of Mountain Brook, AL. A longtime Manager who has been very active in ACCMA and ICMA (a past president) organizations.

**Finding the right work/life balance is a constant struggle for many of us, what is your approach to maintaining your personal life while leading a successful professional career?**
Work always complements and is only one component of life. Family is always more important and their needs generally trump work. I apply this to my employees as well (25+ years I've never turned down a request for time off). I have found that people are more loyal and better employees when they know you place a higher priority on them being successful in life than the 40 or so hours they are in the office.

**(Complete the sentence) Local government is….***where problems are solved/services delivered that most directly impact people.*

**If we ever encounter you on an interview panel, give us a few specific tips for making a good impression.**
Be direct, clear, specific and honest.
Have researched the position/jurisdiction and have a basic understanding of the issues facing it.
Be passionate about what you want to do and why you want to do it.

**How do you think local government will change over the next ten years?**
There are significant issues facing local government over this period, from decaying infrastructure, lack of trust by the public, to an aging public workforce.
The old methods/solutions are not going to work, so we need to find/hire people who look for creative, inventive solutions and collaborate with our peers even more. Of the three levels of government, local government has the ability to be the most agile and flexible if we allow it to be, but that will require changing the old ways.

**Finally, would you encourage your children to consider local government as a career?**
We have always encouraged our kids to find what they love and do that, whatever that is. If that leads to local government work great. Our two girls are pursuing STEM careers (one has a biology degree and the other is working on it). One of our boys is a Marine and the other is interested in physics research.

ABC3340.com (http://abc3340.com/news/local/jefferson-county-plans-2016-road-paving-culvert-replacements)
October 23, 2015

**Jefferson County plans 2016 road paving, culvert replacements**
Author: LAUREN WALSH FRIDAY

Jefferson County is working to make up the road projects it missed during bankruptcy. 2015 was all about paving with nearly 120 miles paved. Now, a new focus for 2016 is to replace culverts and bridges. With bankruptcy in the past, Jefferson County dedicated more than $40 million to roads in 2016. "We have a strategic plan," said **Dan Biles**, Deputy County Manager for Infrastructure. "We have a plan to get there. Now we're executing." **Biles** says the new plan targets aging culverts. "Most of the culverts in the county are corrugated metal," he explained. **Biles** said many of those pipes are reaching the end of their life expectancies. Most culverts last 60 to 80 years. The goal is to replace them before they fail.

"A small one, you'd have a trench in the road, or a sinkhole really where the road would fall into a sink hole," **Biles** explained. "It could close a whole road, it could close half a road. When you get into the larger ones, it really becomes a major issue because you close the whole road while we go in there and fix it." Twenty two culverts and bridges are on the replacement list for 2016. Paving will also be a focus for 2016. The county's goal is to pave 100 miles but it says it can guarantee at least 63 miles will be paved. "The difference between 63 and 100 is that paving contract and there's some limitations that make it where we think we can do it this year but we're not sure," added **Biles**.

One of the most anticipated paving projects for 2016 is Floyd Bradford Road. The county is working with Birmingham, Trussville, Leeds and Irondale to get it paved this year. There are 11,000 culverts in Jefferson County. Once one is replaced, the next step is to repave the road above it.

Birmingham News: Web Edition Articles (AL)
March 4, 2015

**How much does it cost to maintain 3.5 million square feet of Jefferson County facilities?**
Author: Barnett Wright

Jefferson County manages about 3.5 million square feet of facilities valued at $620 million, commissioners were told this week. The facilities include the downtown Birmingham and Bessemer jails; county and state court buildings and parking decks. How much is needed to maintain the buildings? About $65.6 million in "deferred investment capital needs" which includes the cost of long term upgrades and renovation for all buildings, said **Dan Biles**, deputy county manager for infrastructure. **Biles** stressed the money doesn't have to be spent immediately, or even a year from now. Some of the work can be delayed, he said. "What is the condition of the facility? Is the condition of the facility reasonably good where we can delay 5 or 10 years" or longer? Personnel must also be considered, he said.

The general services department had 300 workers five years ago; and currently has 110 budgeted positions after financial woes forced the county to reduce the size of government. While the department lost nearly 200 employees "we didn't lose any square footage," **Biles** said. "We probably need about 180-190 people to maintain" the facilities. County officials say the buildings are safe but the intent is to prolong the life cycle of the building structures, equipment and support systems.

**Biles** said an additional $3.6 million for operating costs and an additional $8.2 million for capital is needed in the FY 2016 budget to help preserve the facilities. The current FY 2015 budget has $12.3 million for operating and $5.5 million for capital. The county commission asked the general services department -- responsible for managing facilities, equipment and grounds -- to come up with an analysis of facility maintenance and a projected budget. The information gives the commission an idea of what's needed, President Jimmie Stephens said. "You have to have that information in order to have a good budgetary process and to allocate money in those areas that need it most," he said.

Birmingham News: Web Edition Articles (AL)
January 21, 2015

**Jefferson County maintains 1,900 miles of roads; 310 bridges and 434 traffic signals. But are they safe?**
Author: Barnett Wright

Jefferson County needs about $15 million annually to adequately maintain county roads, bridges and traffic signals, commissioners were told today. **Dan Biles**, deputy county manager for roads, said the money is needed to get the roads and other systems in the county's network 'to an adequate and responsible condition.'

'We want to maintain our infrastructure in a way that is adequate, that meets the needs of the county whether from an economic development perspective or from a quality of life perspective,' **Biles** said. Commissioners were given a report that contained a detailed look at responsibilities and requirements of the roads department. The county maintains roughly 1,900 miles of county roads; 310 bridges and 434 traffic signals. Asked about the bridges, **Biles** said they have been inspected and safe for driving. The **Biles** report projected an additional $15 million, including capital improvement, to the current roads department budget of $20 million.

Commission President Jimmie Stephens said the report will go to lawmakers who had pledged to help the county with additional funding. 'They are willing to be part of a solution,' said Stephens, who has been meeting with legislators. 'You can drive these roads and see we have problems . . . we all want to work together.' Stephens said the report contains the kind of information lawmakers have asked for to help decided how to assist the county.

Corpus Christi Caller-Times: Web Edition Articles (TX)
October 8, 2014

**City officials seek update on 2012 bond projects**
Author: Kirsten Crow

With less than two weeks before residents begin casting votes on whether to approve a combined $99.5 million in bonds, city staff plans to update the City Council on dozens of pending 2012 bond projects. The majority of projects funded through 2012 voter-approved bonds are in the design phase and have not begun construction, according to the city's website. For example, under 2012's Proposition 1, which is slated to address reconstruction of some of the city's worst roads, five projects are in the construction or preconstruction meeting phase, while 14 are in design — a result of limitations in the labor and design force, rising costs and limited availability of materials, as well as the first-time shift from a four-year bond cycle to a two-year cycle, city staff said.

In all, about 28 of the 43 projects, which includes parks and buildings improvements under seven different propositions, are in the design phase. At the same time, projects in 2014's $55 million Proposition 1 — which, if approved by voters in November, would target about 15 more of the city's worst streets for reconstruction — are being predesigned, in part to address the length of time between when voters approve funding and when construction crews break ground on the projects, and also to maintain more accurate project cost estimates with fewer surprises. Projects in the $44.5 million Proposition 2 — expected to address primarily roads, focusing on improvements for economic development, safety and capacity — have not been predesigned. Some have expressed concerns about whether the city can take on more projects, but several city officials said that with the right strategy, it won't be a problem.

"We have to get prepared for it and discuss how to do it and just move ahead and adjust as we see things happen," said Valerie Gray, interim director of public works. "(It's) not problematic, it's new. Anything new isn't necessarily a problem. It's just trying to find the best way to do it." The city staff is working to brief management and the council with an update on the 2012 projects , although it is not yet clear whether that presentation will occur before early voting begins Oct. 20. City Councilman Chad Magill said he requested the update be presented in an upcoming council meeting, either Oct. 14 or Oct. 21. "It's important that the citizens understand clearly our direction to follow through and continue that commitment to complete bond projects on time and on budget," he said.

The 2012 projects, in a sense, aren't running behind, some officials have said: They're about on schedule of where they would be expected, if they were on a traditional four-year bond cycle. In the past, projects didn't begin the design phase until after voter approval for construction funds. After the design phase, which can last anywhere from six to 12 months, is bidding and construction, which can culminate in projects taking about four to five years to complete, City Manager Ron Olson said. "It's complicated by the fact that you've got a booming economy and a

lot of competition for labor and construction, so some of that has been pushed back a little bit," Olson said. "But I don't think it's unreasonable, given what we're working with in the region.

"The bond '12 projects are behind what we estimated they would be back when they were voted on. We were thinking more aggressively back then, and we put a really aggressive schedule together. Since that time, the economy has expanded, and so some of that has slowed down. We have not been able to meet the same schedule that we would have predicted three to four years ago, but we're not unreasonably behind."

It's expected that 2014 projects would move significantly quicker, since about a year's worth of design time has already been invested, he said. Should Proposition 1 be voted down, city staff would hold onto the design work. That work will not be wasted, since some streets will eventually need to be addressed, officials have said — and, if voted down, the bond project list in 2016 would likely closely mirror the proposition this year. "They're all major streets, so they're only going to get worse," Gray said. Olson said he thought the city could execute the 2012 and 2014 projects concurrently, and pointed to additional public works positions in the new city budget that would help manage those programs. "That's not instantaneous either, but we're building our capacity to handle the bigger workload," he said. Natasha Fudge, interim director of capital programs, said her staff is looking at a number of ways to improve its management of bond programs, both in time and cost.

Generally, staff is seeking ways to encourage more bidding on projects — while also being mindful to stagger projects so they don't come into opposition with others in the area, such as those by the Texas Department of Transportation — and looking into ways to reduce utilities costs. In June, then-Public Works director **Dan Biles** gave the council a presentation that showed, when added up, about $10.7 million in potential cost overruns for 2012 Proposition 1 bond projects, due to rises in material and construction costs. At the time, **Biles** suggested putting projects that will be affected by the Harbor Bridge relocation, such as Twigg Street and Leopard Street, temporarily on hold. Another project for Holly Street, which is pending federal funding that won't be available until 2016, was also proposed as a project that could be put on hold.

Updated figures on projected cost overruns were not immediately available last week, although those costs are being reviewed, Fudge said. "We're continuing to see increased construction costs and are working with our design consultants to further assess potential impacts on bond 2012 projects," she said.

Birmingham News: Web Edition Articles (AL)
September 26, 2014

**'No doubt the absolute worst intersection in the entire state' -- How Jefferson County plans to fix Morgan Road**
Author: Barnett Wright

BIRMINGHAM, Alabama -- One of the worst roads in Jefferson County could soon get much-needed repair work, according to county officials. Morgan Road (Jefferson County Road 52) from Interstate 459 south to South Shades Crest Road has been described by both commuters and county officials as a nightmare.

Hazel Ratliff, an employee at the Railroad Café near Morgan Road, said the condition of the thoroughfare is a public safety and traffic issue. "They've had several wrecks, especially when it rains," she said. "At about 4 p.m., it's really bad. People coming in from Birmingham and from Helena. They've been talking about widening the road for probably 10 years that I know of, but have never done it."

After AL.com wrote about planned road projects to be completed by the end of the year, readers pointed out several roads not on the list, but in need of urgent attention. Morgan Road was mentioned repeatedly. One reader commented: "Extremely rough, potholes ... and the intersection at South Shades Crest is no doubt the absolute worst intersection in the entire state." Jefferson County Commissioner Jimmie Stephens agreed. "Morgan Road is one of the – if not the most – traveled county roads in Jefferson County, and it's in probably the top three in disrepair," he said.

$12.4 million project

More than 12,000 vehicles daily travel the 2.5-mile stretch of county road. Respondents to an AL.com survey recently named Morgan Road as one of the worst. Next spring, clearing work is expected to begin on the road, followed by relocation of utilities. That means construction of a new five-lane road from the current two lanes could begin in 18 months, said **Dan Biles**, deputy Jefferson County manager for infrastructure.

The project would widen Morgan Road from Parkwood Road, just south of Interstate 459, to South Shades Crest, just shy of the Shelby County border. The road work is programmed into the regional Transportation Improvement Program, or TIP, which is the list of planned road projects involving federal money. The list is maintained and updated by the Metropolitan Planning Organization, a division of the Regional Planning Commission of Greater Birmingham. The $12.4 million project includes $10 million in federal spending and about $1.2 million each from the state and county. "The problem we have now is the road base has deteriorated to such an extent that it needs to have maintenance work done," Stephens said. "It needs to have a Band-Aid placed on it while they are waiting major surgery." Jeffco Commissioner Jimmie Stephens discuss condition of Morgan Road Morgan Road is one of the most heavily traveled county roads

in Jefferson County a needs repaving and improvements. Jefferson County Commissioner Jimmie Stephens discusses the problems.

Stephens, who represents the district where the road is located, has monitored the situation and kept in contact with the county manager's office. "I've asked that the county prioritize their road construction based on need and the utilization of the road by its citizens," Stephens said. Commuters could even see changes before clearing begins on Morgan Road, **Biles** said. "What you will see is we are going to go onto Morgan Road and fix some of the worse spots" during the upcoming fiscal year, which begins Oct. 1, he said. "It's one of those things where you don't want to do too much because you're going to tear it up. But you need to do enough to keep it safe; enough to keep the (more than 12,000) cars a day moving through there."

The road forward

Widening Morgan Road has always been among the top projects for the county's roads department, but the project has been delayed for a number of reasons. Those include issues with condemning the rights of way; the proximity of railroad tracks to the road and a vacant service station that needed tanks removed from the ground.

With many of those problems behind and the purchase of the rights of way during a first phase of the project, the next step is to proceed with utility relocation, **Biles** said. After the clearing work is completed next year, "we will tell all the utility companies to get in there and move their stuff," he said. "It will probably take 12-plus months to move all the utilities, which means we probably won't start construction on the road until 18-24 months from now."

The county does not plan to close the road during construction, he said. "There will probably be short-term one-lane closures or other lane closures, but there will not be a long-term closure of Morgan Road," **Biles** said. "We should be able to work around that. When you go from two to five lanes, what you would like to do is build the two new lanes first, (then) put all the traffic on the new two lanes and rebuild the old two lanes."

The road repairs are one of the commission's top priorities now that the county is out of bankruptcy, Stephens said. The county's fiscal 2015 budget contains $14 million for road improvements. The fiscal year begins Oct. 1. **Biles** said the roads department will come to the commission next spring with a five-year plan to address repairs for some of the county's worst roads. "We need to have this roadwork done," Stephens said. "People need quality roads to go to and from work, church and school. It's necessary and needed. Our citizens expect to have these types of amenities and infrastructure to improve their quality of life.

Corpus Christi Caller-Times: Web Edition Articles (TX)
July 7, 2014

**Public input sought for street projects**
Author: Beatriz Alvarado

City officials are seeking public input during the initial design phases of the street improvements list for the proposed 2014 bond election. The design for Ayers Street, between Ocean Drive and Alameda Street, is about 30 percent complete and a handful of residents attended Monday's meeting to give input on proposed reconstruction blueprints. "We are looking at a road diet here, there is just not enough traffic for four lanes," public works director **Dan Biles** said. The four-lane portion of Ayers Street, which sees about 6,000 vehicles daily, is expected to be reduced to three lanes if proposition No. 1 of the bond passes in November. About a dozen consulting firms were contracted for the 15 street projects in the proposition.

Nick Cecava, project manager with Freese and Nichols Inc., a consulting firm, said there will be one lane each direction and a center lane for turning. Cecava said the design gives additional width to pedestrians and possible bike lanes. "One of the goals is to improve the quality of life of the local residents," Cecava said. "The city wants to help improve quality of life and facilitate alternative forms of transportation."

The 12-month reconstruction of the area would include asphalt surfacing and the replacement and rehabilitation of underground utilities and storm drainage. The city will have two public meetings for each street project, one in the early stages of design and another before construction. Acting director of capital programs, Natasha Fudge, said public input is valuable. "Oftentimes we use the input in planning," Fudge said. "Once the design is complete we will hold a second meeting to let folks know what is to be anticipated."

City engineers compiled the list under a new policy to ramp up the city streets bond election program to every two years rather than every four, as it has been since 2000. The pace of a $55 million bond program every two years will lead to an overall improvement in the city's streets system, **Biles** said. "The intent is to get our main arterial construction up to standards reasonably quickly," **Biles** said.

Birmingham News (AL)
June 27, 2014

**He's been overseas to a war zone: Learn about the man chosen to oversee challenges in Jeffco roads, sewer depts.**
Author: Barnett Wright

**Dan Biles** knows about tough jobs. During an eight-month deployment into northern Iraq, he once led a 400-person mobile construction unit to complete missions at multiple locations. He's completed construction projects at a base in Kuwait and, while deployed, his team responded on short notice to assist a buildup along the Iraqi border.

Now **Biles** faces another set of potential challenges: becoming Jefferson County's first deputy manager for infrastructure. The position pays $165,000 and he'll join an office with County Manager Tony Petelos and deputy manager Walter Jackson, who has responsibility for Cooper Green Mercy Health Services. "He brings a lot of knowledge in the areas that we need help," Petelos said. "We're struggling with roads and transportation because we've lost the director; the assistant director. We've lost the director of land planning. The sewer department has had a difficult time over the last several years because of the bankruptcy." **Biles**'s responsibilities will include four key departments: roads and transportation, environmental services, land planning and storm water management. He is executive director for public works in the city of Corpus Christi, Texas, and will leave that job next month and could begin with the county in the first week of August.

The county job may not be comparable to his military service, but the U.S. Air Force colonel has never backed down from a challenge. "These are the kinds of challenges that excite me," said **Biles**, 46. "Whether it's a lack of long-term investment in infrastructure ... or specific elements of infrastructure. That's a challenge across the nation." The highly decorated military officer has experience in the public and private sectors that makes him an ideal person for the job, Petelos said. "I didn't grow up in local government," **Biles** said. "I spent time in the military on active duty and I'm in the National Guard now. I spent 12 years doing consulting work at civil engineering sites ... and I've spent a lot of time doing work for developers. "I understand how all of those elements come together from a private perspective, business perspective which allows me to develop strategic plans and put them in place to improve the services that the county continues to deliver."

Corpus Christi Caller-Times: Web Edition Articles (TX)
June 26, 2014

**Corpus Christi public works director departing for another job**
Author: Rhiannon Meyers

Public works director **Dan Biles** will leave the city for a job in Birmingham, but his departure won't derail plans already in the works to fix the city's monstrous street maintenance problem, the city manager assured. **Biles** has been appointed the first deputy manager for infrastructure in Jefferson County, Ala., the county commission decided Thursday. He could leave Corpus Christi in July. "This is a promotion opportunity for me to take the next step in my career," **Biles** said. "We love Corpus Christi. I think the city is headed in a great direction. I think a lot of really, really good things are happening that will continue to develop and mature over time."

His departure comes at a critical juncture in the city's planning process to repair its long-neglected streets. This year marked the inauguration of the street maintenance fee, assessed on residents' and businesses' utility bills, to fund cheaper preventive maintenance projects to extend the lives of streets, rather than funding the more expensive reconstruction of deteriorating ones. This summer, the city council will discuss how to fund a reconstruction program to fix failing residential streets, a proposal estimated to cost $881 million.

The city also is considering two bond proposals for the November ballot. A proposed $55 million for 15 projects, including stretches of Staples Street, Gollihar Road and Yorktown Boulevard, would not raise taxes because of rises in property valuations, the city has estimated. A second bond proposition for $39 million would fund work on nine projects, including mitigation support for the Harbor Bridge relocation.

If both pass, property taxes could increase about 1.9 cents per $100,000 valuation. While **Biles** has been key in helping guide the city's plans for streets and other capital projects, including water, sewer and wastewater treatment, his departure will not curb the city's progress on projects, which already are on track, City Manager Ron Olson said. "As much as we'd hate to lose **Dan**, I believe we built a system that will work regardless of who's in a position and who's not," Olson said. "There's no one that's irreplaceable." Olson said he has not yet identified an interim replacement. The position likely will be posted, Olson said.

Corpus Christi Caller-Times (TX)
April 22, 2014

**City continues desalination plant pursuit**
Author: Kirsten Crow

CORPUS CHRISTI — City plans to study desalination — the process of removing salt from brackish or saltwater — took another step forward Tuesday as municipal leaders gave preliminary approval to preparing a pilot research program. On its first reading, the City Council voted to use $400,000 in federal grants toward the project, and amend an engineering contract with Freese and Nichols, bringing its total up to a little more than $1 million to include a variable salinity desalination perspective and research, a groundwater assessment and a demonstration plant site selection. "This work that we're going to do right now is to go over the research and build the database, so we know ... how to go forward with the design of a pilot study," said **Dan Biles**, executive director of Public Works. "So that when we're through (with technical reports three and four), we're ready to go actually put something on the ground somewhere and flip some switches and see if it works — and have some locations to test that out."

The project, with an anticipated budget of $2.9 million, is intended to study the feasibility and come up with a cost estimate for a desalination plant for the region, looking at designs for a facility and testing new technologies so officials would be prepared to launch a full-scale facility, when or if the decision is ultimately made to do so, according to the presentation. Both potable and nonpotable water would be studied, **Biles** said. Four potential site areas have been identified for the project, although a graphic included in the council's documents appeared to show very broad, general areas, including one on the far south side of Corpus Christi, one in the Ingleside and Portland area, one between Nueces Bay and Corpus Christi Bay and an area between Odem and Robstown. A fifth site is still being identified and evaluated, according to the document.

City leaders emphasized the move is in preparation for future needs, not because the city is responding to a water crisis. "We're bullish on water; we're ahead of the pack," said City Councilman Mark Scott. City Councilman David Loeb noted the sitting council did not start the second phase of the Mary Rhodes project, which will supply Corpus Christi with an additional 35,000 acre-feet of water per year. But because previous councils showed foresight, the project came to fruition steadily, he said. "I think we proved to ourselves the value of making sure we have our next, or our next-after-next water source prepped and ready to go, as much as possible, before we need it," Loeb said. "And I know as I've gone around the state for conferences with other cities, we are the envy of every other city in Texas in water planning."

Should all go according to schedule, siting for the plant and protocol development could be complete by mid-November, with equipment acquisition and installation beginning late this year. Its anticipated future work on the project could include protocol development, demonstration plant operation that could process up to 200,000 gallons per day, testing of technology and a 25-month period of data collection. Council members are expected to return for a second and final reading of the item April 29

Corpus Christi Caller-Times (TX)
February 9, 2014

**Harbor Bridge offers Corpus Christi's SEA District rare chance at rebirth**
Author: Mark Collette

CORPUS CHRISTI — While the Harbor Bridge helped Corpus Christi grow after it reached the skyline in 1959, removing an old bottleneck on the ship channel, it also raised a new barrier. At the time, the area on the south side of the ship channel, near the waterfront, was more dense with homes and businesses, fewer empty lots. Today, the area known as the SEA District — for sports, entertainment and arts — is anchored by American Bank Center, Whataburger Field, Hurricane Alley Waterpark, Brewster Street Ice House, the museums, the Congressman Solomon P. Ortiz International Center and Heritage Park.

But it also is a pastiche of defunct warehouses, vacant lots, homes, government buildings, commercial outfits and parking lots, isolated by the bridge and Interstate 37. For the uninitiated tourist, it's hard to navigate by car or foot. A spaghetti interchange and a crumbling courthouse give visitors an odd welcome as traffic piles up on event nights. Poor lighting and sidewalks make it dark and disconnected from downtown.

From I-37 to Whataburger Field, and from U.S. Highway 181 to the waterfront, the district spans about 150 acres, more than five times the size of the Destination Bayfront initiative voters rejected in November. It's roughly the size of the Downtown Management District. While its position adjacent to downtown and the waterfront ostensibly make it prime real estate, the district has yet to reach its full potential, some government and business leaders say. "Right now it's still kind of splintered," said Tom Schmid, president of the Texas State Aquarium. But several unrelated factors are converging and could spark a rebirth, they hope.

NEW BOULEVARD

If the Harbor Bridge replacement project earns federal approval, the Texas Department of Transportation will replace a ¾-mile stretch of elevated highway from I-37 to the bridge with a ground-level street. It will remove a physical and visual barrier in the SEA District, provide a chance to rethink the experience travelers have at the northern gateway to Corpus Christi, and allow for improved traffic flow. Properties now in the shadow of an overpass will suddenly find themselves beside an important street. And it could provide new, safer avenues to let people move more easily between the district and downtown.

The project "gives the city the ability to redefine the limits of downtown and what downtown is going to look like," said **Dan Biles**, engineering director for the city of Corpus Christi. Meanwhile, business owners whose interests were once isolated — to downtown, or the SEA District, the bayfront or North Beach — are increasingly viewing those districts as contiguous and mutually dependent, rather than competitive. "There's more synergy now between these districts than there has been in the past," said Casey Lain, owner of House of Rock and chairman

of the Downtown Management District. “Part of that may be the bridge is going away. Highways traditionally have been dividers.”

The November election and impending reconfiguration of Shoreline Boulevard may have put a magnifying glass on a strip of the bayfront, but Schmid said a new understanding of “bayfront” is emerging, one that spans from Texas A&M University-Corpus Christi to the northern end of North Beach. “Our bayfront is a wide, wide region,” he said. “That’s why I’m so excited about the city’s (new) comprehensive master plan. In the past you had all these development plans but they really didn’t talk to each other. They were all kind of in isolation.”

BOOM ECONOMICS

Add to that the South Texas oil boom, which is spurring the housing recovery and causing apartments to fill nearly as soon as they are built, and the SEA District’s potential has planners giddy with the possibilities. “It’s a confluence of events that’s really unique,” said Corpus Christi architect Bill McCord. “I can’t recall in my career here since 1979 anything quite like it.” A sprouting mixed-use area with open spaces, walking and biking trails, apartments and retail could help attract the kind of high-paying, high-qualification jobs that have eluded the city, said commercial real estate broker and former Mayor Joe Adame. “When you’re having this boom period ... that’s when a community needs to reinvent itself in a way that it creates that special place. It creates the kind of atmosphere that you can attract and keep those higher-level jobs,” he said.

But urban redevelopment always poses a chicken-and-egg quandary, one with which downtown Corpus Christi long struggled. Developers want to see urban residents before investing money in stores, restaurants and cultural venues. Residents aren’t attracted to urban places without those amenities. Often it takes a catalyst — a single project or set of projects in either the private or public sector — to get things going.

A NEW PLAN

The district’s stakeholders don’t believe a makeover will happen on its own, so they’re working on a plan. The group is applying to the American Institute of Architects for its Regional/Urban Design Assistance Team program. If Corpus Christi is selected, a team of nationally recognized urban design and planning specialists would spend four days here soliciting public input and surveying the area.

It’s an intense four days. Past efforts in cities nationwide — including one in Corpus Christi in 1978 — have yielded documents of more than 100 pages with recommendations on how to address social, economic, political and physical obstacles to urban development. The process is tailored to each community. A recent one in The Rockaways, New York, offered a new vision for the Long Island peninsula as the area recovers from Hurricane Sandy. In Houston, a team in 2012 studied how to revitalize that city’s Fifth Ward. Indeed, many towns or segments of towns that benefit from the program are responding to crisis or stagnation, McCord said. By contrast,

Corpus Christi has a chance to respond to positive changes arising from the bridge and Eagle Ford Shale boom. “I think it’s the greatest opportunity I’ve seen in my business lifetime for a major transformation of our business district downtown,” Adame said. It’s a chance, he said, for Corpus Christi to shrug off the sentiment “that we don’t think big enough and we’re our own worst enemy.” Tom Niskala, director of the Corpus Christi Metropolitan Planning Organization, said the architect association program combines intense brainstorming sessions with locals and the fresh perspectives of outsiders.

AN EVEN BIGGER PLAN

If Corpus Christi is selected for the program, it could be parlayed into the city’s much more massive, citywide master planning effort, which includes a separate component targeted at downtown. City officials have recommended spending more than $1.5 million on a contract with Boston planning firm Goody Clancy. The city’s current master plan didn’t include changes to the Harbor Bridge, **Biles** said. The Texas Department of Transportation will pay for the new street under the old elevated highway sections as part of the bridge project. “This is a once-in-a-generation opportunity,” he said. “So we want to try to do it with as much foresight and planning as possible so, in 20 years, we don’t say, ‘Man, I wish we had done this differently.’”

There are plenty of ideas floating around: extending Staples Street to the SEA District; providing a direct entrance to the district without a stoplight; turning part of the new boulevard under the demolished Harbor Bridge ramps into a linear park; running a faster, shorter water taxi service from the SEA District to North Beach where the bridge stands today; hike-and-bike paths linking the bayfront to downtown, to the bridge and North Beach. A boardwalk wrapping around from the Ortiz Center to the waterfront.

“Everything is anecdotal,” said Niskala. “We need to try to get this into one set of documents that gives a cohesive view of where all this is going.” At the same time, billionaire Robert Rowling has put 12 acres of mostly vacant land downtown and in the SEA District on the market for $12 million through his TRT Holdings company, whose assets include the Omni hotel chain. “I don’t blame him one bit for selling at the top of the market,” said Bill Durrill, whose family developed Brewster Street Ice House, Hurricane Alley Waterpark and Old Concrete Street Amphitheater. “In my mind, it’s a good thing because anybody who has the ability to pay that much for that property has to have a plan to get a return on their investment.”

Lain called it an opportunity “for someone who has the resources and the ideas to capitalize. The fact that everybody seems to want to get together and huddle around the same table is very exciting.” The task force pursuing the architects’ study is truly public and private, with the city, Port of Corpus Christi, the Lexington Museum on the Bay, Adame, the SEA District, the Metropolitan Planning Organization, the aquarium and others represented.

OLD OBSTACLE

One possible stumbling block for this group, and the city’s consultant: the old Nueces County

Courthouse, idle since 1977. An engineering study has shown the structure is unsafe and would require more than $40 million to restore, by conservative estimates, county Commissioner Mike Pusley said. That makes it a difficult or impossible sell for development, he said. But it can't be demolished because of a Texas Historical Commission deed restriction protecting the century-old building through 2026. Durrill said the courthouse situation "is kind of stagnant right now. It will probably get more lively when you can start seeing the light at the end of the tunnel for the Harbor Bridge."

Corpus Christi Caller-Times (TX)
January 5, 2014

**Street user fee now in effect for Corpus Christi**
Author: Kirsten Crow

CORPUS CHRISTI — Starting this month utility bills for Corpus Christi residents will show a new charge for the street maintenance fee. City officials are optimistic that the public is well-informed about the program after spending several months publicizing the impending fee, which is intended to keep good streets in good condition. Starting in October, the city has included a line in red on utility bills showing what residents could expect to pay as part of the street preventive maintenance fee in preparation of the fee going into effect this month. "It was well worth the three months to try and get the awareness out there," said Valerie H. Gray, director of storm water and street operations. "I hope there will be no surprises to anyone."

The first cycle of utility bills were processed Friday, so some residents will receive their first billing including the street fee by Monday. Others on a different utility cycle will likely not receive it until late this month, or early February. Most residents who live in single-family homes will pay a flat $5.38 per month, while commercial accounts and other nonresidential properties are assessed a fee determined through a combination of variables, including square footage and the amount of customer traffic at a business. Master-metered apartment complexes are assessed a $2.42 fee per unit. Failure to pay the fee could lead to cut off of utility services, according to the ordinance. The fee is expected to generate about $11.4 million annually, and will be used for the upkeep of streets already in good or fair condition. Streets that are in too poor a state to maintain are being addressed with reconstruction, funded through a series of bonds. It's believed that in the long run, a program devoted to street maintenance — work that is traditionally considered by many as underfunded for the city's needs — will save taxpayers money, officials say.

Streets were selected for the first year of maintenance, in part, through a pavement condition index — a method of scoring the soundness of a road through 20 indicators, including cracks in the street and utility cuts. Additional factors considered were capital asset needs and traffic loads that could lead to "premature failure," according to a presentation made to the City Council. The preventive maintenance program will include overlays — meaning that workers will make repairs, then lay down a new layer of asphalt — and seal coats, which use an asphalt emulsion and gravel to even the road, then protect it from water intrusion, which significantly weakens the integrity of the street.

A preliminary work plan was presented to the City Council in November, but scaled back when project costs came in $2.4 million higher than the budgeted $16.9 million. It's thought that the approximate $19.4 million price tag was driven by restrictions in the available workforce, as well as limited competition in bidding, said **Dan Biles**, director of engineering. About 8 percent of the streets first identified as being part of the first-year pilot program were deferred to the following year to stay within the city's available budget, he said.

The council approved the final work plan, as well as the construction costs for the project, Dec. 17. The maintenance work itself is expected to get underway as early as mid-January, weather permitting, **Biles** said. City Councilman Rudy Garza Jr. said he hadn't heard much feedback about the fee recently, but thought Corpus Christi residents were aware of it. "I expect that if there will be complaints, it will be after they provide the first check," Garza said. As of last week, at least 204 account holders had applied for a low-income discount that would slash the fee in half, from $5.38 per month to $2.69 per month. Of those applicants, 132 were approved, said Neomi R. Ramirez, utilities billing office street maintenance fee resolution officer. Other applications did not meet the federal poverty guidelines, or were pending additional documentation.

The discount is only for residents who have an individual meter and account. It's estimated that thousands of Corpus Christi residents who meet federal poverty guidelines could be eligible for the discount. Eligible account-holders can apply for the discount at any time, although it can only be factored into future bills, not retroactively, Gray said. There are no refunds. Part of the intent of including the estimated fees for residents on utility bills leading up to January was to give residents and business owners time to contact the utilities billing office for questions or corrections, Gray said. Although there have been a number of calls from those asking about the details of how the bills were calculated, few have filed formal appeals, city officials said.

About 60 commercial accounts — out of an estimated 5,900 — have had slight modifications made to their bills, Gray said. At least two account holders have formally filed appeals to dispute their assessed fee with an appeals board. Gray did not disclose their identities, saying that information would be subject to a formal open records request. The Caller-Times on Tuesday filed a request for that information

Corpus Christi Caller-Times (TX)
December 27, 2013

**Some Chaparral updates on hold for Cosmopolitan construction**
**Chaparral upgrades delayed by weather, construction**
Author: Kirsten Crow

CORPUS CHRISTI — Although upgrades to downtown Chaparral Street are visible — including new pavers, bringing splashes of bay-inspired hues to its sidewalks — some improvements will be delayed while work continues on the development of a new mixed-use apartment complex. Engineering Director **Dan Biles** said this week that the construction of The Cosmopolitan, a planned $29 million project on the site of the now-demolished former Lichtenstein building, would delay some of the scheduled improvements to one of the blocks of Chaparral Street.

The $4.8 million Chaparral project, which includes the two-block revitalization of Downtown Street, is funded through voter-approved 2008 bonds. Work includes opening the road from one-way to two-way traffic, widened sidewalks and brick pavers at street intersections, as well as landscaping and infrastructure improvements such as irrigation and underground utility improvements. The 300 block of Chaparral mostly is complete, giving a preview of the overall effect. Improvements that remain pending are in the 400 block of North Chaparral, between Lawrence and Schatzell streets, on the perimeter of The Cosmopolitan site: installation of the pavers, landscaping, some of the electrical work and some of the irrigation, **Biles** said. City engineers have long been aware of plans for The Cosmopolitan, but did not know when investors would have the finances aligned to launch the project, **Biles** said.

With demolition of the Lichtenstein down to ground level, developers soon will pull in the perimeter of the fence line enough for city crews to move in and continue their work with the pavers and landscaping, which likely will continue another four to six weeks, **Biles** said. Limited work within the fence line will be delayed until construction on The Cosmopolitan is further along, although a specific timeline has not yet been established, **Biles** said. Developers and city officials are working together to determine when those improvements can be added without being damaged by the ongoing construction.

It's not expected that the changes will have an impact on the project budget, **Biles** said. "It's actually worked out pretty good," he said. "If they started later, they would have ripped out our improvements when they did the demolition." Work on the project started in February, and was initially expected to be wrapped in October, **Biles** said. Factors that contributed to running behind schedule included weather problems and the Lichtenstein demolition, **Biles** said. Casey Lain, Downtown Management District president, was complimentary of both the Chaparral Street project, as well as the plans for The Cosmopolitan, but added that he had hoped the construction for the apartments could have launched sooner to better sync the work with city plans.

Many of the businesses in the area are "ready to have their front door steps swept off" and return to normal traffic, he said. "I think all this construction downtown is a necessary evil, but moving things along quickly is in the best interest of our area," he said. Sonja Silvertooth, owner of Sonja's Restaurant and Bakery, said she feared that the ongoing construction would ultimately close her business. Since it began, she's seen her clientele dwindle, a result of the limited parking and the general "mess" in front of her business on the corner of N. Chaparral and Schatzell streets, she said. "I don't know how much longer I can hang on," Silvertooth said. Part of the problem, she said, is that people are under the impression that because the street is partially closed, that the businesses are closed, too. Silvertooth believes in improvements and progress, she said — but suggested that the city should have made financial provisions for businesses that would be affected by the construction. "This is my livelihood," she said.

Assistant City Manager Wes Pierson said he empathized with business owners who have struggled amid the construction. Although some cities offer financial incentives to businesses in similar situations, it can add substantial costs to any given project — and would have to be uniformly applied to businesses impacted by all projects, he said. "That was not a consideration that was made, the thought being that while this certainly is an imposition (for) business owners, what's going to be there afterward is pretty valuable for everybody," Pierson said. It's likely not feasible for the city to provide such incentives, he said. Instead, city officials have made some parking in the area of Water and Mesquite streets free in an effort to encourage traffic in the area, he said.

Possibilities to minimize effects businesses in future projects could include working with stakeholders on a marketing campaign to keep the community informed about parking and access to businesses in construction zones. Signage also could be an option, Pierson said.
City Councilman Kelley Allen, whose district includes Chaparral Street, said this week that he recognized that businesses in the area made a sacrifice with the construction efforts. But he said he hoped the same entrepreneurs would reap the benefits of the finished product, and that the efforts could be an example of what could be done downtown, inspiring more revitalization efforts. "I think it's a great focal point for downtown," he said

Corpus Christi Caller-Times (TX)
September 17, 2013

**City Council hears Port of Corpus Christi's plan for booming growth, street maintenance update**
Author: Nadia Tamez-Robledo

CORPUS CHRISTI — Port of Corpus Christi officials have a good problem on their hands. Eagle Ford Shale ushered in a business boom during the past five years, but leaders now have to manage growth that quickly is outpacing port capacity. Officials outlined their preliminary plans to address land, water and workforce demand Tuesday for the City Council. The port was an inbound harbor for decades, but this year saw it export more crude oil than was imported, Managing Director Frank Brogan said. Officials have had to reprioritize projects to accommodate business needs, including converting dry cargo docks to oil docks, he said.

Coveted dockside land is nearly all spoken for, Port Commission Chairman Mike Carrell said. The La Quinta land expansion will be mostly occupied by the Voestalpine iron processing plant, he said. The Fulton corridor expansion added 1,000 acres when it was completed in 2007 and was expected to sustain business growth for 20 years, Brogan said. It will all be sold, leased or under option by 2014, he said. “All of these challenges are positive in that we have so much business coming into the community,” Carrell said. “It’s a good problem to have that we have so much demand for our resources, which are land and our workforce.”

Port leaders have received input from local government leaders and port businesses. The next step is an analysis of what needs the port must meet in the next seven years, including infrastructure and demand for real estate. The port’s $46 million investment in the railroad interchange yard — a combination of local, state and federal dollars — is the largest project of its kind in port history, Executive Director John LaRue said. Current infrastructure was build to handle 15,000 rail cars per year but is getting about 30,000 annually, Brogan said. The new yard will take the capacity to at least 70,000 per year when both construction phases are completed in four to five years.

The Port commission will review a draft strategic plan in about two months, Brogan said.
Also Tuesday, City Engineer **Dan Biles** updated the council on when residents will see roadwork though the Street Preventive Maintenance Program. The city hopes to begin repairing roads using street maintenance fee funds by January. The program will start with streets that are on the borderline of needing replacement but can still be repaired, **Biles** said.

Streets near clusters of roads set for first-year repair also will get attention, but the plan will disperse repairs throughout the city, he said. The work will get the city on a repair cycle in which workers go back to streets every seven to eight years for maintenance. City Council members asked administrators when they could expect to hear plans for streets in need of replacement. City Manager Ron Olson said that discussion could begin in the spring with a strategy in place by next October.

Corpus Christi Caller-Times (TX)
August 28, 2013

**City Council approves construction contract for $6.5 million Shoreline Boulevard realignment**
Author: Nadia Tamez-Robledo

CORPUS CHRISTI — The City Council gave the green light Tuesday to construction on the Shoreline Boulevard realignment project. The $6.5 million project will reroute the roadway away from McGee Beach and reduce it from six lanes to four by expanding the southbound lanes. The new road plan does not divide northbound and southbound traffic with a median or turn lane. However, the two northbound lanes will share a median in two places to separate a northbound bike lane and back-in parking spaces from traffic.

Voters approved the changes in 2008 as part of $13 million for Phase 3 of the Bayfront Master Plan. City Engineer **Dan Biles** said construction will start in October between Coopers Alley and Lawrence Street, and the reroute will end at Buford Street. A city timeline slates completion for November 2014. The reroute makes room for Destination Bayfront, a proposed 34-acre signature park. A $44.6 million bond to fund the green space, which will include a pier, boardwalk and festival area, is up for vote Nov. 5. Some council members expressed concern over the layout of northbound bike lines, which could end up crossing traffic after cyclists ride alongside back-in parking areas. The design will be sent to the Transportation Advisory Committee for input, **Biles** said.

Mayor Nelda Martinez said she was pleased that the new layout will stop people from exiting their vehicles directly onto northbound Shoreline Boulevard when they parallel park near McGee Beach, which she said has been a safety issue. “I don’t know how many times I’ve swerved around doors,” she said. During public comment, one man worried that separating the right-most northbound lane by a median in some places would leave nowhere for drivers to pull over in an emergency and slow down Shoreline Boulevard for no reason if Destination Bayfront is not approved.

**Biles** said the city has about $5 million from the reroute bond package it can use to work with the Parks & Recreation Department to develop the area if taxpayers vote down Destination Bayfront. Destination Bayfront opponents say the city needs to focus on issues including street repairs first, while proponents argue that the park will improve business, tourism and the quality of life. If voters approve it, design work would begin with construction expected to start in spring 2015. The park could open as early as late 2016, **Biles** said. The cost of the project would amount to about $23 extra on city tax bills for a property valued at $100,000, according to the latest estimates.

Corpus Christi Caller-Times (TX)
August 7, 2013

**No more orange barrels for Staples Street near Moore Plaza, road construction is finished**
Author: Jessica Savage

CORPUS CHRISTI — Drivers no longer have to navigate orange barrels or worry about construction delays on a section of South Staples Street near Moore Plaza. The 17-month road project ended Monday — much to the relief of business owners who said they have seen a decline in sales since the work to rebuild the road began in March 2012, between Williams Drive and Saratoga Boulevard. The road reopened about a month before schedule. Bay Limited did the work.City leaders and business owners plan to celebrate the occasion 9 a.m. Thursday with a ceremonial ribbon cutting outside Beamer's Sports Grill, 5922 S. Staples St.

Beamer's owner Andy Purvis, who has been the most outspoken with local media about the woes of running a business near street construction, said he is pleased the road is finished. "You could land a plane right there," he said, pointing toward Staples Street. "Five lanes of concrete." Designated bicycle lanes on each side of the street are a new addition to the road, which is the third stretch of Staples to be rebuilt using Bond 2008 funds. Staples is one of the most traveled roads in the city.

It's also one of several streets across the city under construction because voters agreed to fund them. Construction on Yorktown Boulevard, between Cimarron and Rodd Field roads began earlier this year. Sections of Staples and Chaparral streets remain under construction. The work continues on Kostoryz Road, between Brawner Parkway and South Padre Island Drive, is on schedule and expected to be finished within the next four weeks, City Engineer **Dan Biles**.

Construction on Kostoryz began in April 2011 ago to rebuild the road in concrete. Several businesses there have closed, blaming construction. The city later added road signs to help drivers know where businesses are located and decided to hire a public relations firm to handle the communications for bond work on South Staples Street, so a similar situation could be avoided. A lot of the work on Kostoryz involved replacing underground storm water drains.

Although street work on Kostoryz appeared Wednesday to be complete, construction crews were working in the westbound lane of traffic, between McArdle Road and South Padre Island Drive. Purvis offered advice to business owners who are near road construction. The key to staying afloat is to keep advertising so people know you are open. Ask friends and family to help patronize your business, he said. He handed out 20 percent discount coupons to customers, thanking them for their support during the construction. "It's tough because there's nothing you can do," he said. "All you can do is provide great food."

Corpus Christi Caller-Times (TX)
July 6, 2013

**Downtown launches program to help businesses install more bike racks**
Author: Jessica Savage

CORPUS CHRISTI — Finding a place to park a bicycle in Corpus Christi is about to get easier. New blue and green bike racks are making a permanent appearance along curb lines in the downtown area. The first wave of racks were installed Friday outside House of Rock, 511 Starr Street, and the Realty Exchange Group building at 402 Peoples Street. It's a sign of a partnership between the Downtown Management District and Corpus Christi Parks and Recreation aimed at fostering a more bike-friendly downtown.

"As there are more places to live and businesses continue to grow, parking is not going to get any easier," Downtown Management District Chairman Casey Lain said. "We need to notice bikes and make it a comfortable place to ride." To streamline the effort, the district is coordinating the process with the parks department and asks that all interested businesses contact them to purchase the bike racks. Racks will be installed twice a year, one in the spring and the other in the fall. Each rack can fit two bikes and costs about $130 with a $50 installation fee.

More bike racks in the downtown area is much needed, said Lexi Bucket, co-founder of the Spokespeople — a social cycling group that organizes rides twice a month. There aren't enough places to safely park a bicycle, which often requires the group — sometimes with as many as 30 riders — to lock their bikes together when stopping at different downtown haunts, she said. "It's the safest thing we've come up with," Bucket said, adding that she'd like to see more racks along the sea wall, Water Street and Shoreline Boulevard. The city has plans to install 16 bike racks within two blocks of Chaparral Street, between Schatzell and William streets, later this year as a part of the 2008 bond project currently under construction, City Engineer **Dan Biles** said.

Adding more bike racks is a step toward improving the quality of life in the city's downtown area, said Gretchen Arnold, chairwoman of the Corpus Christi Pedestrian and Bicycle Advisory Committee. She helped write a grant to sponsor some of the first bike racks in the downtown area near Nueces Lofts, but this is the first time the Downtown Management District has taken an organized approach to improving bicycle access, she said. "When you envision any healthy downtown where people are browsing, hanging out, having a cup of coffee on a sidewalk café, none of it involves cars," she said. "Everyone is walking, riding and they are lingering. From an economic standpoint, what the DMD is pushing is very wise."

Corpus Christi Caller-Times (TX)
July 2, 2013

**Corpus Christi leaders to consider $41M Destination Bayfront project for November bond election**
Author: Jessica Savage

CORPUS CHRISTI — Destination Bayfront organizers are gearing up for a November bond election to let voters decide whether they will support a $41 million project to begin building a signature bayfront park. The timing follows a year filled with public discussion about how to pay for road repairs and maintenance and is days after the City Council agreed to impose a $5.38 per month street fee to pay for maintenance. Last year group organizers withdrew their request for a bond proposition so voters instead could focus on more pressing concerns — the streets. A public hearing to consider the item for a special election is set for July 17 during a regular meeting of the Corpus Christi Planning Commission. The council makes the final decision whether it will end up on the November ballot. A vote for a first reading of the ballot language is set July 30.

Trey McCampbell, who has led public presentations for Destination Bayfront, said the group has waited the past several months to allow the council time to work through the street fee discussion. There is support for a special bond election from Mayor Nelda Martinez, Kelley Allen, David Loeb and Mark Scott — who serve on a subcommittee that meets with Destination Bayfront leaders. “Why should we delay an excellent opportunity for our community to fully realize an asset our families can enjoy?” Martinez asked. “We should give them a chance to decide if they want to invest in this amazing park. Let our community decide.”

It wouldn’t be the only item voters could see at the polls. There is a state constitutional amendment planned for November, according to the Nueces County Clerk’s Office. Special elections typically have a lower voter turnout than general elections. The 34-acre bayfront project, which includes McGee Beach, Sherrill and McCaughan parks, is promised to spur downtown development and improve quality of life. Under the recent proposal, the public would build amenities including a public pier and boardwalk along the sea wall with shops, restaurants, shade structures and restrooms. Park improvements include a festival lawn, children’s play area, enhancements to Sherrill Park and a dog park.

Total costs for building the signature park are $69 million, although Destination Bayfront organizers have split the project into two phases with most of the work projected in phase one. Public funds will pay to build the park. Private funds will maintain and operate it. The group will ramp up its campaign once the item is set for a November election, McCampbell said. Plans presented this year call for a $15 million private endowment to pay for operations and maintenance of the park. If the project receives public approval, property owners would see a tax increase of 2.2 cents per $100 valuation. For example, property valued at $100,000 would see a $22 annual tax increase. There are several council decisions expected in the next several weeks that will decide whether the project moves ahead.

Up for a vote July 23 is a resolution to amend the city's contract with Hargreaves Associates — a world-renowned landscape architecture firm leading the project. The change would allow the city to spend an additional $1.9 million on consultant work so the company can write a design development plan. Also, the resolution would obligate the council to pay Rock Engineering $102,500 in additional contract work to test the site in preparation of construction costs. Curtis Rock, who owns Rock Engineering, is an appointed board member on the city's planning commission, according to information he disclosed in his contract forms. Those contracts would be contingent on the bond receiving voter support. If the bond passes, work to write the development plan, site tests and the process to bid construction would take between six to nine months. Construction to improve the park likely wouldn't begin until 2015, City Engineer **Dan Biles** said.

Some of the first changes to happen in the area near the park is the realignment of Shoreline Boulevard, in front of McGee Beach and Coopers Alley. Construction is expected to begin in September to move the northbound lanes of Shoreline away from the water. Voters approved the changes during the 2008 bond election. The project will take about 15 months, **Biles** said. The funds to write a full plan for Destination Bayfront came in part from the $13 million Shoreline realignment budget, which included money set aside for landscape improvements. Bay Construction submitted the low bid — $6.3 million — for the road realignment project. The

Corpus Christi Caller-Times (TX)
May 21, 2013

**Corpus Christi City Council mulls options to avoid downtown flood insurance hikes, damage**
Author: Nadia Tamez-Robledo

CORPUS CHRISTI — City Council members are looking for way to keep downtown insurance rates from spiking, but it may come with a $65 million price tag. Engineering Director **Dan Biles** presented three routes the city can take as the Federal Emergency Management Agency prepares to formally release drafts of its floodplain maps. An early version of the map labels downtown as a flood zone, and properties there could be required to purchase a combined $2.3 million annually in additional insurance if the council takes no action to make improvements. In that case, future businesses and developments would also have to build the first floor two to three feet above the ground.

Council members gave a warmer reception to the second option, which calls for the city to replace the Salt Flats Levee and build a third downtown pump station. The city would also build a short levee behind the seawall, which is about three feet too short by FEMA standards. Construction on that project is estimated at $65 million.

A third route would take construction a step further by building a new levee along Shoreline Boulevard rather than just adding a short levee. The cost for that would come to an estimated $82 million. **Biles** said a short levee behind the seawall — part of the second option — would consist of vegetation rather than concrete and would be fashioned to look like a park. Northbound Shoreline Boulevard in front of downtown would be closed and the levee built on top of it. The levee would not affect plans proposed for a destination park around the former site of the Memorial Coliseum, **Biles** said.

While an earthen levee presents its own challenge as the city tries to conserve water, it fits better into the landscape than a concrete wall and would be easier to maintain and operate, **Biles** said. Casey Lain is the Downtown Management District chairman and owner of entertainment venue House of Rock.

He said that his group hasn't talked with the city about its plans to respond to the flood map but, after hearing the plans described, the second option sounds like the most feasible. "One thing we can all agree on is we want to protect our investments downtown," he said. The city is working with FEMA as it develops a plan of action, **Biles** said. The agency will not update the downtown portion of its flood map until Corpus Christi decides what steps it will take. Changes to the map will be made after any construction to improve the area is complete, he added.

Corpus Christi Caller-Times (TX)
March 15, 2013

**Texas Section of the American Society of Civil Engineers holds conference in Corpus Christi**
Author: Jessica Savage

CORPUS CHRISTI — A hundred years after a group of like-minded civil engineers convened in Corpus Christi to study how to improve the state's mostly unpaved roads, a new generation of city engineers will return to discuss how to fund municipal road maintenance and reconstruction. The Texas Section of the American Society of Civil Engineers (ASCE) will have its spring conference March 19 through March 23 at the Omni Corpus Christi Hotel. Its annual conference this year will spotlight the centennial anniversary of the Texas Section's founding in Corpus Christi in 1913.

Of the 13 continuing education courses, those with a local interest include discussions about the development of Interstate Highway 69 by the Texas Department of Transportation, strategies for funding ongoing maintenance and reconstruction of municipal roadways by the city of Corpus Christi and how to successfully navigate the U.S. Army Corps of Engineers' regulatory permitting process.

A discussion panel March 20 includes a 4-hour course about the proposed Corpus Christi street funding methods, including the street user fee, to pay for the city's crumbling roads. Speakers during that session include City Engineer **Dan Biles**, Streets Funding Committee Chairman Pat Veteto, Assistant City Manager Oscar Martinez, City Attorney Carlos Valdez and Mayor Nelda Martinez. Caller-Times reporter Jessica Savage, also a part of the panel, will talk about the newspaper's coverage and community reaction as the streets discussion has evolved. Anyone interested may register and pay to attend a session without paying to attend the entire conference.

Corpus Christi Caller-Times (TX)
January 23, 2013

**City to move forward with Bond 2012 street work**
Author: Jessica Savage

CORPUS CHRISTI — The first work under Bond 2012 — 17 street construction projects — is set to move ahead with sections of Yorktown Boulevard, Horne Road, Williams Drive and Tuloso Road to be under construction before the end of the year. City Engineer **Dan Biles** on Tuesday presented 14 design contracts to the City Council, explaining the street projects are on an aggressive timeline that calls for all of them to be under construction within two years and finished within four years. The council is expected to vote on the design contracts next week. The timeline is more aggressive than Bond 2008 projects, several of which are under construction and won't be finished until next year. **Biles** credited his staff with the hard work it's taken to keep pace with the Bond 2012 deadline put in place by City Manager Ron Olson.

"This is going to, frankly, be a process we are watching closely," Mayor Nelda Martinez said. "This is impressive." In November, voters supported nearly $88 million in city-issued debt to rebuild several of the worst arterial streets, improve parks and replace roofs on public buildings. All but one of the propositions, which included repairs at City Hall, passed with public support. Bond 2012 is the fourth public bond issue Corpus Christi voters have supported in the past 12 years but the first one to require a tax increase. City property taxes will increase about $18.24 for a $100,000 home and the average residential water bill will increase about $21.48 per year.

The street work, an estimated $55 million in construction, mostly pays to repair heavily traveled roads in older areas of the city. It's not to be confused with the street user fee that the City Council is considering adding to utility bills to help tackle nearly $1 billion in additional work needed to bring all city streets up to a manageable condition. Bond 2008 included about $105 million in street work with no property tax increase.

Corpus Christi Caller-Times (TX)
December 15, 2012

**Corpus Christi streets plan includes option for neighborhoods to pay 90 percent of residential street costs**
Author: Jessica Savage

CORPUS CHRISTI — Part of the city's plan to rebuild its crumbling streets includes asking homeowners to shoulder most of the costs for residential roads in their neighborhood. But some City Council members question the plan, saying it's not fair to ask homeowners to pay fees — beyond the taxes everyone pays — to rebuild poorly maintained streets. The city has used such a program, known as a residential street assessment, before. An analysis shows that it historically has a low level of public participation. It's a lengthy, time-consuming process that in one case has taken a decade for construction to begin after neighbors signed a petition.

Part of the proposed city streets plan, still in draft form, calls for all residential streets in need of rebuilding to be paid for through the assessment program. About 25 percent of the city's streets are residential roads in poor condition and need to be torn out and replaced — at an estimated cost of about $531 million, or more than half of the total $967 million needed to bring all city streets up to a manageable condition.

Under the plan, property owners would be responsible for 90 percent of the cost of streets in their neighborhood, and half the homeowners on a street would have to agree through a petition process to pay the assessment. Over 10 years, the 90-10 split would equate to a collective $47.8 million a year for residential property owners and $5.2 million a year for the city. Individual property owners could pay between a couple hundred and a few thousand dollars, depending on the length of street in front of their houses and other factors.

The option is unpopular with some City Council members. That portion of the plan is the least developed of the four-part streets plan, which city managers call the comprehensive solution to reversing years of neglect that led to heavily worn, pockmarked city streets. The City Council might discuss the assessment program Tuesday when city managers present a more detailed proposal for the street-user fee portion of the plan. Discussion for the overall plan is being presented in four parts to council members so they can take one decision at a time, City Manager Ron Olson said.

The plan includes a street user fee for citywide maintenance on all streets, city debt to pay for reconstruction of arterial and collector roads, new design standards for all roads and the self-imposed neighborhood assessment program for rebuilding residential streets. Up first is a decision about the proposed street user fee, estimated between $5 to $10 a month, to pay for street maintenance on residential, collector and arterial streets. In September, the previous council approved a resolution in support of it. City staff is asking again for a decision from the recently elected council.

Opposition to the assessment portion of the plan — the last of the four parts slated for discussion — has been building among council members. The lack of support surfaced during a council orientation workshop on Dec. 4. Council members Chad Magill and Priscilla Leal told city staff they are against the assessment plan as it's proposed. Others also have said they don't support it. "I think it's unfair for people to pay up front and on the back end," Leal said in an interview this week. "I understand that the maintenance fee is going to be to maintain good streets, but what about the bad streets?" Olson said the assessment plan will be worked through later. If it's brought up Tuesday, he'll steer the conversation away from it, he said. The focus now needs to be on the street user fee, which he called the most important component. Making sure there is funding for street maintenance is what will get the city back on track, he said.

"If we don't put money in street maintenance, the same thing will happen," he said. "It will fall apart." The city's street maintenance plan has been under discussion for the past year at the urging of former Mayor Joe Adame, who put together a streets committee to research the best way to reverse decades of neglect. During the past 30 years, the city's street maintenance budget has been cut in half to about 5 percent of the general fund. It's eroded the street department budget to $10.5 million a year, which has reduced the city's maintenance program to filling pot holes and patching sections of the street.

The committee recommended a street user fee as the most fair funding source to help the city catch up on street maintenance. Staff then developed the four-part funding plan. A residential street assessment program is not a new concept for the city. There's a program in place, though City Engineer **Dan Biles** said it would be simplified to make it easier for residents to participate. During the past 12 years, there have been 13 city streets whose property owners who had their streets rebuilt through the assessment program — a lengthy ordeal that, in most cases, took the tenacity of one or two property owners to navigate the bureaucratic red tape.

STREET ASSESSMENT PROJECTS

In 2002, Vaky Street resident Barbara Whiteside knew something had to be done to fix her street and storm drainage. Every time it rained, water would reach the front step of her house and flood the garage. She had flood insurance, which paid to replace her edger and lawn mower, both ruined from the constant flooding. "It looked like I lived on Lake Corpus Christi with an inch of rain," she said. She contacted city engineering, and staff there explained the only solution was for residents to pay for it themselves through the street assessment program. The current program requires property owners to pay for 80 percent of the street work with the city covering 20 percent of the cost and any underground utility work needed.

Whiteside, then in her late 70s, took the lead for her neighbors. She walked door to door for signatures and received the more than 50 percent support needed to start the process. That took about a month. The city qualified her petition in March 2004. Vaky Street was placed on a list. The city would need to secure funds for its portion of the bill through a general bond election. That year also brought a policy change to the way the city paid for residential streets. The late Angel Escobar, then city engineer, included Whiteside's neighborhood on the 2004 Bond.

Lindale was one of seven neighborhood cluster projects where a portion of the neighborhood streets would be rebuilt. No assessment was required. The money would come from city-issued debt. The bond work only included the 500 block of the Lindale streets. Whiteside lives on that block, so after the construction was completed she forgot about the petition to repair the 500, 600 and 700 blocks of Vaky Street.

In 2008, city policy switched again to allow only for a street assessment program. The 2008 Bond included money to pay for a portion of the street assessment work. Vaky Street was one of six streets on the list for the assessment program. City staff worked to validate the petitions for those streets, some of which were signed several years ago. Only three streets — Vaky, Clare Drive and Ivy Lane — had property owners who still agreed to pay for the assessment. Construction is expected to begin in March for those streets. Upon hearing the news, Whiteside said she was glad the work would be done for the 600 and 700 blocks of Vaky Street. Those property owners have agreed to pay 80 percent. The total cost of the project, including any utility work, is $233,960. The cost for each property owner depends on the length of street in front of their property. The city measures and applies a price. A new curb, gutter and pavement costs $9.75 per square foot. A new sidewalk is $1 per square foot.

A new driveway is an option too, but that cost comes at full price for the property owner. Whiteside lives at the crossroads of all the policy changes during the past decade. Her block was paid for in full by taxpayers who approved the 2004 Bond. Her neighbors in the 600 and 700 blocks are getting something different. They will have to pay for 80 percent of the street work out of their own pocket through the assessment program.

Councilwoman Leal said that kind of policy change erodes public trust. When the 2004 Bond was put together, residents who lived in the cluster street neighborhoods were told that would be the first phase of a three-phase project to be included in subsequent public bonds, she said. That didn't happen. Instead, city staff and council members put together a bond package in 2008 that included funds to pay for 20 percent of the work on six residential streets. The assessment program also proves to be troublesome for low-income neighborhoods and for property owners who are living on a fixed income and can't afford the cost of rebuilding their street, some council member have said. Low-income neighborhoods could be eligible for federal block grant funds, which would help pay for new streets and sidewalks, city engineers said.

Some council members are advocating for a street assessment program that has a more even cost split between the city and property owners, while others say residential streets should be rebuilt in clusters using bond money, much like what voters approved on the 2004 Bond. Olson said whatever is decided will be policy for the next 10 years, so taxpayers have consistency and know what to expect.

As discussions continue, Councilman David Loeb said he thinks a hybrid solution that includes the assessment and a bond option to pay for residential street reconstruction is the best scenario. Neighborhoods with the worst streets should be first, he added. Still, he's not sure it's possible to have an overall solution for streets problems.

"The problem is so large and so offensive that it is difficult to come up with a firm, comprehensive solution all at once," Loeb said. "I think what we may be doing is expecting staff to give us a comprehensive solution so we can go and say we have solved our streets problem when we maybe need to take step back and realize that this is a mountain and we need to get halfway up the mountain."

CURRENT PROCESS

City Engineer **Dan Biles** has proposed a revamp of the city street assessment process for any resident wanting to rally support among neighbors to pay for street work through the city's Voluntary Paving Assessment program. The process needs to be made easier for the public, he said. Here's what the process requires: A resident requests a Voluntary Paving Petition from the city's engineering department. The petition is circulated by that resident among property owners on his or her street to get signature-support for street improvements.

City engineering staff review the petition and determine whether more than 50 percent of the property owners on that street support the assessment. To validate the petition, city staff contact each property owners to verify their signature. If city engineering staff determine the petition is valid, then the street is placed on a list of validated streets until the city has funds available to pay for the its portion of the assessment costs. The current split is 80-20, with all property owners of the street covering 80 percent of the street work. Property owners have 10 years to pay their share of the bill. The city pays for 20 percent of the street work and any underground utility work needed. When city funds are available, city engineering staff requalify petitions on the street list. The city's street assessment costs are usually funded through general obligation bonds and utility work through the capital improvement fund. The re-validation process involves city staff contacting property owners again to verify they're in support of it. If more than 50 percent are in support, the project moves to design and then construction.

Caller (Corpus Christi)
October 20, 2012

**Proposition 8: Voters to decide on $8.4 million in projects leaders say are for economic development**
Author: Mike D. Smith

CORPUS CHRISTI — The eighth and final proposition the city of Corpus Christi wants voters to decide is whether to use $8.4 million for a cluster of projects city officials deem as economic development. Proposition 8 is one of two propositions impacting average monthly utility bills, according to the city's calculations. If passed, the measure would add 11 cents per month to the average monthly utility bill, according to city calculations. The tax bill on a $100,000 home would increase by $4.58 per year, calculations show.

The money provides matching funds for partnerships to repair roads and improve some of the city's gateways. Developer participation: The city would apply $3 million of the total amount in the bond proposition to what is termed "developer participation," or providing the city's share of utility and street construction. County Road 52 extension: The next $2.5 million would cover the city's half of a joint project with Nueces County to extend County Road 52 between county County Road 69 and Farm-to-Market Road 1889 in Calallen.

North Beach: Two projects included in the bond proposition would make road and beautification enhancements in North Beach. City Engineer **Dan Biles** recently said the Texas State Aquarium and the Lexington on the Bay Museum approached the city and offered to kick in 10 percent on the projects if funded through the bond program. The city would spend $1 million to repair Breakwater Avenue's sidewalk, enhance on-street parking along the street and make improvements for pedestrians at Breakpoint Plaza.

Another $600,000 for surface work, landscaping and pedestrian improvements for Surfside Boulevard, Breakwater Avenue, Pearl Avenue, North Shoreline Boulevard, Bridgeport Avenue and Coastal Avenue. The money would also be spent on the medians along U.S. Highway 181's entrances to North Beach.

International Boulevard: A $800,000 portion of the bond would be set aside to reconstruct the entrance roadway, which runs from State Highway 44 and makes a loop through Corpus Christi International Airport. "When you fly into Corpus for the first time, that's your experience, and there are some issues," **Biles** said. Parts of the necessary rehab range from overlays to more serious base failures and deterioration. The airport will kick in a match for this project, **Biles** said. SeaTown (aka SEA District): This $500,000 segment of the proposition would be the first phase in improvements to make Port Avenue, Mesquite Street, Brewster Street and Chaparral Street more pedestrian friendly.

Corpus Christi Caller-Times (TX)
August 14, 2012

**Corpus Christi to supply effluent water for Coastal Bend Veterans Cemetery**
Author: Jessica Savage

CORPUS CHRISTI — Recycled water may soon begin flowing at the Coastal Bend State Veterans Cemetery to keep the grass irrigated. The City Council on Tuesday approved an agreement with the Texas General Land Office to supply the cemetery with recycled wastewater, known as effluent water. It's the second agreement this year for the city to provide effluent water. There's also one in place for the Corpus Christi Naval Air Station to receive effluent water for the Gulf Winds Golf Course.

The water pipelines in place are a part of city plans to also build $6.3 million in effluent waterlines to two other golf courses and a city park. A construction contract to build lines to the golf courses at Corpus Christi Country Club and Kings Crossing Country Club are delayed because the project needs to be rebid, City Engineer **Dan Biles** said in a recent memo to the city manager. He expects construction to begin early next year with the water flowing by midsummer.

While construction is under way to supply private golf courses with effluent water, a master plan is not yet in place to recoup the costs of the water lines taxpayers are building. Many other Texas cities charge for effluent water, but Corpus Christi is supplying it for free under the current agreements. Nearly two years ago the city hired local firm Urban Engineering to write a master plan to identify areas throughout the city where effluent lines could be built and recommend a rate structure. The firm is expected to have a plan ready for city staff to review by Sept. 30. It could be in place by the end of the year, according to **Biles'** memo.

Effluent water is the partially treated water from the city's wastewater treatment plants. About 30 million gallons a day is discharged into local rivers, streams and bays, under regulations enforced by the Texas Commission on Environmental Quality. The partially treated water is considered valuable because, unlike drinking water, it's not subject to drought restrictions or the same treatment standards.

Corpus Christi Caller-Times (TX)
July 25, 2012

**Corpus Christi may challenge flood plain**
Author: Jessica Savage

Corpus Christi is moving forward with a plan to analyze draft federal flood maps of the city, which if approved in the current form would place downtown in a flood plain and could cause insurance rates to increase. The City Council hired HDR Engineering on Tuesday to take a closer look at the models generated by the Federal Emergency Management Agency. The $168,000 contract was approved under an emergency provision that allows the council to make final decisions in one reading instead of the usual two. City Engineer **Dan Biles** said the goal is to have a first response ready to submit to FEMA before the maps are released to the public. "We are going to review the model to see if there is some way to challenge (the preliminary map)," he said.

The citywide preliminary flood maps, which are grouped with a Nueces County map, are expected to be released late next year, a FEMA spokeswoman said. The last time the maps were updated was in the early 1980s. All draft maps will go through a lengthy public vetting process before they are approved.

At issue is a difference of about 5 feet, **Biles** said. The city's seawall is about 11 feet high in some places. Under the preliminary FEMA map, it would need to be 16 feet high to keep downtown from falling into a flood plain that could trigger higher insurance rates. "(The map is) not going away, but every foot we gain in reduction is less we have to build in the future," **Biles** said. There are about 300 private property owners in the city's waterfront business hub and several taxpayerfunded buildings, including the federal courthouse, American Bank Center and county appraisal district.

The proposed changes also could affect development, possibly requiring new construction to be built up to a certain elevation. Downtown includes about $500 million in real estate, according to some estimates. The seawall, which stretches from McGee Beach to the mouth of the ship channel where it connects with the Salt Flats Levee near Port Avenue, is designed to protect downtown from flooding during a hurricane or a 100-year flood event. The seawall underwent extensive repairs and upgrades from 2002 to 2007. Last month the city signed a provisional accreditation agreement with FEMA that says it is working toward a plan to recertify the levee and seawall system. The agreement gives the city time to determine how much it will cost for upgrades, which could help downtown property owners and taxpayers avert flood insurance premiums and strict building requirements.

Corpus Christi Caller-Times (TX)
May 24, 2012

**City faces pricey dilemma**
Author: Jessica Savage

The cost of doing business in downtown Corpus Christi could increase under a proposed federal flood map. It likely will require flood insurance for about 300 private property owners in the city's waterfront business hub and several taxpayer-funded buildings, including the federal courthouse, American Bank Center and county appraisal district.

The proposed changes also could affect development, requiring elevation standards for new construction. Downtown includes about $500 million in real estate, according to some estimates. A draft flood map of downtown, drawn by the Federal Emergency Management Agency, was released to the city so it could begin the planning process to upgrade the seawall and Salt Flats Levee System. The City Council is expected to vote Tuesday on a recommendation to sign an agreement with FEMA that says the city is working toward a plan to recertify the levee and seawall system.

The seawall, which stretches from McGee Beach to the mouth of the ship channel where it connects with the salt flats levee near Port Avenue, is designed to protect downtown from flooding during a hurricane or a 100-year flood event. The seawall underwent extensive repairs and upgrades from 2002 to 2007. It's likely under FEMA's proposed criteria that the levee and a portion of the seawall behind the Corpus Christi Museum of Science and History won't meet certification requirements in their current condition, interim City Engineer **Dan Biles** said.

The agreement gives the city time to determine how much it will cost to pay for upgrades, which could help downtown property owners and taxpayers avert flood insurance premiums and strict building requirements. "We know we have a levee system that may have challenges to get certified," **Biles** said. "I have a lot more questions than I have answers here." The citywide flood maps have not been released, but are expected to be made public this summer, according to FEMA spokesman Earl Armstrong. The last time the maps were updated was in the early 1980s. All draft maps will go through a lengthy public vetting process before they are approved.

If the draft maps are approved as is, downtown property owners likely would be required to purchase flood insurance. If the levee system and seawall meet recertification standards, there still could be flood insurance and construction requirements based on the level of improvements, **Biles** said. Real estate broker Wayne Lundquist, a longtime resident who serves on the Downtown Management District Board, said he was surprised by the drastic changes in the proposed map. He always thought Corpus Christi was unique because it has barrier islands that serve as a buffer during a hurricane. "I never thought it would come to this, to tell you the truth," he said. "It's going to cost a lot more to develop." Some property owners said they are worried the additional cost of flood insurance could put a damper on small businesses downtown. Others

said it also could create a chilling effect for development and stifle a recent movement for growth.

Efforts from a group of business leaders to redevelop 27 acres of bayfront park into a public destination, Marina Market Days, ArtWalk, music festivals and holiday-themed events are some of the new energy that's building in downtown, said Casey Lain, who owns downtown music venue House of Rock and serves on the DMD board. He's not sure how the flood maps could affect that. "There's a lot of momentum that downtown has right now, so get something fixed and fixed right," he said. "I'd like it to get done, but how likely is that to happen? There's a bunch of questions in my mind about what's going on." **Biles** has presented the proposed flood maps to the DMD board and the Corpus Christi Type A Board, which manages a seawall fund that collects an eighth of a cent sales tax to pay for seawall repairs. There is about $22 million in the seawall fund, which doesn't expire until 2026.

Both boards said they support the city spending seawall funds for the anticipated needed repairs instead of diverting it to pay for repairing city streets, like some City Council members have suggested. "We've got to have those funds to protect the seawall and downtown as an asset," DMD board chairman Chad Magill said.

Corpus Christi Caller-Times (TX)
February 17, 2012

**Staples road fix brings concern**
Author: Julie Silva

Business owners Ray and Wanda Arnold worry what 18 months of construction on Staples Street will do to their dry-cleaning business. "It scares me to death, but it needs to be done," Ray Arnold said after a public meeting Thursday to discuss the project. The city of Corpus Christi plans to begin construction on Staples Street, from Williams Drive to Saratoga Boulevard, in late March or early April. The $15 million project is funded through bond money approved in 2008. Wanda Arnold said businesses have been forced to close because of construction in other parts of the city.

She estimated a 50 percent drop in traffic. "If we can even hold on to that 50 percent," she said. But city officials assured residents and business owners that they'd do everything they could to help. "We've done some unique things on this project to try and make it as painless as possible," said **Dan Biles**, interim director of engineering services.

The City Council approved an extra $100,000 to contractor Bay Ltd. as an incentive to complete construction in 18 months, down from two years. That means construction work may take place late into the night and on weekends. Construction is being split into 24 phases to keep the contractor from blocking off larger strips of the roadway. The road will be limited to two lanes where construction is taking place and the speed limit will be lowered to 25 mph. "We're starting at Williams because we want to be as far away from SPID next Christmas as we can," **Biles** said. Businesses along Staples can get a temporary permit for additional signs at no fee when the construction is directly in front of them. And, **Biles** said, the city will try to put names of businesses on construction barrels.

However, left turns will not be allowed on the twolane stretches. "One car trying to make a left turn can really back up a lot of people," **Biles** said. **Biles** emphasized that the city would not install medians on Staples, but the roadway will be expanded by 2 feet to accommodate them in the future if the city deems it necessary. The city also will put in an 8-foot sidewalk that bicyclists will be expected to use because there will not be a bike lane on the road.

"I don't want bikes on Staples," **Biles** said. "There are just too many cars going too fast." Nick Cecava, project manager with construction designer Freese and Nichols, said four major intersections would be reconstructed. The entire roadway will be repaved with 10 inches of concrete except the Holly Road intersection, which will remain asphalt. During the project, AEP Texas will service streetlights and the city will reconstruct water and sewer lines along the street. The number of bus stops along the route will be reduced from 12 to eight.

Resident Lupe Garza attended the meeting because he was concerned about the quality of the contractor on the project. "The city has made some poor choices in the past," he said, adding that

he wanted to see the project completed in a timely manner. But he said, Bay Ltd. has a good reputation and a lot of experience on projects like the Staples reconstruction. Garza said the construction is needed. An auto enthusiast, he said he won't drive a 1922 model car he owns on Staples because of potholes.

Corpus Christi Caller-Times (TX)
September 22, 2011

**Litigants discuss road expansion**
**Padre Island residents worry project is unsafe**
Author: Jessica Savage

City officials and attorney Mike Hummell have agreed to continue discussions about concerns that a Padre Island road expansion could be unsafe for residents and differs from what voters approved. The two sides held a closed-door meeting Wednesday to discuss the concerns, which were brought up in a lawsuit Hummell filed last week. The city offered to conduct a preliminary traffic study of Aquarius Street to determine how much traffic residents can expect after a 2,100-foot extension is added from Dasmarinas Drive to Commodores Road. Another study also would be done after the road is finished, City Attorney Carlos Valdez said. Those studies could lead to a reduced speed limit, stop signs or speed bumps, he added. Hummell, an attorney who filed the lawsuit and also is a plaintiff, said he asked the city to hold off on road construction until residents' concerns are addressed. Valdez said that is under discussion. The City Council is expected to approve construction bids for the project late this month or early next month.

Hummell doesn't live on Padre Island, but he represents several residents who live on or near Aquarius Street. He filed a lawsuit last week after residents said the city hadn't addressed their concerns. "The road's a good idea," he said. "I don't think anyone disagrees on that. The problem is with what (my clients) perceive to be a substantial lack of planning in putting the road together." The project was approved during a 2008 bond election when Hummell served on the City Council. Language included in the bond package said the Aquarius Street extension would be a 31-foot wide, two-way street.

A new design calls for a 60-foot wide road with a median, Hummell said. Residents are concerned a larger road would increase traffic and cause safety problems for people who live there. Hummell said his main concern is making sure voters are getting what they agreed to pay for. Councilwoman Nelda Martinez, who also served on the council in 2008, said residents have valid concerns for their safety. She attended the meeting Wednesday and said she believes there can be a compromise. "I feel that addressing their concerns is achievable and also keeping with what the voters expected as well," she said. "I think we heard them loud and clear today and we will definitely work toward a resolution."

Voters agreed to set aside about $950,000 for road construction. The road extension actually will cost about $200,000 less because of economic conditions, Assistant City Engineer **Dan Biles** said. The total expected expense for the project, including engineering fees and utility work paid for by utility fees, is about $1.9 million. Residents also are concerned about traffic because developer Paul Schexnailder wants to develop a resort water park with Schlitterbahn on property east of Aquarius Road. Schexnailder and the city are negotiating who would build a waterway between Lake Padre and the island canal system after the city builds a bridge along Park Road 22.

Corpus Christi Caller-Times (TX)
March 25, 2011

**How does your garden flow?**
**Much better after repairs**
Author: Jessica Savage

Water began flowing again this week at the city's Watergarden after a nine-month hiatus to repair an electrical system damaged by heavy rains last summer. The Watergarden, an elaborate network of cascading fountains between Selena Auditorium and the Art Museum of South Texas, is a gathering place for families, weddings and special events. It's a space the city's parks department frequently rents during the year. Rains in late June from Tropical Storm Alex waterlogged an underground vault that houses the pumping stations and electrical panels, which operate the Watergarden, Assistant City Engineer **Dan Biles** said. The fountains were inoperable until Monday.

Repairs to the Watergarden cost about $98,911. The city spent an initial $26,431 to dry out an underground vault where the electrical system for the pump is. A test of the electrical system showed a panel needed to be replaced. The city ordered those parts and made the repairs at the cost of $72,480. The city's insurance funds covered the repairs, **Biles** said. During the repair period, several events that had rented the Watergarden had to be relocated and a few refunds were given. Stacie Talbert, assistant director for the Corpus Christi Parks and Recreation Department, said most of the events were relocated to other parks, most frequently Heritage Park. To prevent the vault from flooding again, **Biles** said the repairs also fixed an emergency pumping system, which apparently wasn't working in June.

New York landscape architect Robert Zion designed the Watergarden, which opened in 1988 with an original construction cost of $2.38 million. The cost was split between the city and the private Foundation for Sciences and Arts Inc. The city's share came from a hotel-occupancy tax increase. Through the years extreme weather has altered operation of the Watergarden. Heavy rain in September 2007 flooded the pump room, causing major mechanical and electrical problems. The fountains were drained and the city sent letters notifying people who had weddings or other events planned. Those repairs cost about $500,000. Also that year, termites and dry rot left many of the cedar shade-arbor rafters in disrepair. Crews worked about three months to replace the boards. In May 1996, the city turned off the pumping station to conserve water when drought conditions triggered the city drought management plan.

VC Star
March 12, 2011

**City faces major sewer system overhaul**
Author: Staff reports

About a month ago, resident Hilda Wilkinson looked out her window and noticed her mailbox was gone. Wilkinson, who lives on Claride Street in Flour Bluff, thought someone had run over the mailbox. When she walked outside, however, she realized the post had been swallowed by a 5-foot-deep sinkhole. "I thought my front yard was going to fall in," she said. "But it didn't." The city repaired a disintegrated sewer line, often the cause of sinkholes, and the street was repaired, she said.

During the past 14 months, the city's wastewater department documented 324 cave-ins or sinkholes of varying sizes, indicating the city's infrastructure that is most in need of repair lies several feet below the streets. The wastewater system, 1,200 miles of pipelines that connect from homes, businesses and schools to six wastewater treatment plants throughout the city, is facing the most severe degradation of any other city-maintained infrastructure, Assistant City Manager Oscar Martinez said. Stinky odors, sewage overflows and sinkholes are becoming an increasing nuisance throughout the city as portions of the pipes, most of which are made out of clay, continue to crumble. The wastewater department handled more than 14,700 work orders during the past 14 months. A majority of them, about 10,000, were for clogged sewer lines at residences or businesses, according to a Caller-Times analysis of the work orders. Last year, 700,000 gallons overflowed from the system onto streets, yards and ditches in 1,165 separate incidents.

The city began tracking overflows about three years ago under increasing pressure from the Texas Commission on Environmental Quality to reduce the number of overflow incidents or face heavy fines. Last year Corpus Christi hired a consultant to come up with a plan that must be approved by the state. The consultant's study found it would cost $1.5 billion to replace the city's sewer lines. The city has submitted a plan to the state for review that says it will spend $129 million over the next 10 years to repair sewer lines and upgrade its six pumping stations. Utility rates are expected to pay for a large portion of the costs. Preliminary estimates show city wastewater bills could climb by 28 percent by the end of the decade.

Last August, the council increased utility rates for this fiscal year. Water rates went up 10.6 percent and wastewater rates increased 9.7 percent. This year water rates could increase by 2.2 percent and wastewater rates by 4.9 percent. Those rates are tied to several capital improvement projects the City Council approved last week, including funds to complete a new wastewater plant under construction. Rates will be finalized later this year. Corpus Christi Wastewater Director Foster Crowell said the entire system is in dire need of a massive overhaul.

"It's like an old car," he said. "There's a time when you have to replace it and start making your car payments." More than 75 percent of the city's lines are made out of clay, a popular pipeline construction material used from the 1950s to the 1980s. The clay pipe hasn't fared well in Corpus

Christi's clay and sand soil. Any shifts in the sediment can cause a clay pipe to crack and crumble. Heavy rains exacerbate those problems. Last September, when Hurricane Karl dumped 7 inches of rain over the city in 24 hours, the Greenwood Wastewater Treatment Plant overflowed into a nearby neighborhood and two aging sewer lines collapsed, creating two gaping sinkholes on the Westside. One formed at Port Avenue and Horne Road and another at Port and Crosstown Expressway. The rain-related incidents cost the city $1.4 million in emergency repairs.

Since 2008, the wastewater department has increased its maintenance efforts so it can better handle heavy rain. A majority of the work has been cleaning pipes and evaluating their condition, said Brian Butscher, the wastewater collection system superintendent. Still, more is needed. Replacing pipe underground is expensive. The costs can run $100 a linear foot, mostly incurred from digging up a street to get to the lines then repairing the pavement. A less expensive way involves coating the pipe's interior with a plastic lining. The department operates on a $50 million annual budget. That's 12 percent of the city's $668 million budget. The city's 10-year wastewater plan will pay for repairs using new technology on a larger scale so the city is able to catch up with the deterioration.

A yearlong study, expected to begin later this year, will document the conditions of city sewer lines using cameras and computer simulations to understand the amount of work that's needed. After that inspection is done the city will have a more complete picture of how to spend the money, Assistant City Engineer **Dan Biles** said.

Failing sewer infrastructure is a problem statewide, TCEQ media relations manager Terry Clawson said. Corpus Christi is one of 129 cities that has submitted a plan to the state through a program known as the Sanitary Sewer Overflow Initiative aimed at reducing the number of sewage overflows. Clawson said the state can fine cities up to $10,000 a day per overflow incident. The plan, if approved by the state, exempts the city from being fined for overflows, except for instances that involve fish kills or threaten public health. The idea is that the city would instead spend money on improving the system.

In the past 12 years, the city has been fined $165,665 for wastewater-related violations, according to data from the TCEQ. The city's largest fine was for $66,125 on Sept. 26, 2004, after a series of overflows at the Broadway Wastewater Treatment Plant on the Northside. One of the first projects included in the city's plan is replacing the Broadway plant, which opened in 1938 and is in constant need of repairs. Construction on the new $51 million plant began a year ago. It's expected to be finished in early 2013.

Corpus Christi Caller-Times (TX)
October 13, 2010

**Low-income housing project put on hold**
**Waterline work may be subject to rebid**
Author: Jessica Savage

Construction at a low income townhome project expected to begin next month is on hold after a portion of the utility plans failed to pass a City Council vote. A city waterline improvement project needed to build the $15 million Corban Townhomes failed in a 4-4 vote Tuesday after some council members voiced concern about how the city engineering department handles bids. The project may need to be rebid, which could take two months, or a City Council member who voted against the contract could request the bid be placed on next week's agenda.

Corpus Christi Housing Authority is planning and paying for the townhomes. The city agreed to pay for water-main improvements after the housing authority discovered the waterlines where the townhomes will be built don't meet new city standards. Improvements would cost nearly $160,000, according to a low bid recommended by city staff. Housing authority officials have said there are 1,671 applicants on the waiting list for fewer than 2,000 units of public housing in Corpus Christi.

Corban Townhomes, to be built between two existing public housing developments on Ayers Street, will have 128 units set aside for low income residents. Housing authority officials could not be reached for comment. City Councilwoman Chris Adler questioned the city engineering department's bid process after receiving complaints from several people in her district about a previous contract with Bridges Specialties, the company staff recommended for the townhomes project.

Several months ago, Bridges Specialties submitted the low bid to tear down an empty steel water storage tank on Holly Road. The contractor bid $1 for the project, which required dismantling the storage tank. Its payment would come from selling the steel at a local scrap yard. Adler and Councilman Mark Scott said some residents called them upset the city didn't sign a contract that would recoup money for the recycled steel.

"I just think we (the city) dropped the ball on that," Scott said. Scrap steel sells for $120 to $170 per ton, according to local scrap metal recycling companies. Company owner Brian Bridges said he hadn't sold the scrap yet but estimated the company hauled away 500 tons to 600 tons of steel. At those prices, the most the metal will bring is $102,000.

**Dan Biles**, assistant city engineering director, said the city doesn't have the equipment or the manpower to dismantle a storage tank and haul it to a salvage yard. He said the department followed the bid process for projects that cost less than $50,000. "We made a lot of phone calls to a lot of people to find out what it was worth," **Biles** said. The other option would have been

for the city to spend tens of thousands of dollars for a contractor to dismantle the storage unit and then try to recoup its costs through a salvage auction, he said.

The decision seemed like the best option at the time, **Biles** said. "In hindsight, we could have done it differently," he said. Adler, who used to be in the scrap metal business and whose son still is, said her vote Tuesday was against the contractor, not the townhome project. She said she has been trying for several weeks to find out more about the contractor and wasn't satisfied with the information provided by city staff. "I couldn't, in good conscience and without knowing if they are on the city and state approved bid list, vote for them," she said. "It was just what I felt like I had to do."

Council members Brent Chesney, Larry Elizondo and Kevin Kieschnick also voted against the contract. Mayor Joe Adame and council members Scott, Priscilla Leal and Nelda Martinez voted in favor. Councilman John Marez was absent. The city has awarded five projects to Bridges Specialties since 2004, according to a city memo sent by city engineering program manager Jerry Shoemaker to Adler.

The company also has a contract for the Salt Flats Drainage Project Phase, which is pending completion with North Port Street Reconstruction. Bridges said he didn't understand why the storage tank contract had anything to do with the Corban Townhomes project. "I've done several projects with the city before," he said. "I was the low bid for the Corban project. There's no reason why they shouldn't pick me. The only reason they didn't is because they're mad at me over the money they think I made on another project." Scott said Adler's concerns shouldn't have affected the vote. He said it's likely the matter will be put back on the agenda next week.

Corpus Christi Caller-Times (TX)
September 22, 2010

**Neighborhoods ask city for help**
***State or U.S. may come forth with aid**
Author: Sara Foley

Residents of the neighborhood hardest hit by weekend flooding spent a second day cleaning out their houses and awaiting answers about possible financial help. Taking time out from cleaning their damaged homes, more than 100 emotional and angry residents of the flooded Las Colonias subdivision gathered Tuesday at City Hall to ask the City Council for help recovering from weekend rains that filled their homes with water and sewage. Mayor Joe Adame and County Judge Loyd Neal issued disaster declarations Tuesday for Corpus Christi and Nueces County, triggering a process that could allow flood victims to get financial aid from the state or federal government.

The state is awaiting paperwork from all South Texas counties affected by the flooding, said Ben Patterson, recovery section administrator for the Texas Division of Emergency Management. Then the state will send its own teams to assess the damage. The governor will decide whether to use state resources to help flood victims or to ask for help from the Federal Emergency Management Agency. Federal recovery dollars aren't guaranteed; FEMA typically steps in if more than 800 houses are damaged, Patterson said. He did not know how long the process would take.

'Nowhere to go'

On Tuesday, Las Colonias residents, some still wearing clothes from days ago, said they haven't been able to go to work without clothes or transportation. "We've already lost everything," resident Joshua George said. "Y'all are our voice. We need your help." City crews estimated 165 homes in the subdivision, near Greenwood Drive and Saratoga Boulevard, flooded with rainwater Sunday. Some homes had a few inches of water, but others flooded with more than 3 feet, Corpus Christi Fire Chief Richard Hooks said.

Recovery will take time, city officials reiterated. "What are y'all going to do for us?" resident Liza Ocejo asked. "We have nowhere to go. Is there anything y'all can do? Would you like to be running around in sewer water? Would you like to shake our hands, drive our cars, sleep in our neighborhood?" During her plea for help, several people in the room wiped away tears. They wanted explanations for the flooding, reasons for the delayed notice of overflowing sewer lines and assurance that it's safe to return to their homes. The city water department will test drinking water for residents upon request.

Safe to start cleaning

Residents repeatedly asked officials if it was safe to return home. Damaged materials must be removed first, officials said. Forty-two people remained in an American Red Cross shelter at Ben Garza Gymnasium on Tuesday morning, but the city may establish a long-term shelter if needed, Hooks said. It's safe for residents to return to the neighborhood to clean, and many were doing just that on Tuesday, mopping standing water from their floors and sweat from their foreheads as the Red Cross canvassed the neighborhood, passing out barbecue sandwiches, bottled water and cleanup kits. The agency ran out of kits by midafternoon and sent a truck to Victoria to retrieve more.Where ripped carpet and soggy mattresses scattered the streets Monday, more personal items took their place Tuesday: a pair of cowboy boots, a stack of books, a pink dollhouse. City crews swept the neighborhood, picking up mounds of debris to haul away.

The city won't charge extra to tow away flood-damaged items or to replace city-issued trash receptacles, City Manager Angel Escobar said. Crews will pass through the neighborhood daily until all damaged items are hauled away. The city also is working with charities to provide residents with clothes, furniture and food, city spokeswoman Kim Womack said. Many residents said they didn't have flood insurance and didn't know how they were going to repair their houses. "I hope we can get some kind of help," resident Jose Pelaez said.

Water OK, sewer line fixed

Dispelling concerns about the water and sewer lines in Las Colonias, city officials said tap water is safe to drink and the sewer line that leaked was fixed Monday morning. But many residents said they allowed children to play in contaminated floodwaters because they weren't aware it was unsafe. The raw sewage residents saw mixing with floodwaters was likely the overflow from that subdivision's system, Assistant City Engineering Director **Dan Biles** said.

The City Council didn't place an item on its meeting agenda to discuss the flooding, so the council was prohibited by the Texas Open Meetings Act from responding to residents' complaints. Instead, Councilman Brent Chesney, who oversaw the meeting in Adame's absence, allowed residents to stay in council chambers after the meeting so city staff members could answer questions.

Four council members stayed to listen to concerns. The others left to prevent a quorum, which would violate the open meetings act. Residents asked if delays on a city drainage project contributed to the problems. A contractor walked off a job this summer that would have cleared brush in the nearby creek, added a drainage ditch and make curb and gutter improvements. The work will be completed by the contractor's bonding company but hasn't resumed.

Even if that project had been complete, it probably wouldn't have prevented the flooding because it was a record-breaking event, Escobar said. Neighborhood residents said they've seen the creek come out of its banks before, and, at least once, the water crept into yards, but they say houses never have flooded. The flooding likely was caused by the downpour triggered by Hurricane Karl combined with the rapidly rising water from the nearby La Volla creek, Deputy Fire Chief Richie Quintero said.

Olympian, The (WA)
September 5, 2007

**Tumwater eyes 10 acres**
Author: Keri Brenner

TUMWATER - The City Council will conduct a public hearing on a new annexation proposal of more than 10 acres south of 88th Avenue and Old Highway 99. The council voted unanimously Tuesday night to hear public comments on the plan at 7 p.m. Oct. 2 at City Hall, 555 Israel Road. Under the proposal, the city would annex five properties totalling 10 acres, plus three adjacent parcels north of the main tract. The entire area is south of the Olympia Regional Airport and north of a planned new 599-home development, Sagewood, currently under construction. Sagewood, formerly Tumwater Highlands, is being developed by Puyallup-based SoundBuilt Homes, Inc. A SoundBuilt Homes representative also has submitted preliminary plans to build 81 single-family homes on the 10-acre tract being considered for annexation, said Roger Gellenbeck, city development services director. Gellenbeck said engineer **Dan Biles** brought the preliminary plans in for review on Aug. 23.

The proposal is for a planned urban development, with a private road network, according to documents submitted by **Biles**. The new annexation comes as Tumwater is in the midst of conflict over fire service in a proposed 1,620-acre annexation area west of the city limits between Black Lake and Interstate 5. The Thurston County Boundary Review Board, which oversees annexations, has set a public hearing on that annexation for 7 p.m. Oct. 25 at the Thurston County Courthouse, Building 1, Room 152, 2000 Lakeridge Drive S.W., Olympia. Meanwhile, the smaller annexation proposal Tuesday night did not generate any controversy. However, earlier in the evening, several neighbors of the Sagewood development complained that the city was not keeping them informed of changes in the construction permits.

Vince Cottone and Larry Eke, residents near Sagewood, said they weren't notified about changes in driveway locations for the new homes and were not told about revised sites for stormwater drainage. Cottone was a leader of Friends of 93rd, a citizens group that in May 2006 appealed the city's environmental ruling on then-Tumwater Highlands but in July 2006 signed a settlement agreement. "Construction began this summer, and we had no notice," Cottone said. "They were supposed to keep me informed when permits were issued." Cottone said the city has asked them to sign an amendment to their settlement agreement to retroactively approve the changes to the stormwater drainage. He said he found out about those changes from the developer, not the city. "Something is out of whack when a citizens group appeals a development and then gets better cooperation from the developer than the city," Cottone said. City officials said they would look into the matter.

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 5*

# *Russell "Russ" D. Blackburn*

# *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

**Russ D. Blackburn**

[redacted]

**E-mail:** Rblackburnda@aol.com

August 15, 2016

Mr. Colin Baenziger
2055 South Atlantic Avenue
Suite 504
Daytona Beach Shores, FL 32118

Dear Colin:

I am pleased to submit my qualifications for the Port St. Lucie City Manager position. You will see from my resume that I have served in executive level positions in some of the nation's most dynamic cities and counties. In addition to excellent skills in strategic planning, communication, and financial management, I have demonstrated success in leading average organizations to become high performing, premier local governments.

My leadership experiences in the City of Gainesville and the rapidly growing communities of Loudoun County, Virginia; Lee and Martin County, Florida; have helped me to develop a skill level for managing change which few local government managers possess. I have a proven track record of helping elected officials to strategically identify goals and objectives and of leading staff to achieve the governing body's objectives.

As I reflect on the experiences I have had in local government and my understanding of the needs of the City I am a natural fit for the position. I was successful in providing outstanding public services and building an enduring organization in Martin County. In Gainesville I partnered with the University of Florida and the private sector to diversify the economy and develop a technology cluster which now plays a major role in the community's economy. One of my strongest skill sets is economic development. In Charleston, SC, I led the historic City's downtown and neighborhood revitalization program and in a dual role served as Executive Director of the Gainesville Community Redevelopment Agency. I have extensive experience helping the private sector to develop significant communities and buildings while enhancing the quality of life for the existing City and County residents.

Port St. Lucie's natural beauty and strategic location on the Treasure Coast have helped the community to become one of Florida's premier cities in a remarkably short time period. I want to be part of helping the City to reach its limitless potential and to provide the leadership and structure for the organization to be considered as the most customer friendly mid-sized city in the nation.

Three transformative initiatives which I facilitated in Gainesville have the potential to transfer to Port St. Lucie: a comprehensive customer service focus, creation of a continuous staff improvement program and an innovative police/citizen engagement program. A cross departmental team was engaged to identify the key components of outstanding customer service and to implement and ingrain a culture of service. The team focused on the 4C's: competent, commitment, conscientious and communication as the unifying foundation for outstanding customer service. These values were communicated relentlessly; surveyed and employee performance was evaluated based upon these values. Employees need continuous education and skill enhancement to perform at the highest level. To provide the framework and curriculum for continuous learning the Gainesville Corporate University was established. This program reduced duplication and costs while institutionalizing learning opportunities for employees. Most of the course offerings rely on peer facilitation and provide learning modules from early career employees to seasoned managers. A program element focuses on current supervisor training needs and a nationally acclaimed Emerging Leaders program offers a combination of training and experiential learning to prepare employees to be supervisors. The Police Advisory Council provided advice to me and the Chief, convenes meetings in the community, provides feedback on the unintended consequences of policy and serves as a community liaison in times of crisis.

To decide if I am the individual to implement policy directives and lead the organization on behalf of the City Council, the Mayor and Council should understand the personal characteristics which I would bring to the organization. First and foremost, I reach decisions based on a consistent set of values and principles. Honesty, fairness, hard work, caring, innovation, integrity and follow-through, create a foundation which fosters trust and sets the example for a high performing team.

I hope that my resume and character description generate sufficient interest for the Mayor and Council's further consideration of my qualifications for the City Manager position.

Sincerely,

Russ Blackburn

# Russ Blackburn

[redacted], work (352) 334-5010 E-Mail: Rblackburnd@aol.com
[redacted]


## QUALIFICATIONS

Executive level leadership and management experience in premier cities and counties; areas of strength include organization development, citizen engagement, growth management, finance, redevelopment and public/ private partnerships. Possess the skills, positive attitude and ability to move complex organizations to a culture of high performance.

## RELEVANT EXPERIENCE

**City Manager, City of Gainesville, Florida** **2005-2015**

Host community to the University of Florida, the City of 126,000 residents serves as the economic and cultural hub of North Central Florida. In addition to the academic and medical employment base the City is home to a cluster of technology and bio-science businesses. Gainesville employs over 2200 individuals with 1300 employees under the supervision of the City Manager. The FY 16 budget for functions under the authority of the City Manager is $300,000,000 with a general fund budget of $108,000,000.

Duties and Responsibilities of the City Manager

- Chief Administrative Officer of one of the top mid -sized cities in the United States. In 2006, Gainesville was ranked #1 in Cities Ranked and Rated. In subsequent years Gainesville constantly ranks in the top 10 of most community rankings in a variety of measures.
- Report directly to the seven member City Commission.
- Provide leadership to the functions of City Government reporting to the City Manager as outlined in the City Charter including planning and development services, regional transit agency, public works, Police, Fire and Rescue, Parks, Recreation and Culture, neighborhood improvement and supportive administrative services.
- Serve as the Chief Executive Officer of the Community Redevelopment Agency.
- Provide executive leadership and management oversight to the City's $500,000,000 pension plan.
- Serve as leader, manager for the provision of services provided county wide including arts and culture and traffic signal monitoring and management
- Assisted the City Commission to implement an effective strategic planning process.

Achievements

- Provided leadership to achieve national accreditation for the Police, Fire and Rescue, Public Works and Parks, Recreation and Culture Departments.

- Collaborated with the University of Florida and private property owners to devise and adopt in 120 days a new ready to build land use and zoning category for a 40 acre collection of parcels locally known as the Innovation District. Since adoption the Innovation District has seen substantial investment including, a 50,000 sq. ft. business incubator, renovation and occupancy of over 200,000 sq. ft. of property for new business ventures and construction of over 400 rental units. At build-out the I-District will be home to over 4 million sq. ft. of space to accelerate the commercialization of ideas generated by University affiliated faculty and students.
- Facilitated implementation of an organization development system to prepare Gainesville's workforce for the future; Gainesville Corporate University, Leadership Through Innovation and the Emerging leaders programs have been implemented to encourage employee growth and foster supervisory experiences.
- Guided the evolution of the City into the digital age; placing major service transactions on-line, implementing an open data portal, on-line survey tools and on-line departmental performance and benchmarking information.

***County Administrator,* County of Martin, Stuart, Florida** **1997-2005**

Martin County is located on the southeast coast of Florida immediately north of Palm Beach County. With a current population of 149,000, the county is in the rapidly developing outer edge of south Florida. The county provided a municipal level of services with an FY 2005 adjusted budget of approximately $440,000,000.

Duties and Responsibilities of County Administrator:

- Chief administrative officer of an award winning, high performance organization with 870 Board of County Commission (B.O.C.C.) employees and 1700 total employees.
- Report directly to the five member Board of County Commissioners.
- Provide leadership to the employees carrying out B.O.C.C. policies including: growth management, water and sewer, solid waste, engineering, fire and rescue, parks and recreation, transit, airport, water quality and human services.
- Facilitate organizational excellence, intergovernmental cooperation, accountability and community engagement.
- Responsible for assisting the B.O.C.C. to develop a vision and strategic plan.

Achievements

- Moved an average organization to a culture of high performance. Citizen surveys verified a 43% increase in citizen satisfaction levels during my tenure.
- Established Martin County as a national leader in communicating with residents and the B O. C.C. Award winning tools such as Martin County Television, County Page, Out Reach Martin, the County web site and Martin Cares (a citizen orientation program) are recognized as benchmarks in local government.
- Restored credibility and accountability to the capital construction program.
- Initiated The Martin Institute for Life Long Learning and Education, a program to continuously enhance employee skills.
- Assisted the B.O.C.C. to acquire 43,000 acres of preservation land.

- Negotiated a public/private partnership for solid waste disposal.
- Recommended fiscal policies which required a 10% general fund reserve, a 10 year capital plan and a 3 year technology investment plan. These systems improvements contributed to the County's bond rating being upgraded to A+.
- Awarded the 2003 ICMA award for Intergovernmental Cooperation

***Deputy County Administrator,* County of Loudoun, Leesburg, Virginia. 1989-1997**

Located in the Washington, D.C. metropolitan area, Loudoun County (current population 350,000) has historically been one of the most progressive local government service providers in the nation. It is governed by a nine member Board of Supervisors and provides a full range of local government services including funding the County school system. The FY 1997 budget was in excess of $600 million dollars.

Duties and Responsibilities

- Served as a key member of a senior leadership team which emphasized total quality.
- Supervised the financial, human services and public safety departmental grouping which totaled over 500 employees.
- Project manager for major capital projects.
- Served as staff liaison to three of the Board of Supervisors standing committees.

Achievements

- Devised and implemented a financing and construction methodology plan for 300,000 square feet of government office space. The approach included a public/private partnership using lease/purchase and design/build.
- Led a team which consolidated the general county government and school system health insurance plans resulting in first year cost savings of $1million dollars.
- Co-developed with representatives, of the Chamber of Commerce and Virginia Tech University, a leadership development program for the County of Loudoun.
- First in Virginia to use tax increment financing to provide public sewer to 250 residences.
- Served as chairman of the Pneumans End Regional Jail Authority.

***Assistant County Administrator,* County of Lee, Fort Myers, Florida 1987-1989**

Lee County (current population: 649, 000) is located on Florida's southwest coast and has been for decades one of the fastest growing counties in the nation. It provides water and sewer, transit, tourism development, land use and construction and repair of roads and bridges. Tourism destinations include historic Fort Myers, Sanibel and Captiva Islands.

Duties and Responsibilities

- Provided leadership to the growth and development oriented departments.
- Supervised over 600 employees in the Departments of Transportation and Engineering, Facilities Management, Real Estate and Community Development.
- Served as liaison with the building industry and citizens groups on development issues.

Achievements

- Reengineered and implemented a one stop development review process.
- Instituted neighborhood design charrettes for major transportation projects.
- In partnership with the construction industry instituted a reduction in building permit and inspection processing time, increasing permit fees and staffing.
- Proposed, and implemented a program which orients community leaders to Lee County services. Lee Grows initiated in 1988 continues to this day.

***Assistant County Administrator*, County of Greenville, Greenville, S.C.** **1984-1987**

Located in South Carolina's up country, Greenville County is home to 386,000 residents. As the state's most populous county, it boasts a thriving economy and is the North American Headquarters of Michelin and BMW.

Duties and Responsibilities

- Developed strategies to improve the effectiveness of County services.
- Project manager for development of a 324,000 square feet one stop government office.
- Provided supervision for the Detention Center, Law Enforcement Support, Employment and Training, Public Buildings, Vehicle Service Center, and Solid Waste Departments.

Achievements

- Converted a 324,000 square feet. Retail mall into a county multi-purpose center housing 18 public service agencies.
- Partnered with employees and a consultant to improve productivity, review charges and bench mark service delivery methods in the vehicle service center.
- Reduced the need for additional personnel by entering into a memo of understanding with the South Carolina Employment Office to recruit entry and mid-level workers.

## OTHER RELEVANT EMPLOYMENT

Community Development Administrator-City of Charleston, S.C 1982-1984
Director of Planning and Grants Administration, City of Beaufort, S.C. 1977-1981
Program Analyst, Lower Savannah Council of Governments, Aiken, S.C. 1976-1977

## EDUCATION

Master of Public Administration, Georgia Southern University
Bachelor of Arts, Political Science, Valdosta State University

## PROFESSIONAL AFFILIATIONS

- International City/County Management Association – Credentialed Manager
- Florida City/County Management Association – President-2013/14,
- United Way of North Central Florida-Board Member 2006-2012, 2009 Campaign Chairperson
- Florida Center for Local Government Excellence, located at Florida State University-Board Member 2010-2013
- Florida League of Cities-Board Member, 2014-2015; 2014 and 2015 Home Rule Hero
- Rotary International

# *Candidate Introduction*

# RUSS BLACKBURN

## EDUCATION

Master of Public Administration, Georgia Southern University
Bachelor of Arts, Valdosta State University

## EXPERIENCE

| | |
|---|---|
| City Manager, Gainesville, FL | 2005-2015 |
| County Administrator, Martin County, FL | 1997-2005 |
| Deputy County Administrator, Loudoun County, VA | 1989-1997 |
| Assistant County Administrator, Lee County, FL | 1987-1989 |
| Assistant County Administrator, Greenville County, SC | 1984-1987 |
| Community Development Administrator, Charleston, SC | 1982-1984 |
| Director of Planning and Grants Administration, Beaufort, SC | 1977-1981 |
| Program Analyst, Lower Savannah Council of Governments, Aiken, SC | 1976-1977 |

## BACKGROUND

Gainesville is the host community to the University of Florida and Santa Fe College. The City of 126,000 residents serves as the economic and cultural hub of North Central Florida. As the home of a major university, the City is an innovative service provider which responds to service demands which many communities do not face. At least seven times a year the number of persons served by the City swells by over 90,000. Gainesville's average resident is 25 years old with a community poverty rate of 26%. In addition to the academic and medical employment base, the City is home to a growing cluster of technology and bio-science businesses.

Gainesville employs over 2,200 individuals with 1,300 employees under the authority of the City Manager. The FY15 budget for the functions under the supervision of the City Manager is approximately $300,000,000 with general fund expenditures of $108,000,000. The City's FY 15 budget including utilities is over $500,000,000.

Three issues will define the future of the City of Gainesville:

- Expansion of the City's revenue base. On first glance, Gainesville appears to be a City with a strong property tax base; however, only 40% of the real property in the City is on the tax roll. The University of Florida, UF Health, Malcolm Randall VA Medical Center, Tacachale Treatment Center, and local governmental institutions comprise millions of square feet of space and thousands of acres of tax-exempt property in the City.

- Diversification of the City's revenue base. Financing of general government services is highly dependent upon the transfer of dividends from the City-owned utility which provides electricity, water and sewer for much of Alachua County. In FY 2016 the utility transfer comprised 35% of the general fund revenues. Customers of the utility who live in the unincorporated service area have become resentful of the utility transfers to the City.

- Inequity. Gainesville's academic, bio-science and technology sectors produce economic opportunities for residents of Gainesville and the state. A significant proportion of Gainesville residents have not benefited from the community's economic expansion. Those individuals often feel disenfranchised and left out in their own community. Low wage jobs are readily available, but those jobs do not easily support families and do not support upward mobility. Inequities have contributed to a higher crime rate, gang activity and alienation.

## GENERAL MANAGEMENT STYLE AND EXPERIENCE

Port St. Lucie offers me the opportunity to apply my talents and skills in providing exceptional customer service and organizational development in the most promising City in Florida. The immediate issues facing the Council; high debt, a relatively inexperienced staff, several new Council members and rapid growth, match well with my personal strengths. I have a deep understanding of local government finance and budgeting, guiding Gainesville and Loudoun County through periods of financial crisis while improving services and constraining tax increases. The governing body will find that I am dedicated to helping new members to quickly gain the knowledge necessary to be effective. My strategic planning skills will help the Council to identify and achieve community goals and initiatives.

The City Council should expect their next City Manager to be a leader and a manager. My style as a servant-leader has helped me to work with governing bodies, citizens and employees to build high performing organizations. Although I have confidence in my knowledge and ability to personally address issues confronting the organization and community, I have learned that the strength of the community and organization is multiplied if I facilitate problem solving with the buy-in and ownership of a broad spectrum of stakeholders. The City Council can expect to see me form teams to address critical issues. This collaborative approach yields a long lasting solution to problems instead of dictating a top-down solution. My management style is an extension of my foundational values: integrity, vision, innovation, fairness, diversity, caring and follow-through.

When commenting on my management style, former employees would highlight my strategic planning skills, integrity, support of the individuals in the organization and focus on team-based problem solving. I recently received a thank you card from a group of employees thanking me for serving as City Manager; a common phrase was "I learned so much from you."

## RUSS BLACKBURN

For the past 18 years, I have served as a chief administrative officer leading and managing local government organizations on behalf of elected officials. If you ask, I believe that Commissioners will tell you that I was a trusted partner and that the organization was productive during my tenure. Elected officials will convey that I helped the Commission to focus on the big picture by helping the governing body to identify a strategic direction. You will hear that I was inclusive and well-liked by citizens and employees because I treated all people with respect. As a person and manager, I rely on a foundation of values to guide me as I confront the challenges of running complex organizations and working with many different personalities. My strengths are that I am innovative, listen, engender trust, have natural planning skills, can sense trends, communicate well and am a team builder. I take pride in my ability to select great team members and to help those individuals reach their potential. On rare occasions, employees are unproductive, reveal character flaws and do not respond to progressive discipline. I follow a process of giving every employee the opportunity to change, but will and have terminated employees as necessary. I strive to help employees succeed, but recognize that my first duty is to ensure that they are productive and supportive of governing body policies. My values and strengths help me to approach complex and sometimes volatile challenges in a calm, thoughtful manner. I don't rattle under pressure and I am the person you want in the room when the storm hits. I am a firm believer that your strengths are also your weaknesses. My thoughtful approach to leading and managing could be perceived as not being angry enough when things are not going well, when in fact, I am listening and planning how to improve and address challenges.

I was an early adapter of the use of benchmarking and performance measurement tools to improve organizational performance. Gainesville is a national leader in using analytical tools to measure performance and transparently communicate the efforts of the organization to provide services. The organizational focus begins with the City Commission's adopted strategic plan. Each initiative (objective) is assigned a champion who develops performance measures which can be used by the Commission and the public to assess the organization's progress in implementing the strategic plan. The champions provide quarterly reports and measurements to the City Commission. In addition, each department identifies benchmarks and performance measures and departmental outcomes. Gainesville utilizes an open data platform to report real time progress on service provision and performance measures. The public can access performance indicators on the City of Gainesville website by selecting a dropdown tab that is branded, "statGNV."

My favorite quote by a long obscure observer is "A smooth sea never made a skillful sailor." One of my biggest accomplishments was leading the Martin County organization from dysfunctional to an award winning organization. When I was hired, twelve department head positions were vacant or filled by interim directors. The organization was in turmoil and was paralyzed. The Commission did not trust the employees and the public had no respect for the organization. I began by working with the Commission to adopt a strategic plan and departmental strategic plans. Working with the staff, we developed an organizational vision and began to work collaboratively toward that vision. Over the next eight years Martin County went

through a metamorphosis to be recognized as a high-performing organization. Annual citizen surveys demonstrated a 43% improvement in the community's perception of the value of county services.

My biggest mistake could be categorized under the header of "Read the fine print." Early in my career I was responsible for managing the Beaufort, SC municipal election. I met with the County Registrar of Elections in order to understand my responsibilities and the election procedures. Based on my understanding of the petition method of getting on the ballot, I advised candidates that petition signers must provide their name and place of residence. Late in the process, I became aware that without the registration numbers the petitions were invalid. I worked with the City Attorney to identify that the City Charter did not specify who must enter the registration number. I spent 48 straight hours entering registration numbers for petition signers in order to ensure that the election could be held as intended. I learned the importance of personally verifying information.

As the new City Manager I will need to quickly determine the desired goals and outcomes of the City Council, understand the strengths and weakness of the staff, and gain an understanding of the resources which can be leveraged to help the Council and organization to be successful. I have been fortunate to have been the new Manager on two previous occasions. During my first six months I will start by listening and observing. I will set up regular meetings with each Councilperson and the Mayor to identify who I should meet with to gain a better understanding of community aspirations. I anticipate meeting with representatives of the community's major organizations and institutions. One of my first acts will be to coordinate a strategic planning session with the City Council. My work with staff will start by relaying my expectations to the organization. Concurrent with gaining an understanding of the City Councils' expectations I will review each major service area. The intent of the management review is to evaluate how Port St. Lucie services compare to best in class services nationwide and to develop a road map to improve the effectiveness and efficiency of services Early in my tenure I will evaluate management level vacancies to determine how to fill those voids. Based upon my review of the organization I may reorganize departments to ensure that the City Councils top priorities are achieved. Teams will be formed to identify a shared vision and to chart a path to move the organization toward consistent high performance. At the conclusion of the first six months, I will present a review of our progress to the City Council.

The media plays a crucial role in providing information to the community regarding the activities of local government. I am accessible and will prepare my department heads to provide information to the traditional and social media on City issues and accomplishments. Although I am comfortable speaking on most subjects, I prefer to have elected officials speak to intergovernmental issues and evolving policy.

I do not anticipate anyone from my previous organizations contacting the City Council to relay negative comments about my character or actions.

# RUSS BLACKBURN

During my free time I relax by landscaping, reading and working out at the gym. I became a palm tree enthusiast when I first moved to Florida. I grew 28 varieties in Martin County and planted 9 varieties in the much colder Gainesville.

## SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

| | | |
|---|---|---|
| Trusted Public Official | Innovative | Ethical |
| Team Builder | Insightful | Visionary Leader |

## REASON FOR DEPARTING MOST RECENT POSITION

I resigned my position as Gainesville City Manager. After over 10 years of service, I reached the conclusion that I was not the best person for the job at this time.

## CURRENT/MOST RECENT SALARY

My final salary was $181,000 plus a vehicle allowance.

# *CB&A Background Checks*

## Background Check Summary for
## RUSSELL "RUSS" D. BLACKBURN

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Alachua County, FL | No Records Found |
| Martin County, FL | No Records Found |
| State | |
| Florida | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Alachua County, FL | No Records Found |
| Martin County, FL | February 1997 – Civil Law Suit filed against Martin County and Mr. Blackburn in his capacity as County Administrator<br>*Disposition*: December 1997 – Closed<br><br>December 1997 - Civil Law Suit filed against Martin County and Mr. Blackburn in his capacity as County Administrator<br>*Disposition:* January 1998 - Closed<br><br>January 1998 – December 1997 Case Re-filed against the Martin County and Mr. Blackburn in his capacity as County Administrator<br>*Disposition*: August 2000 - Dismissed<br><br>**See next page for candidate explanation of records found* |
| Federal | |
| Florida | March 2000 - Civil Rights law suit filed against Martin County Sheriff Department including Mr. Blackburn in his capacity as County Administrator<br>*Disposition*: December 2012 – Dismissed<br><br>**See next page for candidate explanation of records found* |

# Background Check Summary for
## RUSSELL "RUSS" D. BLACKBURN

| | |
|---|---|
| **Motor Vehicle**<br>Florida | December 2014- Unlawful Speed 79/70<br>*Disposition*: December 2014, Guilty 3 points |
| **Credit** | Excellent |
| **Bankruptcy** | No Record Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

From: Rblackburnd <rblackburnd@aol.com>
To: kknutson <kknutson@cb-asso.com>
Subject: Re: Background Check Record Found that Require Explanation

Kathyrn,

Thank you for giving me the opportunity to provide additional information on the case Leverton v. Martin County. Ms. Leverton was arrested by the Martin County Sheriff's Department during the period when I was County Administrator. As background, in Florida the Sheriff is a separately elected constitutional officer and neither he nor the deputy sheriffs' report to the County Administrator. I was included in the law suit as a proxy for the Martin County government. I had no knowledge of the allegations put forward by Ms. Leverton.

Ms. Leverton alleged that the Martin County sheriff deputies and their supervisor Sheriff Robert Crowder violated her civil rights. The case was filed in 2000 and went through a tortured process of interrogatories, 2 failed meditations 3 appeals by Ms. Leverton and an ultimate dismissal of the case in December of 2012. Although I was a defendant, my role was solely limited to my position as County Administrator. I was included in the legal action to try to link the County's financial assets to Ms.Leverton's demand for damages.

Please let me know if I can provide additional information on this issue or any others identified in the background check.

Russ Blackburn

# Background Check Summary for
## RUSSELL "RUSS" D. BLACKBURN
### Personal Disclosure

## Personal Disclosure Questionnaire

Name of Applicant: Russ Blackburn

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?

   Yes ☐ No X

2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?

   Yes ☐ No X

3. Have you ever declared bankruptcy or been an owner in a business that did so?

   Yes ☐ No X

4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No X

5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No X

6. Have you ever been convicted of driving while intoxicated?

   Yes ☐ No X

7. Have you ever sued a current or former employer?

   Yes ☐ No X

8. Do you have a personal My Space, Face Book or other type of Web Page?

   Yes ☐ No X

9. Do you have a personal Twitter Account?

   Yes X No ☐

10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?

    Yes ☐ No X

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Pioneer Tile v. Martin County ( named as the representative of Martin County, FL, others in my capacity as CM )

Attested to: _____

**Signature of Applicant**

**Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/06/16.**

**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

# *CB&A Reference Notes*

# Reference Notes
# Russ D. Blackburn

**Paul Folkers – Assistant City Manager, Gainesville, FL 352-538-7187 352-450-0262**

Mr. Folkers has known Mr. Blackburn since 2000. He was the Assistant County Administrator in Martin County and reported to Mr. Blackburn as the County Administrator. They now work together in Gainesville.

Mr. Blackburn is excellent. He has an amazingly comprehensive grasp of all aspects of government administration at a city or county level. Regardless of the topic the Commissioners bring up he understands what they are saying and responds to questions.

Mr. Blackburn is good at putting pieces together to create a strong organization that can meet the goals of the elected body. He identifies where the Commission wants to go and aligns the organization to achieve those results. If you compare Gainesville now to where it was when he was hired, he has been extremely successful in positioning the city for great future prosperity during a very trying time from a fiscal perspective.

Because Gainesville is the home of a large state university they have unique fiscal challenges, including a higher percentage of those off the tax rates. Mr. Blackburn has always been a step ahead in preparing the organization for challenges. Gainesville weathered the downturn better than other jurisdictions.

Mr. Blackburn makes excellent decisions when hiring personnel because he can quickly size up candidates to see how well they will fit into the organization and perform. He has a great track record. For decisions in general he has excellent judgment. Mr. Folkers cannot recall a big decision that went in the wrong direction.

One of Mr. Blackburn's focuses in Gainesville is developing a higher performing organization. He put much credence into accreditation through national associations. He has encouraged departments to measure their goals against the benchmarks in their field. He addresses any gaps, and strives to grow and improve. He provides the staff with professional development opportunities. All of the departments have become accredited during his tenure which speaks very well to his professional approach and continuous improvement.

Whether community meetings happen during the day, evening, or weekend, Mr. Blackburn is in attendance. One thing he has tried to do is make sure that local government has a good gauge to measure citizen evaluations of city services. He compares survey information from their community to other organizations using assessment tools. He is very accessible to residents and is available when they want to meet with him. He wants to engage with the public.

Mr. Blackburn keeps employees informed through a variety of methods. He holds a regular leadership team meeting for middle level managers, which includes the top 60 individuals in the organization. Rather than employees hearing the Manager's vision and thoughts from Directors, they hear it from him directly and have an opportunity to ask questions.

Another idea Mr. Blackburn implemented is called Chats with the City Manager. He schedules regular visits with each department and its employees. He interacts with them, discusses problems, shares his vision, and provides an opportunity to ask questions or share concerns. He has been an effective tool in terms of connecting to the organization.

When Mr. Blackburn came to Gainesville they did not have a capital budget and the first thing he did was create one. He put an annual process in place to really engage the department directors. He asked key directors to team with the finance staff. This team evaluates CIP (Capital Improvement Project) requests and provides recommendations on what should be funded, which is an effective way to give ownership and responsibility to the department. Directors have a broader sense of what the city priorities and needs are.

Mr. Blackburn has a background in planning and redevelopment. He created a strong team who has done an excellent job focusing resources on projects to position the city for future growth. He has driven private sector development and developed partnerships with other entities in the community like the Santa Fe College, University of Florida, and Chamber of Commerce.

Mr. Blackburn is very time driven in terms of wanting to make sure that everything is accomplished in a timely manner. He is very focused on the goals he wants to achieve.

As with any city of a significant size, Gainesville has controversial issues related to differences of opinion of the elected body or decisions made that generate citizen interest. They have a very engaged citizenry because it is a college community. Mr. Folkers would be surprised if anything embarrassing were found in Mr. Blackburn's background.

Mr. Blackburn managed Gainesville for about ten years. Because of changes in the elected body he felt that he had taken the city as far as he could. The vast majority of people, especially ones who really know the city and government, share a similar perspective on Mr. Blackburn.

Mr. Folkers would hire Mr. Blackburn and cannot recommend him any higher. His dedication to the city is 100%, and the community is better now than when he arrived. He was an excellent manager for Gainesville; you would be hard pressed to find a better manager.

**Words or phrases used to describe Russ Blackburn:**

- Detail oriented,
- Visionary,
- Strong ethics,
- Excellent judgment,
- Accountable, and
- Likes to have fun.

# Reference Notes
# Russ D. Blackburn

**Strengths:** Comprehensive understanding of government; strong manager.

**Weaknesses:** A strength and a weakness is his comprehensive knowledge. He has great depth and great knowledge. He could delegate more to employees to implement the goals and directives.

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**Helen Warren – City Commissioner, Gainesville, FL 352-214-7755**

Ms. Warren was elected to the Commission in 2014. Mr. Blackburn was her go-to person for city business. Mr. Blackburn is very professional and helpful without any political bias. His level of memory is amazing. You can ask about anything and he tells you the detailed history.

Mr. Blackburn is very good at what he does. His long tenure says much about the quality and continuity of his work. Gainesville owns a utility which became very political. The elected body was progressive and moved away from coal fired power plants when gas was still very expensive. When the downturn occurred and gas prices decreased, their utility fuel prices increased. The public responded by changing the leadership of the town to Commissioners that are more conservative and Mr. Blackburn was caught in the middle.

The charter officers, which include department heads, are hired by the Commission. Mr. Blackburn hired the police chief and could not have made a better choice. His decisions were good. He was not a manager who sat behind a desk, he met with various employees.

Mr. Blackburn is innovative and a change agent. He works with employees, without them feeling like they have to walk on eggshells. He does not terminate employment for small aggressions and only removes someone after a number of blatant mistakes.

Mr. Blackburn is visible in the community. He interacted very well with the public and the Chamber of Commerce. He collaborated with the Assistant County Manager to find solutions. Homeless individuals were camping out in the forest and the plaza. He met with a coalition for the homeless to develop a game plan and budget. They transformed an old corrections facility to provide facilities to the homeless.

During allegations of sexual harassment in the police department Mr. Blackburn brought in an outside investigator with experience in harassment cases. Mr. Blackburn was very supportive of the department and police chief. He was proactive in changing the culture and mindset to circumvent future incidents.

Mr. Blackburn also worked with the state attorney and local attorneys to provide after school mentoring to African American young men, which has developed into an incredible program. They have expanded it over the past ten years through community support. The initiative has become a model program for African Americans who do not have supervision after school.

In every instance Ms. Warren can recall Mr. Blackburn provided good customer service. When residents are outright rude at Commission meetings he is always very calm and responds without anger. He is very responsive to the elected officials.

The utility company provides a general fund transfer to cover government expenses and is about 1/3 of Gainesville's budget. Mr. Blackburn manages a $100 million dollar account, some of the funds are dedicated and have to be used for what they are intended, and some are discretionary. He knows which funds are dedicated and which are not. One area that Mr. Blackburn excels in is his understanding and management of the budget.

The Biomass plant was controversial, and was audited and investigated to see if anything of a criminal nature was done. Mr. Blackburn was very supportive of the investigation. He was always professional, answered the concerns of the community, and directed the staff.

Ms. Warren does not know of any incident in Mr. Blackburn's past that would concern an employer. The current Mayor and some of the other commissioners might have a different opinion of Mr. Blackburn.

Ms. Warren would hire Mr. Blackburn immediately.

**Words or phrases used to describe Russ Blackburn:**

- High integrity,
- Very professional manner,
- Communicated very well,
- Patient,
- Calm, and
- Responsive.

**Strengths:** Memory of details; pulls staff together to complete tasks.

**Weaknesses:** You cannot please everyone. Some felt like Mr. Blackburn did not take care of all the issues but Ms. Warren does not know how anyone could. He was often juggling ten projects at once, trying to maintain the priority tasks and managing all the departments involved.

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**Jeanna Mastrodicasa – Former City Commissioner Gainesville, FL 352-219-5784**
**352-392-1971**

Ms. Mastrodicasa was an elected official in Gainesville from 2006 to 2012 and worked with Mr. Blackburn during this time.

# Reference Notes
## Russ D. Blackburn

Mr. Blackburn is a fantastic manager. He knows how to get things done and how to make things work. He is a reliable, hardworking employee who just does a good job. He is very calm and never reacts even when residents are irrational during a public meeting.

During the recession they had to cut $15 million dollars from the budget. In addition, the state limited their ability to increase property tax, residents pressured the commission not to raise taxes, and more than half of the properties in the community were exempt because they belonged to the University. Mr. Blackburn led the organization through the process. He spent much time in Tallahassee lobbying for the community. He cut costs and raised taxes where he could. He implemented a fire assessment fee. He trimmed other areas, like lowering the frequency of mowing. Some residents sent angry letters, but these adjustments had to be made. Changing Crown Victoria cars to Dodge Chargers saved a great deal of money in both mileage and gas.

Mr. Blackburn hires great personnel, including the individual who was appointed as the Interim City Manager when he left. His best hire was the Director of the Community Redevelopment Agency. He had to dismiss a Police Chief, which was very sensitive due to racial issues in the community. Ms. Mastrodicasa sat on the advisory board that hired the new Police Chief. They conducted a national service but he did not find the right individual. He asked a retired Captain to take the position, which was a particularly good hire.

In general, Mr. Blackburn makes rational decisions rather than relying on intuition. He met weekly with the elected officials to keep them informed. He explained his recommendations and why he felt they were important. Everything he suggested was well thought out and included a plan for implementation. Because they have a large research university he suggested they build an innovation campus about six blocks away catered to start-up businesses, which was an excellent idea.

Mr. Blackburn is definitely a change agent, he is willing to try innovative ideas and move in a new direction. Most of the employees were close to retirement but when the recession hit they all decided to keep working. Over time he made staff changes but it was slower than he wanted. He offered early buy out packages as incentive to those close to retirement, which involved negotiations with seven public unions.

Mr. Blackburn was involved in the United Way, the rotary club and other large public civic organizations. He always attended Commission and community meetings. He was there to assist the elected body and rarely sent someone in his place. They had to persuade him to take a real vacation.

When Mr. Blackburn called Commissioners on the weekend they knew he had bad news. When the University of Florida won the championship game Gainesville had 25,000 celebrators in the streets. A young person who was inebriated ran around the barrier and killed an officer. A shooting occurred in their downtown garage. Also, three cops were killed in the line of duty. He always kept the Commission informed.

Mr. Blackburn works very well with the public. He meets with anyone and listens to their comments. When residents complained during a public meeting he told them to give their name to an employee so they could follow up the next day.

Customer service is something Mr. Blackburn really cares about. He shared different customer service models and trained the staff. He implemented a system where residents could pay their bills online through the city website. He is always timely and his ability to keep everything together is incredible. He is very organized.

Mr. Blackburn believes in government, leadership, and management. He maintains memberships in professional associations and has allocated much energy to mentoring those younger than him.

Nothing even remotely controversial has involved Mr. Blackburn. Ms. Mastrodicasa cannot even envision a reality where she opens a paper and the headline says that Mr. Blackburn did something crazy. When the elected officials were involved in controversy he never placed blame or become involved in the politics. The biggest criticism some elected officials had was that they did not view Mr. Blackburn as a visionary. However, that was not his role. He was tasked with implementing the vision of the elected body.

Ms. Mastrodicasa would hire Mr. Blackburn, he is a great hire and will be a fabulous manager for any municipality.

**Words or phrases used to describe Russ Blackburn:**

- Responsible,
- Organized,
- Even tempered,
- Intuitive,
- Kind, and
- Passionate.

**Strengths:** Very even keeled; calm; works long hours; financial management; very nice person.

**Weaknesses:** He is not visionary but he understands and implements the Council's vision. Also, his low-key demeanor allows the Council to shine.

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**Marion Radson – Former City Attorney, Gainesville, FL 352-256-2767 352-335-7508**

Mr. Radson worked with Mr. Blackburn from 2005 to 2015. Mr. Radson heard that Mr. Blackburn had resigned and offered to be a reference.

# Reference Notes
# Russ D. Blackburn

In terms of job performance Mr. Blackburn did very well. He is a very pleasant individual who brings the elected officials together to set goals that are achievable. He holds department heads to their tasks. If the Commission has an idea in the middle of the year he reminds them that it is not part of the budget and they might not have the resources, but he tries to do what they ask. He is very respectful and responsive to the attorney's office.

Mr. Blackburn made a significant difference in Gainesville and they are seeing the fruits of his economic development decisions today. He strives to have a vibrant community because it is healthy, has income growth, and improves blighted areas. He hired an economic development officer who made a difference not only in planning but also promoting and supporting new business and development.

Mr. Radson has worked with a half dozen city managers in Gainesville, other charter members, and managers from other communities. When he requested a meeting with Mr. Blackburn it almost always occurred the same day and sometimes the same hour. He is accommodating, respectful, and understanding of their problems and limitations. He gives them time to discuss options and develop a solution that meets objectives.

When hiring for sensitive positions Mr. Blackburn seeks the input of the elected officials and community members. For example, the police chief needs to have the support of the elected officials and the community. His decisions in general are good.

Mr. Blackburn maintains operations at a high level. He asks the Commission to meet on a regular basis to identify issues. From time to time the staff expressed concerns. He addressed every issue that was brought to his attention.

Mr. Blackburn attended economic development luncheons, chamber meetings, and other events to be involved. He developed a good relationship with the University of Florida, which is their largest employer. He worked well with just about everyone. He never closed the door on anyone, even when they insulted him.

Mr. Blackburn kept the attorney informed on an as needed basis. When Mr. Radson wanted information on a subject, Mr. Blackburn was good about accommodating the request. He is very much customer service oriented.

In economic development Mr. Blackburn brought key individuals together to identify obstacles in the community and find solutions. In the public safety arena he asked law enforcement officials to meet and identify problems, and they came up with solutions like neighborhood policing. He supported a program to assist young African males who come from blighted areas and are becoming lost in the system. The wonderful program helps them get on the right path.

Mr. Blackburn puts together a balanced budget. He has a planning background but is very comfortable managing the finances and preparing the budget. He is very methodical and starts early so that it is always completed on time.

Given the size of Gainesville Mr. Blackburn had to deal with a number of controversies. One was some rogue officers who were doing unacceptable things in the community. Also, the permitting process was very complex and viewed as an obstacle by developers. He created a fast track permit system which has worked well and was appreciated by the community.

Mr. Blackburn is a family oriented man; nothing he has been involved in would embarrass an employer. He resigned when he realized he had done all he could do, the Commission wants a change agent. Some of the Commissioners were unhappy that he did not do everything they asked, but they focused on the one thing he was not able to accomplish rather than the 25 projects he successfully completed.

Mr. Radson would hire Mr. Blackburn. One of his strengths is keeping the Commissioners informed and listening to their concerns for the community.

**Words or phrases used to describe Russ Blackburn:**

- Hard working,
- Ethical,
- Honest,
- Dutiful,
- Friendly, and
- Easy going.

**Strengths:** Very personable; hard working; honest; ethical.

**Weaknesses:** He prefers to stay on the path laid out for him rather than initiating an alternative route. The one exception is that at times he wants to be involved in planning as he has a background in the field.

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**Ed Poppell – Former CFO/Chief Business Officer, University of Florida, Gainesville, FL**
**352-538-4578**

Mr. Poppell worked with Mr. Blackburn from 2005 until Mr. Poppell retired in 2014.

Mr. Blackburn is outstanding to work with; he is a very seasoned administrator. He understands what it takes to get the job done from a personnel and leadership perspective. He is a master at navigating the political jungle of elected officials. He skillfully encourages collaboration between the parties.

Mr. Blackburn is very strategic at keeping good employees who maintain consistency while also hiring individuals with creative ideas.

Decisions were made by the elected officials and Mr. Blackburn implemented them. His approach was great, he built consensus so employees felt involved. He did a great job maintaining operations at a high level.

Mr. Blackburn is well known and well respected in the community. He is part of the community fabric. He tried to attend every event and was at all of the important ones. He provided good customer service to the community. He is very strong in terms of finance.

They kept each other informed through frequent in-person meetings and phone conversations. Due to the size of the University they had much interaction and impact, and they worked on creative and innovative projects together. Mr. Blackburn was always accessible and forthcoming about what was coming down the pipe and what they needed to work on.

Universities are required to compensate the city for their impact in terms of roads, utilities, and storm water. Gainesville wanted a significant sum of money and the relationship became adversarial. Mr. Blackburn asked what was fair in comparison to their impact. He brought employees from the utility, public works, planning and other departments to discuss the matter. He asked what was meaningful in terms of compensation and then convinced the Commissioners that it was right. They worked together to reach a compromise still in effect today.

The University has over 50,000 students on a 2,000 acre campus in the middle of the city. The City was concerned on how much public safety coverage their police should provide to the University. They coordinated between the two departments and developed procedures that are still in place. The University's police force regulates the residential area 3 to 4 blocks around the campus. They also help police the city on weekends during football games and party time. They collaborate on inspections for off campus housing to ensure the hedges are trimmed, windows uncovered, and the units adhere to code regulations. Mr. Blackburn is very consistent which makes him easy to work with.

When dealing with a seven person Commission, something is always controversial. Nothing in Mr. Blackburn's background would concern an employer. People who work in a political environment have a shelf life and Mr. Blackburn knew it was time for him to leave especially since Gainesville has a new commission that is fragmented and cannot agree on the time of day.

Mr. Poppell is honored to be a reference and would absolutely hire Mr. Blackburn, he was a great manager for Gainesville.

**Words or phrases used to describe Russ Blackburn:**

- Experience,
- Intelligent,
- Caring,
- Ethical,

- Sensitive,
- Thoughtful, and
- Consistent.

**Strengths:** Good leader of the people; good listener; good communicator; very methodical, thoughtful, and analytical; team player, skilled at collaboration.

**Weaknesses:** He was too patient with the elected officials. After each election the new Commission changed the focus and he adjusted accordingly, which frustrated Mr. Poppell.

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**Denise Eldridge – Former Deputy CIO, Martin County, FL 772-370-0994 772-288-5675**

Mr. Blackburn was the County Administrator for eight years in Martin County. He worked with Ms. Eldridge from 2001 to 2005. Ms. Eldridge was in the Information Technology Department and then became Mr. Blackburn's administrative assistant. Later he promoted Ms. Eldridge as the Deputy Chief Information Officer.

Mr. Blackburn is unquestionably the best boss Ms. Eldridge ever had. He is honest, fair, a great planner and a leader. He hired many of the people in management and did a great job. One of his strengths is making thoughtful decisions. He followed the rules and policy, and has integrity.

Martin County has a thousand employees; Mr. Blackburn maintained the organization at a high performance level. He put practices in place and created a team environment. They made great improvements through his leadership.

Mr. Blackburn was very active in the community and he was very well received by the public. He was the longest standing County Administrator at the time, Administrators prior to him generally averaged a two year tenure. The community was not happy when he left; they valued him and his leadership.

The executive team consisted of the deputy administrator, county attorney, Ms. Eldridge and the special projects coordinator. Mr. Blackburn presented problems and provided leadership on how to solve them. He sometimes formed teams to research options and bring the information back to the executive team.

One reason that Mr. Blackburn moved Ms. Eldridge back to the IT department was because customer service was lacking and they had a number of system failures. He saw the issues and asked her to help straighten them out. He is very customer service oriented.

Mr. Blackburn has a great understanding of the budget and presented it every year. He always completes tasks by the deadline.

# Reference Notes
# Russ D. Blackburn

Nothing in Mr. Blackburn's background is embarrassing either on a personal or professional level. Newly elected officials had a different vision from the previous Commission. Mr. Blackburn resigned when he realized the winds were changing. He did a great job staying in front of and planning for the Board's direction. While people always have different opinions the general consensus of the employees who worked with Mr. Blackburn agree with the statements in this reference.

Ms. Eldridge would hire Mr. Blackburn and wishes that he would come back to Martin County. He is a gem and any municipality that hires him will not regret their decision.

**Words or phrases used to describe Russ Blackburn:**

- Honest,
- Fair,
- Great leader,
- Great planner,
- Thoughtful, and
- Customer service oriented.

**Strengths:** Leadership; communication; and integrity.

**Weaknesses:** He is a gentle soul and there are times he could have been tougher. He generally played by the book and asked Ms. Eldridge to establish policies to resolve personnel issues.

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**Rosa Williams – President, Black on Black Crime Task Force, Gainesville, FL**
**352-372-6573 352-216-4981**

Ms. Williams met Mr. Blackburn in 2005 and they became really good friends. She works with different community groups. They collaborate on what the groups want to accomplish and how they plan to do it. He cares about their interests.

Decisions made by Mr. Blackburn both when hiring and in general are good. He was very involved in the community. His resignation was the talk of the town. The community knows that they will never have another manager to match the caliber of Mr. Blackburn.

Mr. Blackburn is really good with innovation. He also wants the organization to be on top of their responsibilities. He is fair to everyone. He kept others informed primarily through phone calls. He sent emails and invited residents to meetings. He is customer service oriented.

A few members in a community were having problems with the neighborhood association; these individuals told the Commissioners things that were not true. Mr. Blackburn met with both sides

and encouraged them to work together. He attended the next association meeting to see if their relationship had improved. The situation was escalating and he resolved it. He realized that what they really wanted was a community center owned by the residents. Mr. Blackburn met with the owner of the building and reached an agreement to use one apartment for a community center.

Responses by Mr. Blackburn are timely even on weekends. He responds immediately unless he is in a meeting and then he returns the call after the meeting. He has great employees who he can depend on; they resolve the issue and then report to him.

Mr. Blackburn solved problems before they became controversial. The city of Gainesville vetted him thoroughly, if anything embarrassing was in his background they would have found it. Everyone that Ms. Williams knows would agree with this reference.

Ms. Williams would hire Mr. Blackburn and would have kept him in Gainesville if it were possible. He is a very nice person.

**Words or phrases used to describe Russ Blackburn:**

- Dependable,
- Motivated,
- Decision making,
- Says what needs to be said,
- Energetic,
- Can work with all groups, and
- Very good with people, especially teenagers.

**Strengths:** Bringing people together.

**Weaknesses:** Sometimes being too soft, sometimes he should say no.

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**Cheryl McBride – Human Resources Director, Gainesville, FL 352-393-8701 352-316-2134**

Ms. McBride has known Mr. Blackburn since 2006. She reported directly to him from 2012 to 2015. She was disappointed when he resigned because he is an excellent manager. He did an excellent job in the big scheme though he did not please everyone all the time.

During the hiring process Mr. Blackburn continues to search until he finds the right person for the job, even if it means re-advertising the position. He is very knowledgeable and has the expertise to make good decisions. His leadership was positive for the community.

Innovation is challenging when reporting to seven individuals. Though Mr. Blackburn is innovative, the process is slower in government then in the private sector.

# Reference Notes
# Russ D. Blackburn

Mr. Blackburn is a great manager. He was always out in the community and worked well with the public. He kept employees informed through a bi-weekly executive leadership team meeting. He leads the organization to fulfill the goals of the elected body. He has good financial skills.

During the recession the citizens were really concerned about the cost of services. Mr. Blackburn led an effort to improve services to citizens and developed a service excellent model calls the 4 C's.

They lost their middle management due to attrition and did not have employees who were ready to replace them. Mr. Blackburn introduced a program called Emerging Leaders, which was a two year program for high performing contributors.

Ms. McBride is not aware of anything related to Mr. Blackburn that is controversial. A few Commissioners wanted him to do things differently but the majority of those in the community were pleased with his performance.

Ms. McBride would hire Mr. Blackburn and enjoyed working for him. He was a good manager who cared about the employees.

**Words or phrases used to describe Russ Blackburn:**

- Consummate professional,
- Innovative,
- Citizen focused,
- Cares about employees,
- Fiscally responsible, and
- Government management expert.

**Strengths:** Communication; fiscal responsibility; works well with the elected officials and the public; excellent manager.

**Weaknesses:** In recent years he has had an emphasis on technology but could have done more in the beginning of his tenure.

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**Prepared by:** Lynelle Klein
Colin Baenziger & Associates

# *CB&A Internet Research*

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

The Gainsville Sun, (FL) Gainsville.com
November 5, 2015

**Gainsville City Manager Russ Blackburn Announces Resignation**
Author: April Warren

After serving the City of Gainesville for a little more than a decade as its city manager, Russ **Blackburn** resigned during a city commission meeting Thursday afternoon. Anthony Lyons, of the Gainesville Community Redevelopment Agency, was voted in as interim city manager Thursday night. In summing up his reasons for leaving, **Blackburn** quoted football coach Steve Spurrier: "I was the right coach when I was hired, but I may not be the right coach now, so with that, Mr. Mayor, I offer you a transition package," **Blackburn** said. The manager's resignation becomes official at 5 p.m. Friday. **Blackburn,** 62, held out steering the city through a deep and long recession with few layoffs as one of his major accomplishments. He noted his role in offering continuing education for employees, bringing more than 3,000 residential units to the area; and significant public works improvements. "There's been very positive things that happened in the (last) 10 years," he said. **Blackburn**'s recommendation, which commissioners accepted, called for him to be available for two months to help guide the interim city manager. He will receive 20 weeks of severance pay. Lyons' pay and contract will be negotiated with Mayor Ed Braddy. **Blackburn** had spoken with each commissioner about his decision in advance. Commissioner Helen Warren called **Blackburn**'s leadership exemplary. "I don't really like the decision of your leaving, I know it's something you feel from the heart that you need to do for the city," Warren said. Commissioner Harvey Budd didn't like the idea one bit. "I'm very disturbed by his resignation," Budd said. **Blackburn** said he feels like he has the confidence of four of the commissioners, but would need more than that to operate effectively. "This is a natural evolution of things that occur in this business," said Commissioner Todd Chase. He said **Blackburn** would be remembered well and as someone who did wonderful things for the city.

Commissioner Charles Goston, who since joining the commission has been a large proponent of bringing more services to his constituents in East Gainesville, said the new city manager must do more. Goston said the new manager needs to be sensitive and end the current state of not having equal access and not doing the right thing. "This city has been held back by a lot of stuff," Goston said, saying that some who work for and under the city manager don't always do the right thing. "Whoever is going to fill this position, I hope they don't think they are going to do less than **Russ** did," Goston said. "My expectation is that the next city manager is going to have to do more." Braddy said a search will also begin to find a permanent city manager. Thursday night, commissioners said they thought the search might take four to five months. Braddy said a decade ago, he was the commissioner who made the motion to hire **Blackburn**, calling the current circumstance a bit awkward. Braddy said **Blackburn** leaves behind an outstanding record and someone who offered the right kind of leadership at the right time. He also echoed Goston's comments that a city manager's normal run is about 5 to 7 years. "I certainly agree it's a good time for a transition," Braddy said.

Gainesville Sun, The (FL)
July 3, 2015

**City proposes 2% raises, return to five-day work week**
Author: Morgan Watkins

The city of Gainesville has released its proposed general government budget for the upcoming fiscal year, which includes a 2 percent raise for employees and a recommendation to hold the property tax rate steady. The budget recommendations also include a return to a five-day work week instead of four for city employees. The proposed budget totals about $108.5 million, doesn't include any reductions in the services the city provides and would keep the property tax rate at its current level of 4.5079 mills, where one mill equals $1 of tax for every $1,000 of taxable property value. As a point of comparison, the general government budget for the current fiscal year totaled almost $107.4 million. Gainesville's taxable property value peaked at $5.89 billion in fiscal year 2010 and then declined for four straight years before beginning to recover this fiscal year, according to city budget documents. That recovery is continuing with an increase in the city's taxable property value from $5.65 billion this fiscal year to $5.79 billion next fiscal year, but that is still below the peak in fiscal year 2010. Although the proposed baseline budget includes a surplus of almost $420,500, City Manager **Russ Blackburn** has recommended the City Commission consider some budgetary additions that would eat up that surplus money, according to city budget documents. Those recommended additions include making Sweetwater Wetlands Park — which is only open on weekends and holidays now — a seven-day-a-week operation for a net impact of $122,000 as well as adding a "holiday" level of service from 7:30 a.m. to 5 p.m. on all holidays except Thanksgiving and Christmas for 11 Regional Transit System routes at a cost of about $116,000, according to the city's proposed budget.

**Blackburn** also recommends funding some one-time costs and pilot programs for fiscal year 2016, including a return to a five-day work week at the city and a pilot program that would provide for a dedicated police presence at Dignity Village, the homeless campsite located next to the city's homeless center. That pilot program would involve having two officers who would work varying shifts at Dignity Village, according to the proposed budget. A 2 percent raise for city employees is included in the proposal for next fiscal year, which begins Oct. 1, and Gainesville Regional Utilities' proposed budget includes the same raise for its employees. Neither the GRU nor the general government budget for the current fiscal year included a raise. No layoffs are included in the proposed general government budget for the upcoming fiscal year, city spokesman Bob Woods told The Sun. The city also plans to fund nine firefighter positions after the grant that currently pays for those jobs expires in April of next year, according to the budget proposal. Historically, it has been the city's practice to raise most of its user fees by 5 percent every other year, according to city budget documents. For next fiscal year, a 5 percent increase is proposed for all fees in the city's fee schedule, although there are a few exceptions, such as business taxes and landlord license fees. Now that the proposed general government and GRU budgets both have been released, Gainesville city commissioners will spend the summer reviewing the details and may decide to make some changes before approving them.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
June 26, 2014

**Proposed city budget cuts spending $1 million, includes layoffs, no raises, no tax hike**
Author: Christopher Curry

On Thursday, City Manager **Russ Blackburn** released a proposed fiscal year 2014-15 budget that holds the line on property tax rates, reduces the transfer of utility revenues to the general fund and includes some layoffs and no raises. **Blackburn** said the budget is intended to maintain the current level of city services, although some will now be contracted out, while avoiding an increase in property tax rates and offering some relief to upward electric rate pressure by cutting the transfer of utility revenues.

The approximately $106.17 million proposed general government budget trims almost $1 million from this year's approved budget of $107.1 million. The annual spending plan would cut 22.5 full-time equivalent positions. Approximately half are vacant but 11 employees will face layoffs if they cannot find another position with city government. That includes the city's nine custodial workers, who will have their positions eliminated as the city outsources that service to save a projected $50,000 next year. Four vacant right-of-way mowing positions in Public Works also will be eliminated as the city contracts out that service to save about $70,000.

The police department budget, the largest department budget in the general fund, would decline slightly, by about $30,000, to $33.26 million. The department's operating costs, for materials, insurance, supplies and fleet, will rise by almost $200,000, with personnel costs trimmed by more than $200,000. Two vacant department positions — a captain and community relations coordinator — are not funded in the budget. The fire department budget would increase slightly from $16.15 million to $16.26 million, with the fire assessment proposed to remain the same as this year — $78 per fire protection unit. The number of units assigned to a property is determined by the type of use — industrial and commercial buildings receive more than residential — and its square footage.

After four years of declining property values, the city's tax base will again increase, by some 7 percent, to a projected $5.52 billion. The increase comes almost entirely from a single property, the biomass plant, which goes on the tax rolls with a taxable value of $340 million. Since the Gainesville Renewable Energy Center pays its tax bill with money brought in through the sale of power to Gainesville Regional Utilities and its electric customers, the transfer of utility revenues to the general fund will be further reduced by the amount of property taxes the plant pays to the city, a projected $1.4 million.

Right now, the proposed budget maintains the same property tax rate as the current fiscal year — 4.578 mills. One mill equals $1 of tax for every $1,000 of taxable property value. But Administrative Services Director Becky Rountree said that, based on updated property value

numbers the city just received from the Property Appraiser's Office, the staff expects to bring city commissioners a small reduction in the tax rate when budget meetings begin next month. **Blackburn** said the main challenge, and the most significant piece in a $2.7 million shortfall staff had to fill to propose a balanced budget, was the reduction in the general fund transfer. With the biomass plant pushing up customer electric rates and also generating property tax revenues for the general fund, the City Commission decided months ago to reduce the general fund transfer in the upcoming fiscal year.

The proposed transfer for 2014-15 is almost $34.9 million, so it remains the single largest piece of the city's general fund. But it is more than $3 million below the budgeted transfer amount for this current fiscal year, $38.1 million. Because of lower than expected sales, the actual transfer this year is expected to be about $37.3 million, which is several hundred thousand dollars below the budgeted amount.

Mayor Ed Braddy said he felt the proposed budget was a "good working document" that attempts to "limit the cost of government while maintaining the high level of services." With the city and county asking voters in November to tax themselves with an additional one-cent sales tax for transportation, and electric rates again rising from the biomass plant, Braddy said he felt it would be "unacceptable" to increase property taxes and fees.

Gainesville Sun, The (FL)
March 5, 2014

**Blackburn asks GPD to prepare for $1 million cut, GFR $500k**
Author: Christopher Curry

Projecting a $3.3 million shortfall next fiscal year, Gainesville City Manager **Russ Blackburn** is asking all department heads to prepare budget-cutting options. Overall, **Blackburn** said the expected cuts amount to about 3 percent of the city's general fund. The departments with the largest budgets have been asked to prepare plans for the most substantial cuts.

**Blackburn** asked the Police Department to look for about $1 million in cuts from its $33.3 million budget. Public Works has instructions to look for $600,000 in proposed cuts from the nearly $10.6 million it receives from the general fund. Gainesville Fire Rescue was asked to identify $500,000 in potential cuts from its approximately $16.1 million budget. **Blackburn** said one factor leading to the looming shortfall is the expected $3 million reduction in the transfer of Gainesville Regional Utilities revenues to the general fund. That transfer -- $38.1 million this year and a projected $35.1 million next year -- is the single-largest piece of the city's general fund. **Blackburn** said the potential cuts he's asking departments to identify might not end up in the budget he submits to the City Commission in July. "It doesn't mean these are absolute things that are going to be cut," **Blackburn** said. "These are options to reduce the budget." He added that his budget recommendation "will include reductions in many departments." The possibility of cuts has raised concerns over the potential loss of public safety staff.

Police Officer Jeff McAdams, president of the Fraternal Order of Police, said he expects the department could not withstand a $1 million cut without laying off officers. "I know the Gainesville Police Department cannot sustain a $1 million cut without the public feeling the pain themselves," McAdams said. "My goal is to lobby the commission that one size does not fit all." Fire Chief Gene Prince said his staff just started meeting to come up with proposed reductions. Prince said the department could not cut $500,000 without laying off some personnel. Starting in September, **Blackburn** has had a soft hiring freeze in place for general government vacancies, including those in police and fire. That means department heads have to provide justification to **Blackburn** on why a position must be filled before the hiring process may move forward.

In a memo sent Tuesday to city commissioners, **Blackburn** said he has approved filling 12 of 13 vacancies in the Police Department. Those included 10 patrol officers. North Florida Regional Medical Center is paying for five of those positions to provide 24/7 police coverage in the hospital's emergency room. "As your city manager, I believe that it is important for the city's largest departments to review positions and opportunities for efficiencies in a similar manner as other departments," **Blackburn** wrote. "Maintaining an appropriately staffed police department will in most cases result in approval to fill vacant positions but there is tremendous value in pausing to evaluate the necessity for the position and the impact of the position on service delivery."

In the memo, **Blackburn** said other departments might face cuts in the range of 11 percent if the departments with the largest budgets were exempt from reductions. **Blackburn** noted that other areas of general government have eliminated 81 positions and cut $15 million in spending since 2008. During that time, police and fire each have added 22 positions, he wrote. The annexations of Butler Plaza and the student apartments along Southwest 20th Avenue were factors in the need to add more police, **Blackburn** said Wednesday. The Fire Department also opened a new station on Northwest 42nd Avenue in 2011. Thirteen of its additional positions were for staffing that station. **Blackburn** said he wants departments to submit reduction plans by late April or early May.

Gainesville Sun, The (FL)
August 13, 2013

**Many GRU staff leaders are among city's highest-paid employees**
Author: Christopher Curry

More than 60 city employees make $100,000 or more — and Gainesville Regional Utilities senior staff make up the majority. This budget year, 63 of the city's listed 2,300 employees have salaries of $100,000 or above. Thirty-eight are employees of GRU. The city's two-highest paid employees, four of the top five and eight of the top 11 work for the utility, according to records from the Human Resources Department.

GRU General Manager Bob Hunzinger has the highest salary in city government at $218,484. While Hunzinger was the only city employee with a salary above $200,000, his pay was just below the median for the general manager of a public utility with revenues above $100 million, according to the 2012 American Public Power Association salary survey. John Stanton, GRU's assistant general manager for energy supply, ranks second among city employees with an annual salary of $186,103.

City Manager **Russ Blackburn** had the third-highest pay at $174,956. GRU Chief Financial Officer Jennifer Hunt was fourth with a salary of $162,144, and David Beaulieu, GRU assistant general manager for energy delivery, was next at $159,611. After Hunzinger and **Blackburn**, City Attorney Nicolle Shalley had the next highest salary among the city's six charter officers at $159,000. Thirty city employees have salaries between $90,000 and $100,000. Another 75 have salaries between $80,000 and $90,000. The average salary is $47,728. Approximately half of the city's employees make in the range of $20,000 to $50,000. The salary figures are for the current budget year and do not reflect the 2 percent raises scheduled to take effect on Oct. 1. For employees in unions, the timing of when they will receive those raises depends on the collective bargaining process.

Gainesville Sun, The (FL)
June 26, 2013

**Proposed city budget keeps same tax rate, raises GRU transfer**
Author: Christopher Curry

Gainesville City Manager **Russ Blackburn**'s proposed budget would maintain the current property tax rate and increase the size of the city's general fund by about $2.3 million over the current fiscal year. The single largest piece of the approximately $107.4 million budget is the $38.1 million transfer of revenues from Gainesville Regional Utilities. That's an increase from this year's transfer of approximately $36.67 million at a time when utility revenues have declined and the biomass plant is set to increase electric rates starting Oct. 1. The upcoming fiscal year is the last in a four-year span in which commissioners decided to set the GRU transfer amount in advance, although they have the latitude to change the size of the transfer during summer budget hearings.

Discussing his budget proposal at a Wednesday afternoon news conference, **Blackburn** said the GRU transfer is a "very significant and critical part" of the city general budget but also a growing concern of GRU staff in a time of declining sales. **Blackburn** noted that general government and GRU budget staff are in talks on a new formula for setting the transfer that could lead to a reduction in its size in the 2015 fiscal year. The budget proposal maintains the current property tax rate, which is just less than 4.5 mills, or almost $4.50 for every $1,000 of taxable property value. With property tax values inching down and nearly 60 percent of the property in the city off the tax rolls, the general fund is projected to have property tax revenues of $22.3 million. That's down just more than $100,000 from the budgeted revenues for this year and well below the amount of the GRU transfer to the general fund.

Keeping with a City Commission vote from last summer's budget cycle, the proposed budget includes a 2 percent salary increase for employees. For employees in a union, those salary increases, while budgeted, still have to be negotiated through the collective bargaining process. Pension costs are also projected to rise by $600,000. That's an area where city administration is trying to slow the rate of rising expenses through a recent series of agreements with the employee unions on benefit changes. **Blackburn**'s budget proposed several additions. Each of them had a cost of less than $100,000.

Some of them include:
-- Convert a part-time small and minority business program coordinator position in the Equal Opportunity Department to full time at a cost of $32,511.
-- Adding two more school resource officers to elementary schools at a local cost of $64,000. The city also is seeking a $100,000 federal grant to go toward the positions for the first few years.

-- About $73,600 to keep three temporary, grant-funded intervention specialist positions at the Reichert House for at-risk youth employed on a full-time basis. Outside grant funding for the positions has been reduced, but $90,000 is still available to augment the city's spending.
-- Mental health screening training for half of Gainesville police officers at a cost of $13,000. The other half of sworn personnel would receive the training in the next fiscal year.
-- Maintaining the vacant C.R. Layton Army Reserve Center property, which the city will take over from the federal government, at a cost of $48,000.

As for new charges on the public, staff's budget proposal includes a 10 percent surcharge on the fees for programs offered by the Department of Parks Recreation and Cultural Affairs. That surcharge was recommended in the department's long-term master plan and could generate an expected $63,300. Under **Blackburn**'s plan, about $39,300 of that would go toward a development and partnership coordinator who would work to find private sector sponsorships for the department.

Staff's budget proposal would leave the City Commission with roughly $202,500 in unallocated money to put toward spending they might want to add to the budget. Mayor Ed Braddy said he was "generally pleased" with **Blackburn's** budget proposal, primarily because it would not increase property tax rates. He said he would like the projected $202,500 surplus to go toward improving bus service on eastside routes. While there is a projected $202,500 surplus, the list of programs and spending commissioners are expected to consider adding to the budget tops $2 million in costs. With the first budget workshop scheduled for July 16, the addition of programs would require cutting elsewhere or increasing the property tax rates.

One significant addition that commissioners might mull is $1 million for the first year of a five-year, $5 million plan to increase pedestrian and bicycle safety through infrastructure improvements that include traffic signals at midblock crosswalks near busy bus stops. Commissioner Thomas Hawkins said that is one addition he would like to see to the budget. Commissioner Susan Bottcher said, with the economy still in recovery, she would prefer to wait and potentially include the pedestrian and bicycle safety enhancements in the city's project list for a potential 2014 transportation sales tax. There's also a $131,000 one-time capital cost and a projected $12,000 in annual operating costs, primarily for community outreach and marketing, to start up a bike-share program that would place 50 bikes at 10 stations around the city.

Also included in the budget is funding to buy land for and begin operation of a one-stop homeless shelter and assistance center, which is now slated for a shuttered prison property off Northeast 39th Avenue. That's not a budget addition because the center, which ran into lawsuits and wetland permitting issues at a site near Northwest 53rd Avenue, has been in the budget for years. While not included in **Blackburn**'s recommended budget, the City Commission also is likely to consider as much as $523,000 to improve bus service on several eastside routes. There is also the possibility of $300,000 for a disparity study to look at the city's record of hiring and promoting minorities and contracting with minority-owned companies.

Gainesville Sun, The (FL)
June 19, 2013

**Blackburn, Howard reach an agreement**
Author: Christopher Curry

Gainesville City Manager **Russ Blackburn** and Equal Opportunity Director Cecil Howard have reached an agreement that restores Howard's ability to approve or reject a form generated in the city's hiring and promotion processes. The two reached an agreement Tuesday after a "very productive" meeting, Howard wrote in an email to commissioners. "Cecil and I talked," **Blackburn** said. "I conveyed to him my concerns. He conveyed to me his concerns. I think we both agreed we are trying to achieve the right thing ... I think we have a good plan moving forward."

Their difference of opinion came in the wake of the promotion of a district fire chief late last year over the objections of Howard. Citing a lack of diversity in the department's upper ranks, Howard would not sign off on a Personnel Requisition Action Form for the position. That form initiates a hiring process and goes through a series of department heads to ensure, among other things, that a position is budgeted and authorized to be filled. The Office of Equal Opportunity reviews to see that a recruitment plan is in place to make sure a diverse pool of applicants is considered. In the case of Gainesville Fire Rescue, Howard said diversity hiring efforts were focused at the entry-level positions and that recruitment practices for mid- and upper-management were insufficient. In the months after the promotion within the fire department, **Blackburn** removed the equal opportunity director from the list of staff leaders who sign off on the hiring forms in question.

On Wednesday, **Blackburn** said the Human Resources Department began to use the forms years ago, before he or Howard worked for the city. He said it was an administrative decision under his purview to remove the equal opportunity director from the list of staff who sign off on the forms. **Blackburn** said his concern was that the rejection of the form by the equal opportunity director slowed down the process for advertising or filling a position. In an email to the Human Resources Department last week, Howard said his office had been "kicked out of" the process for approving hiring requisition forms -- and that, in his mind, violated the city's policies because he no longer could ensure that a hiring process followed equal employment laws. In the email, Howard said he planned to take the issue to the City Commission. On June 13, Mayor Ed Braddy sent out a news release to announce his intention to have the commission address the issue at Thursday's meeting. Braddy said his concern was not who was ultimately hired but that one charter officer "has impacted the ability of another charter officer to carry out his duties." The city manager and the equal opportunity director are among the six city charter officers who are hired by and report directly to the City Commission.

Gainesville Sun, The (FL)
June 17, 2013

**Gainesville's Equal Opportunity Office hobbled, Braddy says**
Author: Christopher Curry

At Gainesville City Hall, the mayor is questioning if the Office of Equal Opportunity has been marginalized in the city's hiring and promotion processes. The scrutiny was sparked by the promotion of a district fire chief late last year over the objections of Equal Opportunity Officer Cecil Howard, who cited a lack of diversity in the department's upper ranks. In December, Howard told Fire Chief Gene Prince he would not approve a Personnel Requisition Action Form for the position. That paperwork initiates the hiring process for a vacant position and details the steps used to fill a vacancy, including the recruitment of minority candidates for positions with affirmative action goals.

While it is illegal to mandate the hiring of a minority, laws prevent discrimination and city policies require an effort to recruit minority candidates for positions where diversity is deemed to be lacking. Those are areas the Office of Equal Opportunity reviews. The fire department's minority recruitment is focused on entry-level positions on the premise those employees will move up through the ranks over time. But Howard said the district chief position was a mid-management-level post for which the city had minority recruitment goals. He would not sign off on the requisition form, or PRAF, because the promotion was going to a white man when there were minority candidates on the department's promotion list.

In the months after that disagreement, City Manager **Russ Blackburn** removed the authority of the equal opportunity officer to approve or deny the personnel requisition forms in question. Late Thursday afternoon, Mayor Ed Braddy sent out a news release to say **Blackburn** had removed Howard from a "critical oversight role" and that he planned to press the City Commission to discuss the issue at its June 20 meeting. Braddy said that, as charter officers who report directly to the City Commission, the city manager and equal opportunity officer are on equal footing. In one of multiple quotes he included in his news release, Braddy said his issue was the potential of a "cooperative process becoming confrontational because one charter officer has impacted the ability of another charter officer to carry out his duties." "My concern is not who ultimately gets hired," Braddy said in an interview Friday. "The concern is one charter officer had the scope of his responsibility significantly diminished."

In an email to the Human Resources Department last week, Howard said his office had been "kicked out of" the process for approving hiring requisition forms -- and that, in his mind, violated the city's policies because he no longer could ensure a hiring process followed equal employment laws. In the email, Howard said he planned to take the issue to the City Commission. On Friday, **Blackburn** said that the use of the PRAF paperwork was an administrative process for staff and not something set by a City Commission policy. He said the Office of Equal Opportunity still would be consulted on hiring decisions and could make

recommendations and suggestions. But **Blackburn** noted that he and his department heads are ultimately responsible for hiring decisions.

Commissioner Yvonne Hinson-Rawls said she has concerns that there might be a lack of diversity through much of the ranks of city government. She said a disparity study commissioners are considering -- at a potential cost in the range of $300,000 -- could provide definitive evidence if the city had a problem or not. "If we do, we can give Cecil's office much more authority," she said. "I'm failing to see how we are going to affect diversity if we have an Office of Equal Opportunity that has no real authority."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
June 28, 2012

**City budget plans no big cuts, increases for 2 years**
Author: Christopher Curry

Gainesville City Manager **Russ Blackburn** has released budget proposals for the next two fiscal years that include no major cuts or additions to any departments. Under **Blackburn**'s proposal, the total general fund budget would increase by some 2 percent from the current fiscal year to 2012-13 from approximately $103.07 million to almost $105.17 million. The planned general fund budget for 2013-14 is $108.25 million, which would be almost 5 percent above this year's budget and approximately 2.9 percent over the proposed 2012-13 spending plan.

With the city's property values projected to decline by 4.4 percent, **Blackburn**'s budget proposal includes an approximately 5.6 percent increase in the property tax rate increase from the current 4.2544 mills to 4.4946 mills. That would be the city's highest property tax rate since 4.85 mills in fiscal year 2006-07. A mill equals $1 of tax for every $1,000 of taxable value. The city's total property tax revenue — including money generated by development going on the rolls — is expected to rise from $22.13 million, the updated projected total for this fiscal year, to $22.45 million. The largest single piece of the general fund budget remains the transfer of revenues from Gainesville Regional Utilities. That's projected to be $36.67 million in fiscal year 2012-13 and $38.1 million in 2013-14. Because **Blackburn** does not oversee the utility, the projected general fund transfer was one of the few details of the GRU budget contained in his proposal.

Revenues from the fire assessment were projected to rise from almost $4.9 million this fiscal year to $5.05 million in 2012-13 and $5.13 million in 2013-14. The city has cut 81 full-time equivalent positions over the last five fiscal years. **Blackburn**'s budget proposal includes no layoffs and would restore five of those positions cut: an economic development director, two police service technicians, a traffic signs and marking technician, and a paralegal. The traffic signs and marking technician was needed to meet an unfunded federal requirement that cities upgrade the reflectivity of all street signs, **Blackburn** said. Further, grant funding that covered seven police officer and 13 firefighter positions will expire over the next two budget years. The general fund will pick up the costs of those positions, some $1.3 million annually, Administrative Services Director Becky Roundtree said.

One of the largest areas of concern for the general fund was the rising cost of employee pensions. Those costs have risen from approximately $4.05 million in 2005-06 to some $11.13 million in 2010-11. The projected cost this year is almost $12.9 million. Because city retirees have a defined-benefit plan, the city's general fund has to make up the gap when investments don't perform well. City administration and the city's various employee unions are in negotiations to restructure those pension plans to make them "sustainable" in the long-term, **Blackburn** said.

Gainesville Sun, The (FL)
March 1, 2012

**City's six charter officers given 2% raises**
Author: Chad Smith

The Gainesville City Commission on Thursday voted to give the city's six charter officers 2 percent raises -- after the six had gone two years without salary increases. Commissioner Todd Chase voted against the raises, saying giving pay bumps to the charter officers -- the city manager, city auditor, equal opportunity director, Gainesville Regional Utilities general manager, commission clerk and city attorney -- would send the wrong signal to employees, whom the commission has asked to make sacrifices in recent budget cycles.

The charter offices, who made a combined $860,986.89 ahead of Thursday's vote, will get a combined $17,219.74 more. The change will be retroactive to early January. GRU General Manager Bob Hunzinger, the city's highest-paid employee, will now make more than $218,000 a year. City Manager **Russ Blackburn** will make nearly $175,000, City Auditor Brent Godshalk nearly $114,000, Equal Opportunity Director Cecil Howard about $104,000, Commission Clerk Kurt Lannon about $97,500 and City Attorney Marion Radson about $169,000.

Ahead of approving the raises, City Commissioner Scherwin Henry praised the officers for how they have weathered the recession, in which the general government cut some $15 million from the budget in recent years. "They are leaders and we ask these leaders to fall on the sword as we are going through budget cuts," Henry said. "I'd rather be here in Gainesville than to be other places that aren't faring as well, I'll tell you that. You only reach that level because you have good people, intelligent people, committed people and smart people in the jobs." Commissioner Jeanna Mastrodicasa singled out Hunzinger for his "outstanding" work at the helm of the utility but praised all of the charter officers. "All of our charter officers work above and beyond," Mastrodicasa said. "They don't just do what they have to do."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
September 19, 2011

**City Commission passes 2012 budget**
Author: Chad Smith

In about 15 minutes Monday, the Gainesville City Commission wrapped the months-long budget process by passing the general government's $287 million budget without raising the property-tax rate and approving Gainesville Regional Utilities' $280 million budget with an overall rate hike for the average utility customer. It was the second reading for the measures, which were all passed 5-0 with Commissioners Todd Chase and Thomas Hawkins absent.

Last week, Chase was the only commissioner to vote against the budget as well as the fire service assessment, which was completed at that meeting. The commission's process to set the budget for the 2012 fiscal year, which begins Oct. 1, began in July, so few questions were left to be asked. And with a surplus of more than $194,000, commissioners weren't stuck deciding between cuts and tax hikes. The commission left the millage rate, which is charged for every $1,000 of a property's taxable value, at 4.2544.

Becky Rountree, the city's administrative services director, said that was akin to a 3.7 percent tax decrease because, with property values declining, the city will get $852,052 less in property-tax revenue than in this fiscal year. With Monday's votes, GRU's water rates will go up Oct. 1 while electric and gas rates will go down, resulting in a net increase of $2.24 a month for the utility's average user, defined as someone who uses 870 kilowatt-hours, 25 therms of gas, 6,000 gallons of water and 5,000 gallons of wastewater a month. For the average user who doesn't use gas, the increase will be $3.06. With the planning for this two-year budget cycle complete, planning will begin with projections showing the city back in the red.

City Manager **Russ Blackburn** said Monday that Gainesville should be able to weather the projected shortfall of about $1.9 million in 2013 "without major changes." "It will be harder, but certainly we've laid a lot of the groundwork over the last two years," **Blackburn** said. Mayor Craig Lowe said reforming the pension system for the city's retirees will be "crucial to finding a solution" to the revenue shortfall in the coming years. Lowe said there wasn't a lot of clamor for the commission to raise taxes in order to pay retirees more. "Had you rather we laid you off?" he said. "I'm sure we'll be looking at other things, but those cuts (to programs) are going to be more difficult for our public to sustain."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
August 27, 2011

**Letters to the Editor for Aug. 27**

No need for concern on tailgating regulations. Public response to Sun coverage about proposed changes to regulations for parking and tailgating activities in neighborhoods near the UF campus suggests that many believe these changes are imminent and could become effective during the upcoming football season. This is incorrect.

There is no reason for local residents to become overly concerned about new regulations being implemented anytime soon. City staff has had a preliminary discussion with the Plan Board. However, there will be numerous public meetings over the next several months before changes, if any, are presented to the City Commission. At this point, there is no consensus of opinion as to how to proceed.

City staff's goal is to enable reasonable tailgating activities. Further review of proposed regulations will take place during the next several months, and community participation is welcome. We anticipate that additional comment by interested parties will ultimately help to reach a stronger, more effective and equitable solution to this nuanced, and sometimes contentious, issue.

**Russ Blackburn,**
City manager
Gainesville

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
June 9, 2011

**City anticipating slight surplus in 2011-2012**
Author: Chad Smith

The city of Gainesville is expecting a brief respite from the sizable budget shortfalls that have defined the last few years, but commissioners will have to start cutting again next summer, City Manager **Russ Blackburn** told them at a planning retreat Thursday. The city is anticipating a surplus of $1.13 million for the 2011 fiscal year, which ends Sept. 30, and one of $208,906 in the 2012 fiscal year. In another year, though, it appears things will be bleak again.

After trimming $8 million from an $108 million budget last year, the City Commission is looking at a deficit of $1.9 million in 2013 and $3.6 million in 2014. "There's no crisis for this year, but there's also no new money," said Becky Rountree, the city's administrative services director, of the looming predicament. The city is run on a biennial budget, meaning commissioners establish a financial plan two years at a time. The commission went through that process last summer and will make adjustments this year as needed.

Since 2007, **Blackburn** said, the second-year adjustments have proven difficult as property tax revenues have declined while costs of items like fuel and pension obligations have gone up. This year, though, commissioners will have a surplus to deal with, and Rountree suggested if commissioners wanted to spend the money, to do so on a one-time purchase, as that money won't be there in the foreseeable future.

Still, **Blackburn** said, "That's a lot better place to be than we've been in since 2007." The main exercise at the annual commissioners' retreat, held this year at Ironwood Golf Course, is to flesh out their strategic goals for the city. Currently, there are 27 goals under eight general headings: public safety, economic development, human capital, government effectiveness and fiscal responsibility, infrastructure and transportation, neighborhoods, environment and energy, and partnerships. At their first retreat, Commissioners Susan Bottcher and Todd Chase, who took office May 19, gave rundowns of their priorities.

Bottcher said most candidates come into office with lofty goals and expectations. But she said her three not-so-glamorous areas of focus were often discussed by residents on the campaign trail: soft closings for bars, which would allow them to stay open an hour or so without serving alcohol; improved communication through the city's website, particularly on complex issues like the Cabot-Koppers Superfund site; and looking at holding city elections in the fall. The elections and bar-closing issues are currently before commission committees. Chase said his focus is on the "innovation economy" and attracting industry, addressing issues like training for seniors who are struggling financially, and collaboration between City Hall and other governmental entities in town, including the University of Florida.

Gainesville Sun, The (FL)
January 17, 2011

**Russ Blackburn: Our city pension fund is sound**
Author: **Russ Blackburn**

I would like to clarify certain points raised in the Jan. 3 Speaking Out piece titled "Poor fiscal stewardship" regarding the city of Gainesville's pension plans. First, it is important to reassure taxpayers, ratepayers, current city employees and city retirees that our pension plans have traditionally been and continue to be financially sound and well-funded.

After emerging from the worst decade of earnings in financial market history, we estimate that for the fiscal year ending Sept. 30, 2010, the value of city pension plan funding ratios (the ratio of plan assets to plan liabilities) are at more than 80 percent for the General Employees' Pension Plan (General Plan) and more than 90 percent for the Consolidated Police Officers' and Firefighters' Pension Plan (Consolidated Plan). As a measurement of fiscal stability, these valuations place Gainesville in the upper tiers of municipal pension plans.

In the Speaking Out a concern was raised that "the pension plan is invested almost entirely in stocks, real estate and hedge funds." This is true. More than 70 percent of each plan's assets are invested in equities, and both plans invest in real estate and hedge funds. They do so because pension obligations are long-term in nature and the investment plan and asset allocation strategy to fund these liabilities should be long-term as well.

City plans are designed to pay for current pension obligations over a 30-year period. Placing significant allocations into equities can result in losses during periods of market turbulence such as 1987, 2000 and again in 2008.

However, research demonstrates that over any 20-year rolling period in the last century, comparable investments in equities produced greater returns than did investments that were more heavily weighted to fixed income securities.

Long-term return performance of city pension funds is the best measure of success. Over the last quarter-century, the average annualized return for the General Pension Plan is 10.79 percent, and 9.62 percent for the Consolidated Pension Plan. We remain confident that as financial markets continue to recover from the 2008 recession our investment strategy has positioned our plans to fully participate in the recovery, as indicated by the 11.48 percent General Plan and 10.90 percent Consolidated Plan returns for 2010.

Last year's expected returns will handily exceed the city's assumed 8.5 percent rate of return. These returns are achieved in part due to city staff's vigorous oversight of plan managers and recommended strategies. In today's financial environment, that is an enviable record of achievement.

A concern was also expressed regarding the issuance of city pension obligation bonds in 2003. As the column noted, the plans had a combined unfunded liability in 2003 of almost $100 million. The writer advocated that to close this gap the city should have among other things, modified benefit levels as well as employee and city contributions to the plan rather than issue pension obligation bonds. The concern was that the city's decision to issue pension obligation bonds has resulted in another $100 million unfunded liability less than five years later. Here's what was not explained: A pension obligation bond is in essence a refunding bond and does not create additional debt, but it does substitute debt payments to bondholders in place of payments to the pension plan so that unfunded liabilities can be eliminated.

In 2003 the city, aided by then-record low interest on treasury securities, made a decision to issue debt or pension obligation bonds to retire the unfunded liability. The net interest cost on that debt was 5.61 percent, as compared to the 9.25 percent interest the city was paying on the unfunded liability to the pension plan. Over the life of the pension obligation bonds, the transaction was projected to generate gross savings of approximately $78 million and present value savings of just under $34 million.

If the city had modified benefit levels and contribution rates in 2003 rather than issuing the bonds, as the writer suggested, the unfunded liability that exists today would be smaller. However, a substantial portion of the $100 million unfunded liability that existed in 2003 would also still be present and the combined unfunded liability would be significantly greater than what we face today.

The City Commission and staff recognize that financial markets and the nation's economy have undergone fundamental changes over the past two and a half years. Our pension plans have been and continue to be financially sound and well-funded. Yet in their current form, the cost of keeping those plans well-funded has risen and is likely to rise in the coming years.

That is why during last summer's budget hearings with the City Commission, I directed staff to discuss pension cost estimates and committed to initiate a thorough review of both plans. This review is well underway and we anticipate bringing results and recommendations to the City Commission this spring.

The pension reform recommendations which I will provide to the City Commission will be based upon the principle of maintaining a plan that is fair to employees, taxpayers and ratepayers alike.

**Russ Blackburn** is Gainesville city manager.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
July 19, 2010

**Russ Blackburn: Funding urban renewal through our CRAs**
Author: **Russ Blackburn**

Recently in the Gainesville Sun, I explained how the city's budget was structured. Now I want to discuss why the Gainesville Community Redevelopment Agency is not funded with General Fund dollars.

The CRA is a public agency established by city government for the purpose of carrying out redevelopment activities that include reducing or eliminating blight, improving the tax base, and encouraging public and private investments in CRA districts. The City Commission serves as the official Board of Directors for the Gainesville Community Redevelopment Agency.

CRAs are created to assist municipalities in pursuing redevelopment in targeted areas that are characterized by blight and disinvestment. Redevelopment is one of the most effective ways to breathe new life into deteriorated neighborhoods and set the stage for the revitalization of areas plagued by social, physical, environmental or economic conditions that act as a barrier to new investment by private enterprise.

Gainesville CRA's supports residents within CRA districts by providing the necessary investment for their neighborhoods through various programs and projects. These activities align with city commission strategic initiatives to increase economic development in targeted communities through major investments in key components of neighborhood infrastructure. Major CRA projects include road enhancements and housing redevelopment initiatives that set the table for future urban infill development opportunities. Investments by the CRA signal commercial investors that our city is committed to returning economically stagnant areas to economic health and commercial viability. Redevelopment activities are carefully planned for each CRA district and there is a redevelopment plan for each CRA area.

Gainesville has four CRA target areas, or CRA districts. They are Eastside, Fifth Avenue/Pleasant Street, Downtown, and College Park/University Heights.
Each CRA district is administered by a District Advisory Board, whose members are appointed by the CRA Board of Directors (Gainesville's City Commission). Advisory Boards are responsible for making all budget, policy and project recommendations to the board of directors for their respective districts.

The City Commission, acting as the CRA Board of Directors, must approve all actions.
The Gainesville CRA does not levy taxes, nor is it funded by city of Gainesville general fund revenues. The CRA simply serves as a mechanism to redistribute property tax payments from property owners in each district, that are already made to the city and county, back to the property owner's respective CRA district.

The Gainesville CRA is actually funded through what are called "Tax Increment Funds," which are collected from the four CRA redevelopment districts. Here's how this funding mechanism works:

When a redevelopment area is established, the current assessed values of all taxable property within the project area are designated as the base year value. Tax increment comes from the increased value of property, not from an increase in tax rates. Any increases in property values as assessed because of change in ownership or new construction will increase tax revenue generated by the property. This increase in tax revenue is the tax increment that goes to fund the CRA. Examples of projects that exist primarily through CRA efforts include the new Hampton Inn in the Downtown CRA district, the Model Block Program homes along Pleasant Street in the Fifth Avenue/Pleasant street district, the Eastside Gateway in the Five Points area of the Eastside district, the Pocket Park on Southwest Fifth Avenue and Depot Rail-Trail improvements in the College Park/University Heights district, and of course, the GRU/Depot Area Master Plan that is currently underway.

Thanks to the efforts of the Gainesville Community Redevelopment Agency, its dedicated staff, and most of all, its community partnerships, the cityscape of urban Gainesville is being transformed to match the exciting vision of our city for a renewed era of economic prosperity.

**Russ Blackburn** is Gainesville City Manager.

Gainesville Sun, The (FL)
June 30, 2010

**City budget plan calls for 37 layoffs, other cuts**
Author: Chad Smith

The city manager says a proposed fire assessment could lead to fewer cuts

Gainesville City Manager **Russ Blackburn** released his recommended budget Tuesday, calling for a string of cuts across various departments — with roughly half coming from police and fire — in order to close the city's $8.2 million budget gap over the next two years. In **Blackburn**'s plan, 37 full-time employees, including 11 firefighters and two police commanders, would lose their jobs and dozens of other vacant positions would be eliminated. More than $2.3 million of the cuts would come from the police department and another $1.99 million from Fire Rescue, the two departments that make up a bulk of the city's roughly $100 million general fund.

The police and fire departments account for 48 percent of the spending, and another 18 percent is essentially locked up to pay for debt and utilities. That leaves 34 percent for the rest of the city's departments — from the city auditor's office to public works. "Now we're kind of out of options, and unfortunately, fire and police will be impacted," **Blackburn** said. At a news conference at City Hall, he said that the city has faced "substantially decreasing revenues" for the past few years because of declining home values and a state law to roll back the millage rate. "If you do not have the revenue, sometimes you do not have a choice," he said.

While **Blackburn's** proposed cuts hit every department, they aren't all considered equal.
In his proposal, **Blackburn** established three tiers for cuts: Tier 1, at $3.6 million, is for bearable cuts, including the horticulturist in the parks and recreation department and the police department's community relations coordinator, a position that is vacant. Tier 2, at $889,868, is for intermediate cuts such as reducing overtime for the fire department and an accountant in the budget and finance department. Most of the police and fire cuts are listed under Tier 3, comprised of the remaining $3.8 million.

That classification "represent(s) the most significant impact to core services," like eliminating the police's party patrol program, reassigning seven detectives to patrol duties, cutting one of Fire Rescue's five engine units and laying off its 11 firefighters, and reducing the school resource officer and crossing guard programs. **Blackburn** said he hopes those Tier 3 cuts can be avoided through the proposed fire service assessment or some other means. Earlier this month, the City Commission preliminarily approved the assessment, in essence a fee for property owners that would raise up to $7.1 million. When asked at the news conference how disappointed he would be if the commission doesn't pass the assessment, **Blackburn** replied, "Quite." "As you look at the reductions, we see Tier 1 as damaging," he said. "Tier 2 begins to hit more direct services to individuals in our community. Tier 3 is very harmful to our organization and to the services that

are offered by the city. The fire assessment could help to offset Tier 3, perhaps even some of the specific reductions and line items in Tier 1 and 2."

Mayor Craig Lowe said **Blackburn**'s budget "does point out a need for an additional revenue source." The commission could also raise the millage rate on top of the assessment, which was approved with a 6-1 vote June 3 and will come up for a final vote July 15. "We do need to be careful that we don't cut the budget to the point where the city of Gainesville does not have the quality of life that we expect," Lowe said. Both the fire and police department chiefs will be watching closely as the budget process moves ahead. "The chief is very concerned. Everyone at the department is concerned," police spokeswoman Cpl. Tscharna Senn said, adding that there are "people working right now not knowing whether they're going to have a job, and that's extremely stressful."

The budget also calls for the elimination of the department's horseback and aviation units, something the department would be able to live with since the officers wouldn't be laid off, Senn said. "We would rather lose those units than lose the people in those units," she said. Gene Prince, the interim chief of Fire Rescue, said losing the engine unit would hurt response times. "That's a serious cut," Prince said. The heads of the unions that represent the city's police officers and firefighters are alarmed. "It just appears that we have our priorities out of whack a little bit," said Jeff McAdams, the president of the local Fraternal Order of Police lodge and a GPD officer, pointing to the oft-criticized renovations at Ironwood Golf Course and the mayor recently hiring his former campaign manager to conduct research.

McAdams said the union will be launching a public-awareness campaign to rally support against police cuts. Tracey Higdon, a vice president of Gainesville Professional Firefighters and a lieutenant with Gainesville Fire Rescue, said losing an engine company "spreads us a lot thinner." "From our standpoint," Higdon said, "it's about firefighter safety and citizens' safety."

Gainesville Sun, The (FL)
June 13, 2010

**Russ Blackburn: The buckets that make up the city budget**
Author: **Russ Blackburn**

Many have urged me to offer a primer to help explain the structure of the city's budget to the general public. I will release my recommended Fiscal Year 2011 and 2012 Budget by the end of June. In the meantime, I hope this will begin, and future discussions of the city budget will continue, to improve the substantive quality of public dialogue regarding the budgetary challenges faced by our city.

I find it easiest to picture the composition of our city budget as a series of buckets. Each bucket represents a city fund classification that is used to pay for a specific set of city functions. Each bucket or fund classification is filled with revenue that may come from a single or a number of different sources.

The amount of revenues received and designated for a particular bucket, or fund, determines how much money will be available from that bucket or fund for that year. In some cases, sources of revenue may also determine the specific purpose for which the city can spend that bucket of money.

Funds flow to the city from a number of sources to constitute the total $250 million annual budget, including the following revenue streams and monetary transfers: Ad valorem taxes and licenses and permit fee, intergovernmental revenue, charges for services, fines and forfeitures, transfers from other funds, the utility transfer and other miscellaneous revenues. These funds are directed to the appropriate bucket or fund as mandated by federal, state, and/or local laws, ordinances or other agreements, as well as certified government accounting standards. However, all dollars are not treated equally. The city of Gainesville has six buckets, or government fund classifications that comprise the city budget. They are: Capital Projects Funds, Debt Service Funds, Fiduciary Funds, Proprietary Funds, Special Revenue Funds and the General Fund.

Each of these fund classifications provides revenues for specific activities of city government. For instance, Capital Project Funds are used for the acquisition or construction of major capital facilities, and Debt Service Funds are used for the payment of general long-term debt principal and interest. The General Fund is used for all financial resources except those required to be accounted for in another fund.

In most cases, money in each fund classification cannot be comingled with or shared between fund classifications. For example, the city is prohibited from using Capital Project Funds intended to renovate Ironwood Golf Course to pay the salaries of police officers or firefighters.

Likewise, funds that are raised from solid waste fees cannot be used to fund city planning activities.

Each of these activities is funded through its own appropriate bucket, and those funds must be used for the specific purpose for which they are intended. Only General Fund dollars can be re-allocated by the City Commission for almost any purpose,

The fund classification that most citizens are most familiar with and concerned about is the General Fund. In a future guest column I hope to discuss this fund in greater detail, as it pays for many city operations that residents are most familiar with. I'll also discuss why agencies such as the Gainesville Community Redevelopment Agency cannot legally be funded with General Fund dollars due to its unique mission to spur urban redevelopment in blighted areas.

I hope you have found this initial discussion of the city's budget structure useful. Please watch for my follow-up discussion about the process I am using to develop my 2011 and 2012 budget recommendations for consideration by our City Commission.

**Russ Blackburn** is Gainesville city manager.

Gainesville Sun, The (FL)
April 29, 2010

**City departments submit worst-case budgets**
Author: Chad Smith

City officials say the requested 15 percent cut in each department is just to provide options. From the $4,991 for the city-sponsored air potato roundup to the hundreds of thousands of dollars to pay salaries for 31 police officers, a lot will be on the chopping block when the city manager reviews Gainesville's depleted budget this summer.

After a year of declining revenues from property and sales taxes and controversial expenditures like the former Mom's Kitchen restaurant and $1.2 million to renovate Ironwood Golf Course, City Manager **Russ Blackburn** asked the heads of the city departments, from public works to the city attorney's office, to submit cutbacks of 15 percent so he will have some options when he puts together his recommended budget for the City Commission. These are worst-case scenarios that for some departments would mean layoffs. "I don't need all those reduction options, but I do need options to choose from," **Blackburn** said Wednesday.

While the 15 percent cuts are likely overkill for most departments, **Blackburn** still is anticipating a 7.4 percent shortfall in the city's $100 million general fund, which feeds into core services such as the police, fire and parks department. With the biggest budget, the Gainesville Police Department is proposing the biggest cuts, as per the city manager's request. Totaling more than $3.9 million, the proposed Police Department cuts would reach from the front desk to the patrol cars.

Thirty-one officers [there are currently 289 officers] and 50 civilian employees would lose their jobs, including 11 of 15 school crossing guards. Several programs such as the Police Service Technicians, who assist officers by writing reports at crash scenes, and the Reichert House Youth Academy, designed to buoy at-risk young men, would be eliminated. The story is the similar with other departments. For weeks, city commissioners have been receiving e-mails and letters pleading with them not to sell the city-owned Evergreen Cemetery on Southeast 21st Street. While there are no plans to sell the cemetery, **Blackburn** said, there is the possibility of getting rid of the cemetery coordinator position and giving those duties to another manager. According to the submission from the Parks, Recreation and Cultural Affairs Department, that would save $55,149. The commission could make moves over the summer, from assessing a fire services fee to raising the millage rate, that would lessen the budget strain but would cost taxpayers.

Mayor Pegeen Hanrahan, whose last day in office is May 20, predicted the city would not have to cut nearly as much as the 15 percent that **Blackburn** asked department heads to identify. "If I had to bet, rather than 15 percent, it will be more like 4 or 5 percent," Hanrahan said. Not that that will be easy, either. The city is going into its third consecutive year of budget cuts, so a lot of the fat has been cut, she said.

Earlier this month, the commission approved two programs to give employees incentives to leave if they want. One gives three years' worth of credit to employees who have been with the city for 17 years or more, making their benefit packages that much more alluring. That program is being continued from last year, when 43 employees took the offer, **Blackburn** said. Another program gives employees, no matter their tenure, cash severance packages.

Still, **Blackburn** has said layoffs are all but imminent. How many remains to be seen. Jeff McAdams, president of the local Fraternal Order of Police lodge and a Gainesville police officer, said GPD already is understaffed. "I don't believe that we're just yelling that the sky is falling," McAdams said, adding the department is down 10 officers right now. "Is it a luxury to have those 10 additional officers?" he said. "It's a must." But Hanrahan has said the Police Department has not faced near the cuts other city departments have in recent years, and she believes that when the budget is finalized, the changes won't be nearly as drastic as the proposals call for.

As of Wednesday, the proposals still were being tweaked in the budget office, and **Blackburn** had not yet seen them. He won't review them until early June, when they're cleared by the budget staff. In July, he will submit his budget to the commission, which will approve, deny or change his recommendation. Without seeing the department heads' proposals, he said he knows he's not going to like making any of the cuts when the time comes. "I know they're all bad ideas," he said. "After three years of making reductions, we're out of making any easy choices."

Gainesville Sun, The (FL)
February 26, 2010

**City layoffs imminent as budget shortfall looms**
Author: Chad Smith

Facing a $7.4 million budget shortfall -- on top of the roughly $10 million slashed over the past three years -- Gainesville's City Manager **Russ Blackburn** has asked all city departments, police and fire included, to cut 15 percent to give him an idea of what is expendable. With roughly 80 percent of the city's $99 million general fund budget in personnel, layoffs are all but imminent, **Blackburn** said.

How many -- and what departments they will come from -- won't be clear until the summer, when **Blackburn** finalizes his recommended budget for the City Commission's approval. Meantime, the heads of the unions representing the city's firefighters and police officers said Friday such big chunks of their budgets would mean a glaring lapse in public safety. "For the Gainesville Police Department, that equates to roughly $4 million in cuts, and that will devastate public safety," said Jeff McAdams, a GPD officer and president of Fraternal Order of Police Lodge 67, which represents roughly 270 GPD officers. On Friday, McAdams and members of the union met to talk about the possibility of such drastic cuts. "The members are really excited that we have a plan," he said after the meeting, adding that he could not say what specifically was discussed. The union is planning to begin an advertising campaign to put pressure on the city to not cut from the police ranks. "We have to plan for the worst-case scenario," McAdams said. "We're cops."

Jeff Lane, president of the International Association of Fire Fighters Local 2157, said 15 percent of Gainesville Fire Rescue's budget is about $2 million. "That's about 20 positions," Lane said. "That's the entire support staff for the fire department." To combat the layoff threat, the union is pushing a citywide fire assessment fee, which would cost homeowners roughly $50 a year, but it won't be until the summer before the fee comes before the commission. "It will really make a difference, and we're putting all our eggs in that basket at this point," he said.

**Blackburn** said the city spends about $11 million a year responding to emergency calls, but the fee likely would pay for only a fraction of that. Mayor Pegeen Hanrahan said the fire fee, as well as increasing other fees, is a viable option to take people and programs off the chopping block. "The police and fire departments are always going to be the last ones where we're going to make cuts," Hanrahan said. But, she said, those two units make up 51 percent of the city's general fund budget, and after three years without cuts in those departments, the streak could be over.

"There are fewer and fewer options as time goes on because you've already picked the low-hanging fruit," she said. Last year, among other cost-cutting measures, the city went to a four-day workweek, which has saved roughly $100,000 in utilities, **Blackburn** said. Coupled with a decline in property and sales tax revenues, **Blackburn** is left with a $7.4 million hole to fill.

In an interview this week, **Blackburn** said he won't know where he will begin to cut until department leaders report back to him in the coming weeks with their proposals. Then he and his staff will go to the drawing board, and in June he'll submit his recommended budget. Then it will go back under the microscope, and after a workshop in July, the commission will make the final decisions in September. With about 1,100 employees, the city has been in a flexible hiring freeze for the past three years, and a few dozen positions have gone unfilled, **Blackburn** said.
Cutting those positions altogether could save upward of $3 million, he said. Still, **Blackburn** doesn't see a scenario in which the police and fire departments aren't impacted. "I think the scale of our deficit would make it very difficult not to have significant reductions in fire or police," he said.

Gainesville Sun, The (FL)
September 12, 2009

**Russ Blackburn: City millage rates**
Author: **Russ Blackburn**

On Thursday, the Gainesville City Commission is expected to adopt a final millage rate for properties located within the city limits and levy ad valorem taxes to fund the city budget for the 2009-2010 Fiscal Year. The next item on that Commission meeting agenda is to adopt the proposed General Government Budget for FY 2009-2010. These two actions will cap a difficult budget preparation process that required city government to trim its anticipated budget by $7.2 million. City-wide organizational and department cuts account for the lion's share of the reductions; more than $6 million. The rest of the budget deficit will be closed by instituting fee increases, and new fees totaling just over $281,000 and by adopting the city millage at the roll-back rate of 4.3963 mils. One mill is equivalent to $1 for every $1,000 of taxable property value.

Simply stated, the roll-back rate is the tax rate at which the City will generate the same dollar revenue as it did the previous year for taxable property, excluding newly annexed property or new construction. Florida statutes referred to as "Truth In Millage," or TRIM laws, dictate that adopting the roll-back rate should not be advertised as a tax increase because the total amount of tax revenue generated for taxable property in the city will not exceed the amount generated in the previous tax year. The only additional property tax revenue that the City will receive are the result of areas annexed into the City over the past year, and new construction. Those tax dollars are used to pay for the cost of services provided to those areas. Had the City Commission held the millage constant at the FY 2008 adopted rate (4.2544 mils), city revenues would have decreased by an additional $807,000 due to a decline in total assessed property values.

In Florida, cities are required by law to adopt a balanced annual budget. This would have required the city to make a corresponding amount of additional cuts in municipal services and/or increases in fees. Fifty percent of the City's General Fund budget pays for public safety services, such as police and fire response, equipment and programs. Accordingly, additional reductions in municipal services may have had extremely adverse effects on the quality of core city services.

By adopting a FY 2009/2010 roll-back rate of 4.3963 mils, which is equal to a 3.3 percent increase over the FY 2008 millage rate and will generate nearly $807,000, the City Commission has preserved core city services and maintained the scope and quality of services that our citizens tell us is important, while holding the total amount of property revenues to the same amount generated in the previous year. What this means to individual property owners is that if their assessed values have declined by 3.3 percent, or more from last year, their city property tax should remain the same or decrease. If their assessed value has declined by less than 3.3 percent they will experience a slight increase in city property tax, and if their property value has remained the same or increased, they will see an increase in city property tax.

Put another way, the actual city tax dollar increase to the owner of a home assessed at $200,000 in FY 2008 and again assessed at $200,000 in FY 2009, is equal to a 3.3 percent increase, or $29 annually. This amount would be less if the assessed value actually declined during the same time period.

You may also be interested knowing that the City millage rate represents approximately 17 percent of the average individual property tax for city residents. No one enjoys paying taxes, but they are the way that we as a community pool our resources to fund many of the wonderful public amenities and services that we enjoy.

Gainesville is one of a select few cities that is leading the state in population gains. That's because we enjoy a quality of life unlike most other Florida cities. You've elected and entrusted our City Commission to preserve the Gainesville way of life, and this budget is based on their continuing effort to honor that commitment.

**Russ Blackburn** is Gainesville's city manager.

Gainesville Sun, The (FL)
July 8, 2009

**Property tax might rise to reduce budget gap**
Author: Megan Rolland

Under the city manager's recommendation, a $200,000 homestead would cost $41 more. Property owners might see a slight increase in their millage rate in October as the city seeks to balance the 2010 budget amid a projected $4 million decline in revenues and a $2.6 million increase in expenses. "The news has gotten worse," City Manager **Russ Blackburn** said Tuesday afternoon during a news conference. "Every year, something new would come in: State-shared revenue declined, the (Gainesville Regional Utilities) transfer declined, or property taxes." Fiscal year 2010, for which the city will begin the budgeting process at a workshop July 22, has seen a decline in all three of those revenue streams. The utility transfer accounts for 36 percent of the city's budget.

**Blackburn** announced he would recommend to the City Commission a 0.2753 increase in the millage rate. That equates to a $14 increase in property taxes for a house that is assessed at $100,000 and has a homestead exemption and a $41 increase for a $200,000 home.
The city has not raised property tax rates the past 25 years because property values have risen every year, increasing tax revenue.

This year, property values have declined. The tax-rate increase will raise about $1.5 million, **Blackburn** said, leaving a budgetary gap of $5.1 million to be covered by paring down city services and departments. Each city department was asked to cut 5 percent of its operating budget, which translated into the elimination of 34 full-time positions, only two of which are currently filled, and the reduction of the Police Department's party patrol and the budget for fuel for the police vehicle fleet. "(Those reductions) should not have any significant impact in services provided,"

**Blackburn** said of the cutbacks being made to the Police Department. "We are eliminating three vacant (public-service-technician) positions. Those people would be working out on the street, responding to accidents." Also, the Police Department will lose a crime-scene analyst as one of the two layoffs the city is making next year. The other layoff is a word-processing technician in the planning department for a savings of $33,000. The city is offering early retirement to employees who have 17 years of experience or more, hoping to save $339,634 in personnel expenses.

Additionally, city employees could receive a pay raise of only 1 percent next year, with the exception of the three unions that don't have open contracts: the Fraternal Order of Police, the Police Benevolent Association and the Gainesville Firefighters District Chiefs. Those unions declined to open their contracts early.

Once the revenue sources are accounted for, the city has about $98.8 million to budget, compared with the 2009 expected budget of $96 million. **Blackburn** outlined the primary factors driving the budget crunch, focusing on a $1.1 million decline in revenue transfers from the city-owned Gainesville Regional Utilities. Property tax revenue is projected to decrease by $211,000 next year despite a large annexation. Both state-shared revenue and revenue from the half-cent sales tax are projected to decrease by $1.97 million combined. Chief among the unexpected expenses was $1.1 million toward the operation of Ironwood Golf Course, which was supposed to be a self-sufficient enterprise. Finally, the city put $500,000 more than expected into its pension program because of the drop in the stock market.

Gainesville Sun, The (FL)
April 17, 2009

**City commissioners approve 2 percent raises for five of the city's top officials**
Author: Megan Rolland

They cited "outstanding" performances as the basis for the raises. City commissioners approved raises of approximately 2 percent for five of the city's top officials Thursday after acknowledging the city's budget deficit but also noting "outstanding" performances by the employees. "This was somewhat of an agonizing process for me," Commissioner Lauren Poe said. "We are entering an incredibly difficult economic cycle ... The final recommendation is less than any other employee's raise in the city. It's more than 50 percent less than the (consumer price index) went up, so in reality it's a loss of purchasing power." The review process involved each charter officer evaluating himself and also meeting individually with each of the seven elected city commissioners.

Mayor Pegeen Hanrahan emphasized that these raises correlate with the raises given to general employees effective January 2009. Those raises ranged from 3.82 percent for transit workers to a high of 6.77 percent for the firefighters union, she said. "It's almost impossible to be fully even-handed," Hanrahan said. "I'd rather have 1 percent (of a raise) on these guys' salaries than I would 5 percent on mine." Raises for the officials are as follows:

City Manager **Russ Blackburn** received a $3,363 raise, bringing his annual salary to $171,525 a year. General Manager of Gainesville Regional Utilities Bob Hunzinger received a $4,200 raise, bringing his annual salary to $214,200. City Attorney Marion Radson received a $3,257 raise, bringing his salary to $166,126. City Auditor Brent Godshalk received a $2,139 raise, bringing his salary to $109,134. Clerk of the Commission Kurt Lannon received the only 2.5 percent raise, bringing his annual salary to $94,499.

Hanrahan said Lannon's pay was the most "out of whack" salary compared to other clerks in similarly-sized cities and that the higher raise was in part an attempt to close that gap. Commissioners Craig Lowe and Jack Donovan both called for a reworking of the system that has the charter officers receiving raises for a previous year's performance and thus not at the same time as the other employees. Jimmie Williams, the equal opportunity director, is also a charter officer. However, he is set to retire this year and requested not to be reviewed.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
March 10, 2009

**Russ Blackburn: In defense of the mayor and City Commission**
Author: **Russ Blackburn**

On March 5, a news article titled, "Is Hanrahan overstating plan for Fifth Avenue?" was published in The Gainesville Sun. A central point of the article seems to be that there is no finalized agreement regarding the future disposition of the Seminary Lane housing complex between the city and Seminary Lane/Gainesville Florida Housing Corporation, Inc. (GFHC), the non-profit owner of the complex.

What the article did not convey is the level of substantial interest and genuine concern by the mayor and city commissioners regarding efforts to revitalize the Seminary Lane area. It is that same interest and concern that drives city efforts to turn around this neighborhood's deterioration and that led to the commission's decision to purchase Mom's Kitchen, located very near to the Seminary Lane property.

This area has suffered from years of neglect that have led to tell-tale symptoms of a neighborhood in crisis, including major housing code violations, blight, high crime rates and illegal drug activity. This mayor and City Commission have taken a proactive stance in finding long-term solutions to a problem that has festered far too long.

On Dec. 15, 2008, the mayor on behalf of the City Commission contacted the U.S. Department of Housing & Urban Development (HUD) regarding Seminary Lane to inform them of impending relocation issues and to ensure that the federal agency sent a representative to hear the concerns of residents and provide answers to their questions. The City Commission's concerns have also been transmitted to city staff members who continue to work with area residents to plan a successful resurgence for this neighborhood. Seminary Lane and Mom's Kitchen are pivotal to this planned resurgence.

As much as a year ago, I personally met with GFHC members to assure them that city and GCRA staffs are available to provide technical assistance, including help with issuing a Request for Proposals, should they choose that redevelopment option.

In the interim, city and GCRA staffs have been and remain engaged in active discussions with GFHC regarding redevelopment planning scenarios and innovative approaches to bring about a new vision for the Seminary Lane area. They are currently assisting with the resolution of preliminary issues that would enable an RFP or other process to move forward.

The mayor and individual commissioners continue to regularly inquire about the progress of these discussions regarding Seminary Lane and city staff provides updates to them. We are

making progress and it is easy to understand how an impression could have been conveyed that an RFP would occur shortly.

The city and this community are on track toward a viable, comprehensive redevelopment strategy for the area that will include redevelopment of Seminary Lane and the Mom's Kitchen site.

Clearly we all recognize that the health of this neighborhood is vital to the long-term stability of our city's downtown core. The Gainesville Community Redevelopment Agency (GCRA) is implementing the Fifth Avenue/Pleasant Street Redevelopment Plan to stimulate physical and economic revitalization.

To date, city and GCRA staffs have completed the Fifth Avenue Streetscape project, we've built a new tot lot playground adjacent to Seminary Lane, the Model Block Project has renovated and saved three area homes with more to follow, and we are working on restoring the A. Quinn Jones property.

The real news here is not whether the plan for Fifth Avenue was overstated. The real story is that this visionary City Commission and city and GCRA staffs are working in close partnership with the Seminary Lane/Gainesville Florida Housing Corporation, and all other interested parties to ensure that this blighted area is finally given the attention and opportunities it so desperately needs to thrive and succeed in the future.

**Russ Blackburn** is Gainesville's city manager.

Gainesville Sun, The (FL)
February 28, 2009

**Russ Blackburn: No time for rhetoric of self-interest**
Author: **Russ Blackburn**

The following was written in response to the Feb. 26 Speaking Out by Fraternal Order of Police President Jeff McAdams ("We will not give up our benefits"): Anyone who is following the dramatic decline in our national and state economies should be aware of the effects of this decline on our local economy. Families in cities across the State of Florida and right here in Gainesville are struggling to stay afloat in these difficult financial times. Local businesses, educational institutions, and non-profits are also coping as best they can with falling revenues as consumers, public and private enterprises scale back on expenditures. Now is not the time for action or rhetoric based solely on self-interest.

Now more than ever we must come together as a community to weather some of the most difficult financial times we have seen. Against this backdrop, I recently met with representatives of our six city employee bargaining groups to share city government's serious fiscal challenges and ask for their cooperation as together we seek ways to ease the financial burden on our taxpayers. I remain optimistic that by continuing our practice of interest-based bargaining with our organized labor groups, we can reach mutual agreement on ways to reduce budget expenditures.

The City of Gainesville is very fortunate to have many dedicated public servants providing high quality services to our citizens. I would hope that we all can agree that in these uncertain times Gainesville's citizens deserve and expect us to make collective sacrifices for the good of our community. Although I understand the anxiety that many city employees may have regarding the future, now is the time for employees, elected officials, and the public to work diligently to match salary and benefit expectations to today's fiscal realities. Taxpayers and their elected representatives on the City Commission have treated city employees fairly. Raises and benefits are squarely in the mid-range of compensation packages provided to employees in other cities of comparable size and complexity.

Beginning in fiscal year 2007 through fiscal year 2010, belt-tightening measures by Gainesville's municipal government are projected to curb growth in our general fund operating budget by $10 million. We are doing this in a declining economy, and in response to state-mandated reductions in local property taxes. Visionary leadership from our mayor and city commissioners has enabled city government to maintain the high-quality service provision our residents consistently tell us they want.

However, the continuing combination of a faltering national and state economy, ongoing state property tax reductions, and projected decreases in state-shared funding transfers to the city

caused by lagging sales tax revenue, is contributing to an estimated budget deficit of nearly $1 million for the current fiscal year and a projected deficit of $3.4 million in fiscal year 2010. As your city government, it is our fiduciary responsibility to our citizen taxpayers to leave no stone unturned in our search to find additional reductions in expenditures.

I am persuaded that the narrow, short-term perspectives that some may hold, do not accurately reflect the opinions of the majority of our city employees. I am confident that ultimately city employees will embrace this opportunity to align salaries and benefits with our community's financial ability to support their government.

Our city government will continue to seek opportunities to work together with all in the spirit of public service to provide you, the taxpayer, with the kind of efficient and fiscally responsible city government that you expect and deserve.

**Russ Blackburn** is city manager of Gainesville.

Gainesville Sun, The (FL)
September 12, 2008

**Four-day work week for city: What would it mean?**
Author: Megan Rolland

Certainly, three-day weekends sound appealing to employees, but Gainesville City Manager **Russ Blackburn** saw more benefit than long weekends in switching to a four-day-work week - namely $90,000. "I think it will probably save more," said **Blackburn** about projections that the city could save $90,000 a year in energy costs by shutting down the administrative offices an extra day a week. On Sept. 29, Gainesville will join a growing list of cities, counties and states across the nation that are making the switch to a four-day work week with city employees working 10-hour days from 7 a.m. to 6 p.m. But even if the savings are there, some people are skeptical over whether the economic benefit will outweigh the cost of the reduced availability of services, the challenge for employees to juggle child care and lost productivity over 10-hour days.

Why switch By and large, the impetus for the switch across the nation has been the rising cost of energy in conjunction with a faltering economy. Birmingham, Ala., made the "four-ten" switch on July 1. In the first month, the mayor's office reported saving $73,695 in fuel costs alone. The state of Utah went to "four-ten" in August, closing all but a few state offices every Friday. A spokeswoman with the Utah Governor's Office said estimates put savings in the "tens-of-millions-of-dollars" when considering a potential 20 percent energy reduction at all state buildings and reduced commuting costs for employees.

Gainesville faced more than $2 million in budget reductions this year and switching to the four-ten was just one way city commissioners balanced the budget. By closing City Hall, the Old Library Building, the Thomas Center and the Public Works Compound administrative offices on Fridays, energy consumption will be reduced. Even though the offices will still be open 40 hours a week, officials say the savings will result from having three consecutive days - Friday through Sunday - in which thermostats do not have to be set to keep workers and customers comfortable. The projected savings do not include reductions in fuel for the city fleet vehicles.

In Florida, several governments have already made the four-ten switch, including, the city of Coconut Creek, which has been closing on Fridays for three years now. Port Richey and Belleview have approved the switch, but it hasn't taken effect. Alachua, Miami-Dade and Leon counties are currently discussing the option. Changes in service - Although residents are losing the ability to do business with the city on Fridays, **Blackburn** said the extra two hours that City Hall will be open each day will more than compensate. "This is actually expanding services for our citizens," he said, adding that the change is a pilot program. "We're learning. We'll take feedback from the public," **Blackburn** said. "We'll ask 'is it helpful to be able to have an hour extra in the morning and in the evening.'"

Commissioner Thomas Hawkins expressed some concern over the change in service. "It's a 20 percent reduction in our availability to the public, and it's only $90,000 in savings," Hawkins said. "It's a tiny savings compared to how much it reduces our availability. Everyone else works on a Friday, so we should be in the office that day, too." Hawkins said he isn't too upset about the switch, however, and is certain that things will work themselves out. "The only citizen I spoke with who expressed concern was a contractor who wanted to make sure we could get an inspector out on Fridays," Hawkins said. "That concern I think is really largely mitigated because our inspectors are going to work a five-day work week." Stuart Cullen, vice president of the engineering firm Brown and Cullen Inc., said his company has been working closely with various departments in the city to understand the change. "In my opinion, as long as they get their 40 hours of work done, it doesn't make a difference," Cullen said. "We'll shift some of our procedures to recognize from Thursday evening to Monday morning nothing is going to get done."

Working parents - **Blackburn** said one of his concerns is for the working parents at the city who might have a tough time making the transition. Marilyn McCall, director of My School Child Care Center, 2720 SW 2nd Ave., said that's a concern she's given some consideration since the city announced the four-ten work week. "Even if the child care center would accommodate, I don't think it's good for children to be in care that long," McCall said. "Our hours are from 7:15 a.m. to 5:30 p.m. - short hours. Part of the reason for that is so that we are not able to enable parents to leave their children in child care that long." McCall likened a 10-hour day in group care for a child to 10 hours working for an adult. "Most of us are exhausted after an eight-hour day, but because we're adults, we can push it through for maybe even a 10-hour day, but we're adults," McCall said. She said most of her clients are University of Florida employees, but that she would be unable to accommodate someone working a 10-hour day. "I know why they want to do it, and on a lot of levels it makes a lot of sense," McCall said. "If I was just a single person and didn't have any kids, I would like that honestly, but I don't see the impact on kids as being positive."

**Blackburn** said his office will work with parents employed at the city to find ways to accommodate their schedules. "A lot of our employees are excited about it," **Blackburn** said. "But some of them are thinking: 'gee, I don't know how this will affect me.' " Benefits to employees - Part of that excitement probably comes from the promise of long weekends every weekend. But employees can also expect to save 20 percent on gas, said Jerry Osteryoung, the executive director of the Jim Moran Institute for Global Entrepreneurship at Florida State University. "I think the thing that's driving the four-day work week is clearly fuel costs," Osteryoung said. "We're having some structural changes in our economy that are changing the way we work and the way we live. "Employers have ... got to help employees deal with these very tough economic times," he said. "High gas prices hurt lower-income employees the hardest because of two factors - a higher percentage of their income goes to fuel and they tend to live farther out."

According to the Center for Urban Transportation Research at the University of South Florida, the average American commutes 12.2 miles one-way to work and the average car gets 20.2 miles per gallon. Assuming the nationwide average of gas per gallon is $3.67, the center estimates a four-ten work week would save each employee about $212 in gas annually. That's provided, however, that employees aren't using their long weekends for extended road trips.

Gainesville Sun, The (FL)
February 26, 2008

**Numbers to come CITY COMMISSION -City commission approves raises, talks management Officials approve raises, discuss management**
Author: MEGAN ROLLAND

As Gainesville city commissioners approved raises for three charter officers Monday night, they also expressed concerns about the growing number of managers, responsiveness to the community and inclusion of stakeholders. City Manager **Russ Blackburn** and City Attorney Marion Radson each received 3.8 percent raises, and City Auditor Brent Godshalk received a 3.9 percent raise. The raises were representative of average raise recommendations from the six commissioners and the mayor. "(With) the reality of what's happening in the economy and the number of people in this community who are getting zero raises, this is not the time to see 7 or 8 percent raises," Commissioner Rick Bryant said. In general, the commissioners expressed gratitude to the employees and also confidence in their capabilities.

**Blackburn** has been the city manager since September 2005. His responsibilities encompass general oversight and implementation of the city's programs and policies. His salary in 2007 was $161,975 a year. "Mr. **Blackburn** does a lot of good things for our city," Commissioner Ed Braddy said. "He is a good day-to-day face for our city." But Braddy echoed concerns raised by Bryant about attempts led by **Blackburn** to reorganize the management structure of city government agencies. "We have sort of a growing, robust management structure, which may be out of sync with our lean years," Braddy said. "We have managers who are making three times, sometimes four times what the rank and file makes."

An example cited were two assistant city managers when there used to be only one.
Bryant's concerns for the reorganization stemmed from a controversial restructuring of the recreation department, which generated public outcry after a longtime athletic director was reassigned. "I know that wasn't an easy situation for anyone who was involved," Bryant said. "It could have been handled a little bit better." Bryant said he is looking forward to an update in March about how the reorganization is going.

Commissioner Scherwin Henry applauded **Blackburn**'s efforts to include diversity within city government. "We are wanting our city to be the melting pot and look like our constituency," Henry said, citing the hiring of two black employees. City Attorney Radson

Gainesville Sun, The (FL)
July 6, 2007

**Budget reflects 'a new reality' City to balance budget thru fees**
Author: JEFF ADELSON

Gainesville will charge higher fees to make up for a forced reduction in its tax rate under a budget proposal that also calls for cuts in a wide range of programs, including homeless services and land conservation. The $95 million budget reflects a new reality in which the city "can no longer be all things to all people," City Manager **Russ Blackburn** said during a news conference Thursday. The change was brought about by restrictions put in place by the Florida Legislature this year, which reduced the city's expected property tax revenue by about $2.6 million, **Blackburn** said. "At a time like this you have to examine what your core functions are," he said.

Though city officials had offered dire warnings about the impact of more extreme versions of the property tax legislation, the changes in the budget released Thursday include few major cuts to services and no significant reductions for Gainesville Fire Rescue or the Gainesville Police Department. Potential cuts to these departments, which make up about half the city's budget, raised concern among some residents earlier this year. The most substantial change in the budget is a philosophical shift toward charging individuals or groups who directly benefit from city services. This would result in about $814,000 in new or increased fees and fines. Given the new property tax legislation, which forced the city to reduce its revenues from property taxes to 3 percent below their current levels despite a 13 percent increase in property values, **Blackburn** referred to this strategy as a necessity.

Among these new fees are charges for fire inspections and GPD background checks, charges for after-school programs and Teen Zone activities and charges for environmental and development review. Higher fees also would be charged for various zoning reviews, parking decals, facility rentals and the summer camp program. The budget also calls for about $217,000 in program cuts, including eliminating funding for the Office on Homelessness and the Entrepreneurial Charter School, two programs that involved a partnership with Alachua County. Alachua County Commissioner Rodney Long, who has been a champion on both issues, could not be reached for comment Thursday.

Office on Homelessness Director Jon DeCarmine has butted heads with city officials in the past, particularly over the fate of a large homeless encampment near S. Main Street known as Tent City. But **Blackburn** said the decision to cut the program was for efficiency, not politics. There is now an assistant city manager dealing with homeless issues and it was decided that money would be better spent working toward a planned One-Stop Homeless Center than toward the joint city-county office, he said.

DeCarmine could not be reached for comment Thursday. The largest cuts come from $926,000 saved through "organizational efficiencies," internal changes that range from reorganizing

departments and combining positions to replacing vehicles less frequently and eliminating paper paycheck stubs. Gainesville Administrative Services Director Becky Rountree said these changes will have a minimal impact on services and are part of a review of city efficiency that began after **Blackburn** was hired last year. "We would have done those anyhow," Rountree said. City commissioners will hash out the details of the budget in a series of meetings in the coming weeks before approving a final version later this summer. The first discussion on the issue will be next

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
July 1, 2006

**City seeks $212M for 2007 projects**
Author: JEFF ADELSON

Nearly $6 million in new revenue would be spread through several departments, focusing on the environment, public safety and technology, in Gainesville's proposed 2007 budget. The $212-million budget, bolstered by a 16 percent increase in the value of taxable property in the city, includes money to buy conservation properties, start online services, expand Regional Transit System service to Sundays as well as money for major water quality improvement projects.
A general government fund of $91.8 million, which covers most of the city's operating costs, includes money to staff a planned additional fire station, an expansion to the city's code enforcement and money to help fund homeless services. "I think we've come up with a good, sound budget," said City Manager **Russ Blackburn**, who oversaw the budget process for the first time in Gainesville this year. The proposals were drafted to meet commission objectives laid out at a retreat earlier this year, **Blackburn** said.

The proposed budget would shave the city's tax rate but raise stormwater fees on properties, changes that, at best, will be a wash for many homeowners. Some city commissioners have called for a reduced tax rate in response to increases in revenue as a result of rising property values. Under the proposed rate, taxes on a homesteaded house in Gainesville worth about $200,000 would be about $1.80 less this year than on an equally valued property last year.
But homeowners would pay $3 more in stormwater fees this year under a plan that raises the rate from $6.50 to $6.75 a month. The money from the fees would largely go to fund about $10 million in improvements over the next five years, such as the Depot Avenue Stormwater Park and projects to improve Sweetwater Branch. The rate of increase in property values also means many residents will pay more in taxes even if they're paying at a lower rate. The budget was provided to city commissioners, employees and the public following a press conference Friday morning.

City commissioners will spend the next three months hashing out the final details of the budget and the city's tax rate, which will receive final approval in September. During that time, commissioners will also discuss Gainesville Regional Utilities' budget, which is expected to be released in the coming weeks. One of the new projects proposed in the budget is the establishment of a fund the city could use to buy properties in the city for conservation purposes. In the first two years, the program will receive $525,000 to help buy land in northwest Gainesville, which had been the proposed site of a Wal-Mart Supercenter and which would now partially be used by a proposed Home Depot, **Blackburn** said. The program would receive $250,000 a year in the future, he said. "It's time to enhance our focus on environmental issues," **Blackburn** said.

Sunday service through RTS is also included in the budget package. The service, which is partially funded by University of Florida Student Government, would require new drivers but no new buses, said Teresa Scott, director of the city's Public Works Department. "Student government - that was one of their top priorities to be able to put Sunday service on," said Scott, who added that the service will start Aug. 21. "We're excited to realize that partnership because it helps us realize something we've wanted for a while." Public Works is also setting the stage to bring large-scale road maintenance in-house, rather than contracting it out to private firms, Scott said. The proposed budget for the department includes money for hiring new staff and buying equipment that will allow projects that are larger than the pothole repairs Public Works now takes on but smaller than major projects, like the reconstruction of SW 2nd Avenue, she said.

The budget also calls for the city to conduct its own environmental reviews of development projects, rather than relying on a contract with the Alachua County Environmental Protection Department. The city has budgeted $90,000 to hire an environmental generalist who would be able to provide more responsive service to development officials while contracting with private firms for projects that require specific expertise, Scott said.

Some of the items are intended to cover rising costs and fix underestimates in past budgets. An additional $546,000 a year will be budgeted to cover overtime costs for Gainesville Police Department and Gainesville Fire Rescue workers. In past years, the city had paid out a similar amount of overtime but not planned for it in the budget process, **Blackburn** said. The city is also looking into hiring more firefighters to reduce the amount of overtime required of staff and could make a decision on new hires this year, he said.

The budget includes an additional $1.1 million over the next two years to cover the rising price of fuel and other vehicle costs. "E-Gov" initiatives, designed to provide more access to government services on the Internet, also received a prominent place in the budget. A system that tracks and allows citizen access to information on the city's development review process is one of the centerpieces of the $800,000 plan and the item that will involve most of the costs. The proposal also includes software that will allow residents to pay traffic tickets and apply for business licenses online. One of the most long-awaited proposals included in the budget is the construction of the city's first new fire station since 1979. The station, planned for the area around NW 34th Street and NW 39th Avenue, will receive $3 million in funding from a bond issue and money for a four-member staff in the latter part of 2008 as part of the proposal. "We're pretty excited about it," said GFR Chief William Northcutt, who said the station would help provide better service in the northwest area.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

The Gainsville Sun, (FL) Gainsville.com
December 27, 2005

**Low- Key city manager works to make Gainsville top tier**
Author: Jeff Adelson

When he talks about his new job as Gainesville's city manager, **Russ Blackburn** doesn't sound like most people's idea of a bureaucrat. **Blackburn**'s focus is on concepts most would associate with the corporate world: customer service, user feedback and efficiency. "You need to remember the bottom line is you're trying to provide effective customer service that meets your citizens' needs," **Blackburn** said. Treating residents as customers rather than taxpayers has been something of a mantra for **Blackburn**. He has quietly but quickly been working to ingrain it deeper into the city's government in the nearly four months since he stepped into the position. "Sometimes you sit in your office and think, 'What do the citizens on 16th Street or 6th Street want?' "**Blackburn** mused from behind his desk on the top floor of City Hall shortly after he was hired. "I really believe strongly in citizen engagement, in encouraging people to be active participants," he said.

Despite the shortness of his tenure, **Blackburn** always has at hand details on city activities or facts about city programs. He delivers them in a calm tone that suggests his recommendations are backed by rational planning and need little rhetorical flair to make his case. It's an approach that has earned **Blackburn** favorable comparisons to his predecessor, Wayne Bowers. But **Blackburn**'s low-key approach, both in public meetings and private interviews, belies a flurry of activity behind the scenes. Since taking over the top position in Gainesville's general government, **Blackburn**, 52, has already initiated a number of changes altering the structure of the city: combining departments, giving clear missions to those reporting to him and expanding the role of high-level managers as liaisons to other institutions. It's all part of a plan, he said, to make Gainesville one of the top 10 midsized cities in the country as rated by a professional organization of city managers.

In many ways, achieving this goal means making the kind of changes that don't typically show up in policy documents or commission agendas, **Blackburn** said. What's needed, he said, is a focus on making the attitude of Gainesville's government that of a customer-driven enterprise, with taxpayers as the consumers in need of service and support. **Blackburn** has begun instituting "benchmarking" into city government. Staff in each city department are now required to develop concrete, measurable goals and chart their year-to-year progress as they work to attain them. Examples include monitoring how long developments and permits take to go from their initial application to final approval or the number of activities and programs offered by city recreation services. "You have to quantify the vision of the city," **Blackburn** said. Moving the city forward requires creativity and a study of best practices, both in other cities and in the private sector, he said. And, according to some commissioners, its a plan that seems to be working.

Mayor Pegeen Hanrahan said **Blackburn** is establishing organizational excellence and is trying

to provide the right mix of motivations and techniques to make sure the city is functioning as well as possible. "I certainly feel very confident in his capabilities," she said. Out of the spotlight In what may be the liveliest political theater around, **Blackburn** stands out by shying away from the spotlight. He spends City Commission meetings sitting quietly next to seven sometimes adversarial politicians who frequently battle over issues momentous and minute. As commissioners stake out and fiercely defend their positions, **Blackburn** seems to almost fade into the background. He usually sits thoughtfully and attentively, quickly to provide facts or explanations but careful to stay outside the battles that roil the commission on a regular basis. Still, he says the position is not for the squeamish. "You certainly need to have tough skin," **Blackburn** said. "There's not much you do that somebody doesn't think is wrong." **Blackburn** began working for Gainesville in September, filling the position held until October 2004 by Bowers. Bowers, widely praised by staff and politicians during his nine years in Gainesville, left the city to take a job as city manager of Greenville, N.C.Gainesville's council-manager form of government gives the city manager oversight of nearly all the city's day-to-day operations. While the City Commission sets policy, **Blackburn** is responsible for carrying out policies related to nearly all city services outside of Gainesville Regional Utilities.

His appointment came after tense debate among commissioners, who were split between hiring **Blackburn** or Assistant City Manager Barbara Lipscomb, who had filled the position since Bowers left. But even those, like Hanrahan, who had initially favored Lipscomb, said that while either would have done well, they have not been disappointed by **Blackburn**. After his hiring, **Blackburn** retained Lipscomb as assistant city manager, adding a focus on new annexations to her duties. By rearranging staff duties, **Blackburn** also freed up money to hire a second assistant city manager, a position that is still unfilled but would focus on other city projects and be a liaison to educational institutions in the city. These institutions - particularly the University of Florida - play a complicated role in Gainesville's development, acting as major employers and attractions but also taking much of the city off the tax rolls, **Blackburn** said. Keeping the lines of communication open and making sure the city knows what the university is planning is crucial to the effective operation of the city, he said.

Educational institutions can help provide growth and development - providing more employment and adding to the city's tax base - with the help of the city, **Blackburn** said. "I'd like our economic development programs to be using these opportunities," he said. Bringing 'new blood'. While there are many factors involved in any hiring decision, **Blackburn**'s similarity to the former city manager may have been one that helped him find a place in Gainesville. Much like his predecessor, **Blackburn** tends to be quiet on the City Commission dais, allowing commissioners to ask his opinion before offering it. In a change from tradition, however, **Blackburn** has not hesitated to offer suggestions or collaborations with other city charter offices, such as GRU, in dealing with problems facing the city, Hanrahan said. And, also like Bowers, **Blackburn** has been frequently referred to as a "Southern gentleman" by his new colleagues.

But while the two share similarities, some say **Blackburn** - and the "new blood" he infuses into city government - could be a better fit for this period of Gainesville's development. "I think

(**Blackburn**'s) interests are very creative and progressive in terms of the quality of life and elevating the economic, social and culture progress of the city," City Commissioner Warren Nielsen said. "Bowers was really a stabilizer, he really worked to managerially and budgetwise set things up in a stable fashion." Other commissioners agreed. "Change is often frustrating and stressful, but it often also lets creative energy out," City Commissioner Ed Braddy said shortly after **Blackburn** began his new job. Life before Gainesville **Blackburn** came to Gainesville after almost 30 years in various local government, explaining his interest in municipal work as filling a desire to serve. Immediately preceding his appointment in Gainesville, he served as county administrator of Martin County, where his wife - a speech therapist - and daughter still live and where he frequently returns for weekends with his family. **Blackburn** said his family will move to Gainesville sometime after his daughter finishes eighth grade this spring.

The search for a new city manager in Gainesville coincided with **Blackburn**'s decision earlier this year to resign his post in Martin County. Neither **Blackburn** nor his County Commission would discuss his decision to leave Stuart, the county seat, but some colleagues said he had been the victim of changing political winds. For eight years, **Blackburn** navigated those winds in what many considered to be a particularly contentious political environment. "You have to understand Martin County politics to understand why **Russ** resigned," said Martin County Commissioner Michael DiTerlizzi, one of the commissioners who supported **Blackburn**. "We go in five different directions. And I think **Russ** probably saw the handwriting on the wall and he realized that it was time to do something different." In Martin County, **Blackburn** walked a careful line, following his commission's policy decisions but unafraid to make crucial decisions on his own, Stuart City Manager David Collier said.

For example, **Blackburn** didn't wait for commission approval before beginning to plan emergency services for last year's hurricane season, which had a devastating impact in Martin County, Collier said. "He didn't just sit there and wait for orders," Collier said. "But in the policy area he certainly knew the policy came from the commission and he wouldn't be out there ahead of them." It was a style that has left some, including several former employees who offered unsolicited congratulations to Gainesville when **Blackburn**'s name was mentioned, glad for his leadership. "Our loss is Gainesville's gain," DiTerlizzi said. "He was one of the top administrators we've ever seen." City-county relations Alachua County Manager Randall Reid said the fact that **Blackburn** had been able to stay in his position so long showed his ability his skill in carrying out the commission's wishes. "It's a rough county," said Reid, who worked as **Blackburn**'s deputy county manager in the 1990s. "He had that position a substantially longer period of time than those that proceeded him."

**Blackburn**'s previous relationship with Reid has piqued curiosity of both city and county commissioners, including Hanrahan, who said she worried about it before **Blackburn** was hired. Both managers have said that while their professional history should help provide smooth cooperation when their commissions request it, it won't keep them from pursuing the policies set by their commissions. The most vivid example of conflicting policies came earlier this month, as the city began preparing for an annexation referendum near Santa Fe Community College. The

potential annexation has been viewed with caution, and some concern, by the county. "Some of that tension is natural," **Blackburn** said. "We each have a lot of pride in our communities. We need to focus on the services needed by the citizens and not who provides them."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Gainesville Sun, The (FL)
August 23, 2005

**NEW CITY MANAGER Contract approved for Russ Blackburn**
Author: JEFF ADELSON

The Gainesville City Commission Monday approved a contract with former Martin County Administrator **Russ Blackburn**, who was selected last month as the top-ranked candidate to take over as the city's manager. "I'm very excited and I think it's a great opportunity for me and for the city," **Blackburn**, 52, said Monday in a telephone interview from his Martin County home. **Blackburn** will begin his new job Sept. 6, with a starting salary of $155,000. Future raises will be determined based on yearly evaluations by the City Commission. The contract was negotiated for the city by Mayor Pegeen Hanrahan.

Former City Manager Wayne Bowers made $133,026 when he left the city in October to take over as city manager of Greenville, N.C. When he was hired as Gainesville's city manager in 1995, his salary was $92,000. **Blackburn** was chosen earlier this month as the top candidate for the position from a field of four finalists by commissioners who spoke of a need for "new blood" in city hall. He was administrator of Martin County for nine years before resigning in May, reportedly under pressure from some members of his commission.

Interim City Manager Barbara Lipscomb, who was the commission's second-ranked candidate, will return to her previous job as assistant city manager. Commissioners said during a break at Monday's meeting they were excited **Blackburn** would be joining the city. "I'm looking forward to his coming here, and I hope his tenure is successful," Commissioner Craig Lowe said.

**BLACKBURN'S DEAL**

*Salary: $155,000 for the first year. Raises contingent on yearly review by city commissioners.
*Severance: Up to 26 weeks salary, depending on the length of employment, if terminated without cause.
*Transportation: Monthly car allowance of $450 a month or use of a city vehicle for city business and commute.
*Moving expenses: Moving expenses and three trips from Martin County to Gainesville will be reimbursed.

Palm Beach Post, The (FL)
May 16, 2005

**OUSTED ADMINISTRATOR, UNANSWERED QUESTIONS**

For taxpayers, the deal stinks. Martin County is losing Administrator **Russ Blackburn** for reasons the public never may know. The county is paying him a resignation package of about $235,200, nearly twice his annual salary. That is either a tribute to his eight years of service or the price at least one commissioner was willing to make the public pay so he could settle an old grudge. State Attorney Bruce Colton should investigate whether any of three commissioners - Lee Weberman, Susan Valliere and Doug Smith - violated the Sunshine Law in their eagerness to oust Mr. **Blackburn**.

Commissioner Weberman is a likely suspect to have engineered the move that forced out Mr. **Blackburn**. In 1998, before his election, Commissioner Weberman was the county's interim engineering director. Mr. **Blackburn** was his boss. Mr. **Blackburn** replaced him by appointing Don Donaldson as engineering director. Commissioner Weberman consistently has questioned Mr. **Blackburn**'s every move and has tried to fire him at his annual review, complaining about his management of the budget and his dealings with commissioners.

This year, Commissioner Weberman succeeded - by enlisting two colleagues to oppose Mr. **Blackburn**, who resigned last week before they could fire him. Commissioner Valliere said she has been unhappy with Mr. **Blackburn**'s handling of airport matters. She was particularly unhappy that he failed to fire Airport Director Mike Moon before the other four commissioners intervened and rehired Mr. Moon with an 18 percent raise. Commissioner Smith wouldn't say why he wanted to fire Mr. **Blackburn**. Commissioner Weberman, who often chatters about saving taxpayers' money, saw the severance package Mr. **Blackburn** crafted for himself before he announced his resignation at the end of Tuesday's commission meeting. Did we mention that there might be a case for the state attorney?

Mr. **Blackburn** served longer than any other recent administrator and deserves a fair separation package. He started innovative programs to help citizens learn about and get involved in county government. He did an excellent job shepherding the county through recovery from last summer's hurricanes. But he is leaving for reasons that seem more personal than professional, and the public is paying for it. The three commissioners owe the public an explanation.

Palm Beach Post, The (FL)
May 15, 2005

**POWER SHIFT SEALED BLACKBURN'S DEPARTURE**
Author: EVE SAMPLES

By Martin County standards, **Russ Blackburn** enjoyed a long tenure as county administrator, a position subject to political whims and upheaval in a polarized county. The mild-mannered bureaucrat managed to keep at least three of five county commissioners happy for eight years, longer than any Martin County administrator in recent history. So what exactly prompted the 51-year-old's departure Tuesday? It wasn't a changing of the guard. The same five commissioners who gave him a 4 percent raise last year sat at the dais Tuesday when they accepted his resignation. It wasn't a public scandal that embarrassed him out of his large corner office at the Martin County Administrative Center. All five commissioners - even the three who wanted him out of the job - have agreed he's an undeniably nice guy. Rather, **Blackburn** lost a more subtle battle.

During the course of the past year, behind closed doors, he somehow fell out of favor with two commissioners who once supported him: Doug Smith and Susan Valliere. Once they joined Lee Weberman, a longtime critic of the administrator, **Blackburn** apparently took his cue to leave. "I think **Russ** probably made a good decision, based on what he has accomplished, and it's probably time to move on," Smith said. Third time's the charm. **Blackburn** knew he wanted Martin County's top job long before he got it in 1997. He made a run at the position in 1989, and again in 1993, earning a spot as a semi-finalist both times but not landing the gig. In 1997, his luck changed. He got the job, leaving his post as deputy administrator in Loudoun County, Va., to start at $93,000 a year. His wife and then-5-year-old daughter moved with him to Palm City.

At the time, **Blackburn** said he wanted to "be as nonpolitical as possible," while focusing on team-building among the county's ranks. But Weberman, who worked under **Blackburn** as a county staffer until he was elected in 2000, never bought into the top executive's "feel-good" management style. Once elected, he repeatedly criticized **Blackburn** for what he viewed as frivolous expenditures on events such as the annual State of the County breakfast and the commission's strategic-planning retreats.

**Blackburn** made it a priority to reach out to the public and, under him, the county expanded its programming on MCTV and put more than 11,000 residents through Martin CARES, an award-winning initiative that takes residents on tours of county government. "I wanted less public-relations oriented management," Weberman said. The commission chair said he preferred to see more projects completed, more deadlines met. The very quality that frustrated Weberman, **Blackburn**'s "team-building" approach to the job, made the administrator a pleasant boss for many county staffers.

Staff reportedly shocked - Commissioner Sarah Heard, who supported keeping **Blackburn**, said the mood among county employees was "morbid" last week. Valliere also acknowledged that some staffers looked shocked, and she said she understood they might feel uncertain about the future. "But I'm sure in the long run that things will settle down and things will be OK," she said. Weberman attended a county management meeting Wednesday, the day after **Blackburn** resigned, and he said he asked the directors to handle the news professionally. He asked them not to walk around with their shoulders slouched and their heads hung, he explained, but told them they didn't need to worry about a staff shake-up. "I don't want department directors walking around thinking there's a hit list," Weberman said. But Heard said it seemed like Weberman was meddling in staff affairs. "That's inappropriate," she said of his appearance at the staff meeting. "He's a member of the commission, not a dictator." She and Michael DiTerlizzi, who also wanted to keep **Blackburn** at the post, have said they think Weberman's grudge against **Blackburn** dates back to his days as a county employee.

When Weberman was the county's interim engineering director in 1998, **Blackburn** replaced him with Don Donaldson, who continues to serve as the department director. **Blackburn** also questioned whether Weberman had to resign as a county employee before he could vie for a commission seat in 2000. But Weberman maintains the history had nothing to do with his desire to oust **Blackburn**. "**Russ** was always honest with me, a nice, good family guy," he said. "Our philosophies just didn't mesh."

County staffers have devised a timeline for the search for a new administrator, and they plan to bring it to the commission at its May 24 meeting. Heard said she plans to participate in the search, even though she didn't agree with his departure. She said she hopes the search will be an open and transparent process. "The person we hire is not going to be a yes man," Weberman said. "He's going to be a very well-qualified county administrator." Weberman said he expects the search to cost up to $20,000 - that is more than county staff's initial estimates - and to wrap up sometime in August. Until the county finds a replacement, Deputy County Administrator Dan Hudson is the acting top administrator.

As part of **Blackburn**'s more than $235,000 resignation deal, he will serve as a consultant to the county from July 5 through Nov. 5, collecting his pay and benefits the entire time. Few clues to rift Though Heard wanted Weberman, Smith and Valliere to publicly air their qualms with **Blackburn**, Weberman said he wouldn't do it. "It is in very poor taste to start airing grievances about an employee who's already left," he said. Valliere has said she lost faith in **Blackburn**, and said her issues related to his handling of issues at Witham Field. Smith, however, has remained more cryptic. As the county prepares to launch a study evaluating how its western and urban areas should develop, he said it might benefit from a fresh perspective. "We're looking at what would be the next sort of generation for Martin County," Smith said. "Where does Martin County go next?"

Stuart News, The (FL)
May 12, 2005

**Blackburn leaves speculation**
Author: George Andreassi

STUART -- While Martin County Commissioner Doug Smith remained mum Wednesday about why he backed the ouster of County Administrator **Russ Blackburn**, some officials speculated it was because **Blackburn** dragged his feet on some of Smith's initiatives. "Smith won't admit what his motive was, but I'll bet it was personal rather than professional," said Commissioner Sarah Heard, who supported **Blackburn**.

Smith wanted to fast-track changes to the land uses allowed in the Rio Community Redevelopment Area, but **Blackburn** preferred to follow county procedures, which take about a year, Heard said. "Maybe Doug pushed and **Russ** didn't bend and created conflict that was so significant for Smith that he decided he wanted to get rid of **Russ**," Heard said. Commissioner Michael DiTerlizzi, who also supported **Blackburn**, said he assumed the political agendas of other commissioners led to **Blackburn**'s ouster. "I believe Mr. **Blackburn** was very well-balanced, and that was part of some commissioners' dislike for him," DiTerlizzi said. "Some people may want to further their own agendas."

Stuart City Commissioner Jeff Krauskopf said it seemed like Smith had grown frustrated with the slow pace of various county projects and blamed **Blackburn**. "I would suspect, knowing Doug Smith, that he wants to see things done and I probably would speculate that might be it," he said. **Blackburn** could not be reached for comment Wednesday. He declined to discuss the situation Tuesday after submitting his resignation. As he had on Tuesday, Smith refused to disclose reasons for his dissatisfaction with **Blackburn**, after supporting him in past years. "A decision has been made. It's time to move on," Smith said. Smith said it was too early in the process to set any criteria for the next county administrator.

Commissioner Lee Weberman, who had long called for **Blackburn**'s ouster because of differences in management philosophies, said Smith was not obligated to disclose his reasons for wanting to get rid of **Blackburn**. The next county administrator should be a veteran of county government in South Florida who is familiar with growth management, Weberman said.

"I prefer someone who thinks in military terms," Weberman said. "I like order and structure. This goes back to my timeline-driven management style." Commissioner Susan Valliere said she lost confidence in **Blackburn** because she felt his recommendations on issues were driven by the commission majority, instead of an objective analysis of the facts. Valliere said she also was unhappy with the management of the county airport. The new county administrator should be strong enough to resist political pressure from the commission, Valliere said. "I don't want anybody who polls the commission and then makes recommendations," Valliere said. "I want somebody that's not going to kowtow to anyone's agenda."

Stuart News, The (FL)
May 11, 2005

**Martin's manager Blackburn resigns**
Author: George Andreassi

STUART -- In a reversal of political fortunes, Martin County Administrator **Russ Blackburn** resigned from his $152,627-per-year post on Tuesday, two weeks before facing his annual performance review. After submitting his letter of resignation to the County Commission at the conclusion of Tuesday's meeting, **Blackburn** declined to discuss his reasons for quitting after eight years on the job, or his plans for the future.

Commissioner Doug Smith, who previously had praised **Blackburn**'s performance, joined Commissioners Lee Weberman and Susan Valliere in voting to accept **Blackburn**'s resignation. Weberman, a former county employee, long had called for the ouster of his former boss, and Valliere had been critical of **Blackburn** on airport issues. Commissioner Sarah Heard, who voted to reject **Blackburn**'s resignation along with Commissioner Michael DiTerlizzi, called for discussion on why **Blackburn** should be replaced, but none of her colleagues gave their reasons during the meeting. "This is crazy," Heard said. "I think that every resident deserves to know why three commissioners think that this resignation is in the public good. Wouldn't you like to know, Mr. **Blackburn**?"

Weberman, commission chairman, refused to allow the discussion. "This has been a very difficult decision for Mr. **Blackburn**. It takes a lot of guts to do what he's doing," Weberman said. "The in-fighting and the commentary can be put off for another day. I'm not going to get into a debating match with you today." After the meeting, Smith declined to discuss his opinion of **Blackburn**'s performance during the past year or give specific reasons why he voted to accept **Blackburn**'s resignation. "I've had my discussions with **Russ** privately on what his issues are and what our issues are, and that will remain between Mr. **Blackburn** and myself," Smith said. "If the administrator chooses to comment on his issues and discuss the reasons he resigned, that's his choice."

After the meeting, Heard said politics finally caught up with **Blackburn**, who survived a change in the commission majority in the 2000 election and had enjoyed the support of four commissioners as recently as his 2004 annual review last May. "I always thought that he played politics and that it was going to hurt him and hurt the county, and now it has," Heard said. "I thought in the past that he catered to three votes. And now one of those three votes turned on him." As part of his severance package, **Blackburn** will be on paid administrative leave from Thursday through July 4. After that, he will be available for consultation with full pay and benefits until Nov. 5. After that, **Blackburn** will receive severance pay for an additional 180 days. In addition to approving the severance package, the commission voted to name Deputy County Administrator Dan Hudson as acting county administrator and assigned County Attorney Stephen Fry to lead the search for a new boss for the county's 850 employees.

Palm Beach Post, The (FL)
October 3, 2004

**DURING STORMS, THESE VOICES KEPT US CALM**
Authors: Eve Modzelewski, Jim Reeder and Pat Moore

Through irreverent winds and angry rain, residents glued to their battery-operated radios and televisions got to know certain voices during September's bouts with hurricanes Frances and Jeanne. With steady tones, these voices tried to soothe while Mother Nature raged. Here's a glimpse at who they are and what kept them going during a season of storms never before experienced on the Treasure Coast.

**Russ Blackburn** - Martin County administrator. "You don't want to panic people' The past month's double whammy was so unfathomable that leaders including **Blackburn** learned to wing it. "There was no drill for Hurricane Frances and Jeanne, back to back within three weeks," **Blackburn** said. "I don't believe there's a hurricane university anywhere that teaches you anything that we had to deal with." The 51-year-old has worked almost nonstop since the two storms, fueled by Mountain Dew. He's talked to residents through countless press conferences and on-air interviews, getting out as much information as possible. "It's been particularly challenging," he said. "You're making these announcements as to what's going to close, and you're looking at the projected intensity. . . . All these thoughts are going through you head, but at the same time you don't want to panic people."

All the work has meant **Blackburn** hasn't had much time to spend with his wife and 12-year-old daughter - but he planned to spend this weekend at home. "You love your family," **Blackburn** said. "But you also have a duty to the community." Doug Anderson St. Lucie County administrator 'We are running on adrenaline' When The Washington Post showed up at the St. Lucie County Emergency Operations Center after Hurricane Frances, the reporter gave Anderson a valuable tip: "Say what you want to say, because the president reads The Washington Post every morning. " So Anderson sounded off about what storm-torn St. Lucie County needed and, sure enough, Homeland Security Secretary Tom Ridge called him in a matter of days.

As administrator of perhaps the worst-damaged county through the two hurricanes, Anderson, 57, has become one of the most recognized voices of the storms. He's had two days off since Aug. 30, and those were spent cleaning up his home. "We are running on adrenaline, we really are," Anderson said this week. "People ask if you're tired, and I don't want to think about it." He's talked to ABC's World News Tonight, CNN, The Boston Globe and many more news organizations. "I felt comfortable with it," he said. "When you go through a situation like this, you just make up your mind: no matter what, you're going to remain calm and not try to overreact or underreact." Through all the craziness, some personal responsibilities have gone by the wayside. Anderson's wife's birthday was Sept. 9 "and I completely forgot about it," he said. "I didn't know what day of the week it was, but she understood."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Vero Beach Press Journal (FL)
October 1, 2004

**Great hurricane cooperation between Stuart and Martin**

In the aftermath of Hurricane Charley there were several articles in Florida newspapers describing the lack of coordination and cooperation between city governments and county emergency management operations. No such problems existed between the City of Stuart and Martin County during or after Hurricane Frances. The cooperation at all levels of the two governments was simply outstanding. A great deal of credit should be given to County Administrator **Russ Blackburn** for his calm, knowledgeable leadership during an extremely busy and stressful period.

Following Hurricane Andrew during the early '90s, the city created an emergency management coordinator position to improve the city's response to hurricanes and other disasters. Ann Craig, the former coordinator and Debbie McCaughey our current coordinator, formed a close bond with Keith Holman, director of the Emergency Management Division of Martin County. These years of planning and refining for disasters proved their worth during Hurricane Frances and will continue to benefit city residents when natural and manmade disasters occur in Stuart.

David Collier
City Manager
Stuart

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Stuart News, The (FL)
June 26, 2004

**Proposed Martin budget would lower property tax**
Author: George Andreassi

STUART -- Martin County Administrator **Russ Blackburn** proposed a $353 million budget Friday that would lower the county property tax rate for the coming year by nearly 2 cents to $8.40 per $1,000 of taxable value. That means the owner of a home valued at $225,000 with a $25,000 Homestead Exemption would pay $1,680 in county taxes for the 2004-2005 fiscal year. That does not include taxes levied by other agencies, such as the school district and city of Stuart.

Property tax bills can also rise as a result of increased values set by the county property appraiser. The proposed county budget represents a reduction of $38.5 million, or almost 10 percent, from the 2003-2004 fiscal year. **Blackburn** attributed the reduction to a decrease in spending on major construction projects and a change in the way major projects are budgeted. Public safety was one of the few areas where spending would increase, **Blackburn** said. The budget includes a $5.2 million increase in the sheriff's budget to cover anticipated pay raises and other cost expenses.

The Emergency Services Department is proposed to receive a $2.6 million increase, mainly to pay for 12 new fire-rescue workers to serve the Kanner Highway corridor. Several county commissioners said they were glad **Blackburn** followed their admonition against raising the property tax rate. They said there might be ways to further reduce the budget and tax rate. "He's accounted for all the constitutional (officers') and sheriff's budget, which is good. He's kept us pretty lean and thin, which is equally good," Commission Chairman Doug Smith said. "Hopefully, we'll be able to see a little bit more of a reduction, if possible."

Commissioner Susan Valliere said she was "surprised" and "relieved" that **Blackburn** did not propose a hike in the property tax rate. "I was afraid we were going to have to take our pencil sharpeners and really do some hard work on the budget," she said. **Blackburn**'s harshest critic, Commissioner Lee Weberman, said it was the first time in almost four years in office that he was pleased with a budget proposal. "I think it's a step in the right direction," Weberman said. "When we get to our budget hearings, I'd still like to see if there is any place we can still trim some of the fat and prioritize a little better."

The commission is slated to review spending plans for county departments and the constitutional officers during the week of July 26. They are expected to adopt a final budget during public hearings set for Sept. 8 and 15. Other taxing agencies -- such as the school district, the county Children's Services Council, the South Florida Water Management District, the city of Stuart, and the towns of Sewall's Point, Jupiter Island and Ocean Breeze Park -- are also entering budget season.

Stuart News, The (FL)
May 26, 2004

**Blackburn receives extension, raise**
Author: George Andreassi

Commissioners also voted 4-0 in favor of an assessment to more than 400 property owners in the Seagate Harbor and Lighthouse Point subdivisions to pay for capping their septic tanks and hooking up to a new county sewer system.

STUART -- The Martin County Commissioners awarded County Administrator **Russ Blackburn** a one-year contract extension and a $5,283 raise on Tuesday although a second county commissioner expressed misgivings about his performance. Commissioners also voted 4-0 -- with Michael DiTerlizzi abstaining -- in favor of an assessment to more than 400 property owners in the Seagate Harbor and Lighthouse Point subdivisions to pay for the cost of capping their septic tanks and hooking up to a new county sewer system. That vote came after a public hearing held when commissioners reconvened for the evening at the Palm City Community Center at Leighton Park.

During the earlier meeting, Commissioner Susan Valliere joined Commissioner Lee Weberman, a longtime **Blackburn** critic, in dissenting on a 3-2 vote to increase **Blackburn**'s salary by 5 percent to $137,365 per year. The commission had earlier voted 4-1 to extend **Blackburn**'s contract with Weberman dissenting because of longstanding philosophical differences about the county's spending practices and **Blackburn**'s handling of several controversies.

After criticizing **Blackburn**'s leadership for the first time, Valliere said, "those issues aren't, in my view, fatal." "I've had some disappointments this year, major disappointments," Valliere said. "I think there was a major instance when he demonstrated a lack of strong leadership." Valliere said she also believes that staff recommendations on some issues were influenced by pressure from commissioners behind closed doors.

Questioned before the meeting, Valliere said she was unhappy with **Blackburn**'s ill-fated attempt to oust Airport Director Michael Moon, who was subsequently awarded an unprecedented contract with an 18 percent raise. But Commissioners Doug Smith, DiTerlizzi and Sarah Heard said they believe **Blackburn** has done a good job leading the county government. "An effective administrator needs to be responsive, and well informed, and conscientious, flexible, hardworking, dedicated. There is no question in my mind but that **Russ** is very capable of all of those things," Heard said.

Smith praised **Blackburn** for balancing the political demands of the five commissioners. "We all do have very different opinions up here on how we do our job, and how we react to the community, and how we try to serve the community," Smith said. "Trying to make everybody up

here happy is almost impossible. This is not a board that has a lot of consensus on some of those issues."

Later during the evening meeting, commissioners voted in favor of a special assessment to more than 400 property owners in the Seagate Harbor and Lighthouse Point subdivisions to pay for the cost of capping their septic tanks and hooking up to a new county sewer system.

Homeowners would be assessed $7,542 for each meter connection, and that doesn't include the $750 to $1,500 it will cost each homeowner to run pipes from their homes to the new system. Homeowners may pay a lump sum or make 20 annual installments of $595 with their property tax bills. The annual payments would include interest and administration fees.

More than 75 people were at the hearing and most spoke in favor of the project, but Anne Lane of Seagate Harbor said she didn't see the need for the new system and doesn't want to pay higher monthly utility bills. "Neither of my septic tanks has ever failed, I'm really against the monthly cost because I don't need this and I sure don't need another $60 a month," Lane said. But Dan Merritt of Seagate Harbor said he was all in favor of the project because many septic tanks and drain fields are no longer working." "Our sewers are bubbling, our septics are bubbling over and they're going right into the canals," Merritt said.

Capping off their septic tanks and hooking up to sewer is mandated by the 1990 Indian River Lagoon act, said John Polley, director of the Martin County Utilities and Solid Waste Department. The subdivisions sit on the west banks of the St. Lucie River and their septic tanks were identified by the South Florida Water Management District as potential sources of contamination to the water table or the river, and that legislation requires such areas to switch from septic to sewer. Work on the new system is expected to begin within several months.

Palm Beach Post, The (FL)
January 22, 2004

**LIBRARY, LAND TOUTED AT STATE OF MARTIN EVENT**
Author: JENNIFER SORENTRUE

For Martin County officials, the annual "State of the County Address" is the year's high point, an opportunity to tout their accomplishments and praise county employees. But this year, they had to boast without the man holding the county's top job. County Administrator **Russ Blackburn** was at home in bed Wednesday, recovering from a broken heel. He fell from a ladder Dec. 30 while taking down Christmas decorations at his home.

Instead of beginning the program with the traditional, in-person introduction, **Blackburn** videotaped some short remarks from his home this month. The comments, part of a 29-minute video touting county programs and achievements, were played for a crowd of about 200 at the waterfront pavilion at Indian RiverSide Park. "This is awful," **Blackburn** said of being stuck at home with his foot resting atop five pillows. "It's very frustrating when you're used to being active."

Since the injury, **Blackburn** has been staying on top of county business by telephone and by watching meetings televised live on the county's government access station, MCTV 20. "I've been making everyone's lives miserable," he said jokingly. "When I see that one of the departments needs a little suggestion, I will call them and let them know." **Blackburn** is expected to return to work next week, but only part time. He expects to be back to full-time duty by February.

Despite his absence Wednesday, **Blackburn** won't miss out on much. County staff planned to deliver a videotape of the event - including the 29-minute segment shown to attendees. It took county staff 30 hours to complete the video segment - about the same amount of time used to produce last year's slide show presentation that the video replaced.

An expanded library system, an improved government access channel and the purchase of environmentally sensitive land were some of the accomplishments touted in the segment. And Commission Chairman Doug Smith promised more good things to come. The $1 billion plan to clean up the Indian River Lagoon will top a list of priorities pushed by county leaders this year, Smith said. He urged the crowd to e-mail and call their federal representatives about the plan, part of the $8.4 billion restoration of the Florida Everglades.

The outline for the Indian River Lagoon plan is expected to be signed by the chief of the U.S. Army Corps of Engineers in March and then begin a congressional approval process that would conclude in the fall. "It's absolutely the single most important thing Martin County will do this year," Smith told attendees. "If you have ever lived in another state, if you have contributed to someone's campaign . . . call and remind them."

Smith heralded the area's economy, saying Indiantown stands to reap enormous benefits from The Scripps Research Institute proposed in northern Palm Beach County.

But Commissioner Lee Weberman wasn't as eager to give praise in such a public forum. He has refused to attend the event since its inception in 2002, saying he thought the $1,000 the county spends on it could be put to better use. "It's too much of a self-promotion party," he said. "We have issues that we are falling behind on. I think we ought to be focusing on those issues." The county is behind when it comes to road improvements and airport issues, Weberman alleged. The hour-and-a-half event keeps dozens of county employees from addressing those things, he said. "I'd rather be working on the issues than touting ourselves," he said. "There are other ways we can show our support for employees."

Stuart News, The (FL)
November 15, 2003

**Martin to challenge liability in '89 leak**
Author: Jim Turner

MARTIN COUNTY -- Officials intend to challenge a state claim that the county is responsible for a chemical leak on Dixie Highway that will cost at least $157,000 to clean up. County Administrator **Russ Blackburn** said the county is willing to work with the state Department of Environmental Protection to remove the contaminated soil in the road right of way, near where the railroad tracks cross Dixie Highway south of Monterey Road.

However, the county will conduct an internal investigation to determine how liable it is for the 1989 leak, **Blackburn** said. "We don't know the source of that contamination, and we're going to have to solve it quickly," **Blackburn** said. "To our knowledge we haven't had any physical facility in that right of way." County officials said they were surprised to receive a letter from the state Thursday claiming the county would owe at least $39,250 -- 25 percent of the estimated cleanup cost.

DEP spokeswoman Linda Linear said Friday that the site was a road department work depot and that the level of toxins, not considered to affect drinking water, has fluctuated over the years, despite cleanup efforts that started in 1994. "They have already acknowledged they're responsible," Linear said. The state has estimated the removal cost at $157,000 and advised the county it would have to pay 25 percent plus any cost over $300,000. The county also questions the content of the spill, which the state has listed as petroleum. **Blackburn** said county records indicate the chemical is a machine-cleaning solvent.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Palm Beach Post, The (FL)
September 7, 2003

**COMMISSIONERS TURN SIGHTS ON ADMINISTRATOR**
Author: JENNIFER SORENTRUE

After two weeks in the spotlight with his job on the line, controversial Airport Director Mike Moon returns to work Monday with an 18 percent pay raise and severance package unlike any ever awarded to a county employee. It's now his boss, County Administrator **Russ Blackburn**, who is on the hot seat. His failed attempt to oust Moon from his post at Witham Field isn't sitting well with some county commissioners.

The Martin County airport "is a very hostile environment, and perhaps **Russ** thought it was a move he had to make in order to relieve some of that hostility," Commissioner Doug Smith said last week. "I really think something of that magnitude, **Russ** should have come to us." Commissioners voted against **Blackburn**'s wishes last week and awarded Moon the hefty pay raise and unprecedented incentive package.

The deal will increase his salary from $80,437 to $95,000 a year. The employment package also guarantees Moon a year's salary if he is fired from the general aviation airport in the next two years. It's a decision that Smith says might be enough to make **Blackburn** look for another job. That's because many say the deal sets a bad precedent that undermines **Blackburn**'s authority, pitting him against the county commission. "I'm not sure I'd be very happy with the environment," Smith said. "I think **Russ** has good administrative talents. But it might be getting pushed to its limit here in Martin County. I wouldn't be surprised if **Russ** said, 'I've had it.' " On Friday, **Blackburn** joked that he's "always in the hot seat, on every issue," but refused to comment specifically on Moon's deal. He said he was not looking for another job and had no immediate plans to leave Martin County.

Commissioner Sarah Heard also is critical of **Blackburn** but stops short of saying he's a bad leader. Heard voted in favor of Moon's deal and thinks he has done a good job. Still, she isn't thrilled by the commission's decision. "It's a lousy precedent," she said. "I think (the pay raise) is excessive." She suspects the scenario might have been different if **Blackburn** had been more open with commissioners. "If **Russ** had heard our perception before then, maybe the outcome would have been different," she said. "This has been a very secretive government, and we need to make it less so."

Heard forced **Blackburn** to reveal publicly the details of Moon's resignation during a commission meeting Tuesday, less than two weeks after Moon announced he planned to leave Witham Field and said he was taking a job at a larger airport in Lansing, Mich. **Blackburn** reluctantly admitted during the meeting that he told Moon to start looking for another job during a conversation earlier this year about his performance. "I suggested it might be a good idea if he start looking around," **Blackburn** told the commission. The comment did not violate any county

policy, county Human Resources Director Linda Skelton said. Moon and other department directors aren't protected by the same guidelines that safeguard other county employees. "Directors serve at the will of the county administrator," she said, meaning they can be fired without warning.

Traditionally, it has been **Blackburn** who decided whether to hire, fire or retain employees. Moon's agreement was the first time in several years that commissioners have made a management decision involving employees other than **Blackburn** and County Attorney Stephen Fry. Unlike Smith and Heard, Commissioner Susan Valliere didn't fight to keep Moon in Martin County. She voted against the employment deal. However, she also has concerns about the way **Blackburn** handled the situation. "I wish that **Russ** would have stood up to the commission," Valliere said. "I am disappointed with the turn of events. I believe he should have said, 'Let me do my job.' "'Everything by the book'

During the Aug. 26 commission meeting, **Blackburn** pointed to a number of situations that he said gave him "cause for concern" about Moon, including a controversy over a commercial airline that began offering scheduled service at Witham last year that seemed to surprise everyone involved. He also said Moon failed to meet with the airport's two large aircraft service centers on a regular basis. Before he could finish, **Blackburn** was cut off by county commissioners and told to try to persuade Moon to stay at the airport. "I just think that the commission overstepped their bounds," Valliere said. "It should have been left to **Russ Blackburn**."

Commissioner Lee Weberman, **Blackburn**'s toughest critic, sides with Valliere. "I think **Russ** did everything by the book," he said. "I don't think it should reflect on him." In May, Weberman was the only commissioner to vote against **Blackburn**'s 3 percent pay raise. He even called for **Blackburn**'s resignation during the annual performance review. The remaining four commissioners all praised the administrator for making county government more accessible to residents. Since being hired in 1996, Moon has also received glowing reviews. According to his personnel file, **Blackburn** lauded him in 1998 for seeking and receiving $2.5 million in federal grant money. That same month, Moon was given a verbal warning for allowing a county employee to store a privately owned boat and car on airport property. It was the one time Moon has been reprimanded, according to county records. But airport businesses paint a different picture. They describe Moon's relationship with **Blackburn** as "strained," saying the two would occasionally butt heads during closed-door meetings.

Moon, who is on vacation until Monday, has been reluctant to comment on his relationship with **Blackburn**, only saying that he believes the two can work out their differences. His employment contract hasn't been finalized, but is expected to be complete in the next two weeks, **Blackburn** said. Lansing might be better fit ,- It was unclear Friday whether airport officials in Lansing attempted to counter Martin's offer. Moon said he was hired as the airport's director of operations and maintenance. Some airport watchdogs say Moon is better suited for the Capital City Regional Airport in Lansing, where managers are pushing to increase commercial traffic.

Many say Moon is responsible for transforming Witham from a quiet airfield into a busy airport. In recent years, Moon's character and family have been assailed by those who credit him with airport growth. But Heard says he's not the one to blame. The county commission has done little to reduce noise and jet traffic, she said. "We have a problem at the airport," she said. "We have not once had to solve that problem on our agenda."

With Moon's future nearly settled and an extensive airport study compete, airport businesses and some watchdogs think the county is one step closer to finding the solution. County commissioners used the study to put an end to a long-running dispute over the future of Witham Field, ruling out the possibility of moving or closing the airport. "This is a sign of the beginning of the calming," said David Smith, president of Galaxy Aviation, one of two service centers at Witham. "Mr. Moon is here to stay, so that's settled."

A look at Airport Director Mike Moon's history at Witham Field:

1994: Moon first applies for a job at Witham Field. He is a top contender for the job, but the airport authority, which was then in charge of hiring the director, stopped considering him after his salary demands exceeded the group's budget.

Dec. 1995: Moon is one of seven applicants to apply after former Airport Director Brian Weiler resigns the post.

Jan. 1996: Moon is hired as airport director, earning $50,000 a year.

Feb. 1998: Moon receives a glowing evaluation from County Administrator **Russ Blackburn**. He is lauded for seeking and receiving $2.5 million in federal grant money.

Feb. 1998: Moon is given a verbal warning for allowing a county employee to store a privately owned boat and car on airport property. This is the only reprimand on file with the county.

Sept. 1998: The primary runway is moved about 50 feet to the northwest. Before the extension, Moon said, the airport's flight zone overlapped the Martin County Golf and Country Club. The extension shifted that zone off the golf course property, Moon said. Airport watchdogs say it also allowed bigger, louder jets to land at the airport.

Oct. 2002: Moon accuses former Assistant Airport Director Mark Taylor of trashing his office and disabling electronic gates protecting the airport perimeter. Taylor counters that Moon wrecked his own office and disabled the fences to destroy Taylor's credibility in anticipation of a harassment and discrimination lawsuit.

Nov. 2002: County commissioners vote to give Stuart Jet Center the option of doing business at Witham Field through 2032.

Dec. 2002: Taylor is fired after a county investigation concludes he tampered with security gates at Witham Field. Taylor later appeals the decision, but it is upheld by a five-member grievance panel. Jan. 15: Florida Coastal Airlines begins offering commercial service from Witham Field using a nine-passenger plane. Moon, county officials and commissioners all say they did not know Florida Coastal Airlines planned to begin offering pay-by-the-seat service from Stuart to Broward County and Marathon.

Jan. 17: Martin County threatens to take legal action against Florida Coastal Airlines if it doesn't stop offering commercial service. County officials say the airline is in violation of zoning codes. Jan. 21: Florida Coastal halts its commercial service at Witham Field. February: Moon gets high marks on his performance review, but he is given a low score for his customer service skills. March: County commissioners vote to lease the last piece of property that can be used for aviation at the airport to the Witham Aero Club, a group of 42 small-airplane owners who base their planes at airport. Eight other groups tell county officials Moon promised them the land. April 8: County commissioners approve plans to use two federal grants to pay for a radar display system at Witham Field. June: County commissioners vote to give Galaxy Aviation the same deal as Stuart Jet Center. The aircraft service centers now have the option of operating from Witham Field until 2032. Aug. 21: Moon quietly resigns to take a job at an airport in Lansing, Mich.

Aug. 26: County commissioners direct **Blackburn** to try to persuade Moon to stay in Martin County. **Blackburn** begins to criticize Moon's performance at the airport, but is cut off by county commissioners. At the meeting, former Commissioner Marshal "Bud" Wilcox urges the commission to ask Moon to stay. Aug. 28: Moon offers to tear up his resignation if he is given a hefty raise and severance package. Sept. 2: Moon is awarded an 18 percent raise and lucrative incentive package unlike any ever awarded to a county employee. The employment package guarantees Moon a year's salary if he is fired from the general aviation airport in the next two years.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Stuart News, The (FL)
May 29, 2003

**County administrator to receive raise**
Author: Jim Turner and George Andreassi

STUART -- Despite a strong majority of commissioners showing support for their top appointed official, Commissioner Lee Weberman said he will continue his quest to have County Administrator **Russ Blackburn** replaced. "This is not, for me, a one-time decision," said Weberman, who cast the lone vote against **Blackburn**'s 3 percent raise Tuesday. "If any other commissioner decides during the course of the year that they agreed with my opinion ... I'll take a run at it again."

Chief among Weberman's complaints about **Blackburn** are claims of poor fiscal oversight and poor communications with the elected officials. **Blackburn** at the top," said Weberman, a former county engineer who served under **Blackburn** during his six years as county administrator. "This is about performance." Other commissioners said they'd like improvement in certain areas of **Blackburn**'s responsibilities. However, the closest Weberman came to an ally in his cause also voted for the raise.

Commissioner Sarah Heard said she has had problems with **Blackburn**'s performance. She said she thought the commission was not fully informed about a waste management issue last year. Earlier this year, she said, her proposal for an airport advisory board contained information that was added without her input. She also expressed displeasure that a fireworks businesses was proposed in her district but she wasn't informed until it appeared on the agenda. "When something is in my district I want that information far in advance of three days," Heard said.

Commission Chairman Michael DiTerlizzi and Commissioner Doug Smith also said **Blackburn** could improve, but agreed he's done the job the commission has directed. "I see the administrator as a reflection of what we tell him to do," Smith said. The raise, to $132,082.05 a year, places **Blackburn**'s salary above most other local city and county administrators. **Blackburn**, who was not surprised by Weberman's stance, said he would use the commission's comments as constructive criticism. "It's good to hear what each commissioner has to say and try to continually improve and carry out their objectives," **Blackburn** said. "It's never enjoyable, but it is very valuable to get that kind of feedback on their expectations."

Stuart News/Port St. Lucie News (FL)
May 16, 2002

**BLACKBURN RECEIVES 3 PERCENT PAY RAISE**
**RUSS BLACKBURN'S ANNUAL SALARY INCREASED BY $8,424, BUMPING IT TO $128,235.**
Author: Jim Turner

The County Commission has approved a 3 percent raise for Administrator **Russ Blackburn**, bumping his annual salary to $128,235. Commissioner Michael DiTerlizzi defended the increase approved Tuesday by saying **Blackburn**, who oversees 800 employees and a $60 million budget, earns less than managers of smaller governments, such as Palm Beach Gardens, where the top administrator is paid $135,680. "I think we have to be cognizant Mr. **Blackburn** has to be fairly compensated," DiTerlizzi said. "If he's doing a good job, we want to keep him here to do that job."

Doug Anderson, administrator of St. Lucie County, earns $105,029. Stuart City Manager David Collier is paid $95,300. Jupiter Town Manager Robert Bartolotta receives $126,000. Tequesta Village Manager Michael Couzzo gets $92,585. The Martin County commission also increased the amount paid into **Blackburn**'s annual deferred compensation fund by nearly $5,000, bringing it to the state limit of $11,000 a year.

**Blackburn** will receive the deferred money when he retires. Commissioner Lee Weberman cast the lone vote against the total raise of $8,424 a year, saying **Blackburn** has not done enough to improve the efficiency of his office or to scale back the number of employees in the administrative department. "I think as the county continues to grow, his salary has grown in a disproportionate measure," Weberman said. "Three percent at that position is like 15 to 20 percent for other employees."

Stuart News/Port St. Lucie News (FL)
January 24, 2002

**BLACKBURN DESCRIBES RECESSION PLAN**
Author: George Andreassi

STUART - County Administrator **Russ Blackburn** on Wednesday discussed the county's plans for dealing with the recession during a "State of the County" address in which he profusely praised his bosses. More than 250 civic activists, county workers and elected officials gave **Blackburn** a standing ovation at the conclusion of his hourlong audio-visual presentation in the dockside pavilion at Indian Riverside Park. Even some critics of county commissioners lauded **Blackburn**'s performance. "**Russ** is a good administrator, and he's a good politician. He knows when to give his board a pat," commented Lloyd Brumfield, a member of the Martin County Conservation Alliance, who has often criticized commissioners.

In addition to highlighting the commission's achievements last year and goals for this year, **Blackburn** reiterated statements that county department heads are prepared to cut up to 7 percent of their operating costs this year if necessary to cope with the recession. "We're in a national recession," **Blackburn** said. "Fortunately, Martin County has not been impacted by the recession to the extent as other counties across the nation. "To respond to an expected shortfall in state revenue sharing funds, each department in the county has a contingency plan to reduce 7 percent of their operating costs," **Blackburn** said.

"Current vacant positions are being held over until such time as we are confident we have rebounded," **Blackburn** said. "We have taken advantage of the low interest rates in the market by refinancing our general revenue bonds." The county stands to save $1.3 million by taking advantage of declining interest rates on bonds, **Blackburn** said. "The year 2001 was a year of successes, evidenced by our fiscal health, improvements to our health programs, a bevy of capital projects, (and) expansion of water and treatment systems to eliminate the use of septic tanks," **Blackburn** said. He also cited, "Revisions to our growth management plan, ordinances and regulations to ensure that they are realistic and yet absolutely are ardent protectors of our environment; and unity as a community experiencing a unique lifestyle."

"High priority actions in 2002-2003 include completion of the Airport Site Development Plan, development of Comprehensive Economic Development Policy and Strategy, and plan and fund technology infrastructure," **Blackburn** said. **Blackburn**, who earns $124,500 per year, started his speech by calling his bosses "the best County Commission that anybody could ever have in local government." His audio-visual presentation in a large room overlooking the Indian River Lagoon featured video clips and photographs of commissioners and other officials during ceremonial ribbon cuttings and groundbreakings for county projects.

The theme of the event was "United We Stand," not because of the terrorist attacks of Sept. 11, but because that was the headline of a magazine story about good relationships among the five commissioners after the election of three new members in the fall of 2000, **Blackburn** said. Commissioner Doug Smith set the tone for the ceremony while introducing **Blackburn** to the crowd, by calling his fellow commissioners "four of the greatest people I have ever known."

Afterward, Sewall's Point Mayor Bob Wienke, who has occasionally disagreed with the commissioners on airport issues, praised **Blackburn** and the commissioners for providing residents with a comprehensive update on the activities of the county government. "On balance, they did a good job. That doesn't mean I agree with everything," Wienke said. "It probably would be useful for the county commissioners to interface more directly with the public on the airport issues."

Stuart News/Port St. Lucie News (FL)
November 15, 2001

**COUNTY STARTS TO CUT OPERATING BUDGET BY 7%, MARTIN OFFICIALS TO TRIM OPERATING BUDGET BY 7%**
Author: Jim Turner

STUART - Martin County officials will spend the next two weeks trimming 7 percent of their operating budgets to brace against looming state budget cuts and an expected drop in sales tax revenue. County Administrator **Russ Blackburn** has asked each department head to find ways to scale back spending to offset a projected $1.5 million to $1.7 million revenue shortfall.
"We're sucking it up, that's what it boils down to," said Commission Chairman Dennis Armstrong. "It's just the realistic expectation and we're just trying to plan ahead."
The county expects a 10 percent reduction in its own sales tax revenues, plus a 6 percent decrease in money from state sales tax revenues, which have been hurt by an economic slowdown that was accelerated by the Sept. 11 terrorist attacks, **Blackburn** said.

County officials are preparing to deal with further cuts expected when the Legislature convenes in Tallahassee after Thanksgiving to complete work on the state's $1.3 billion projected shortfall. Commissioners said staff and service reductions are to be considered only as a last resort.
"We don't want anyone to fear for their job, but a very hard look has to be given to the budget," said Commissioner Elmira Gainey.

**Blackburn** said the county does not expect to impose a hiring freeze, as Commissioner Lee Weberman has requested, but any new hires would have to be justified before they are approved.
"Rather than hiring, we're asking them to consider contracting or temporary workers," **Blackburn** said. Weberman said the directive could have been made stronger. "It's a step in the right direction, but not far enough," he said. He said the county should have followed the lead of Sheriff Bob Crowder, who has implemented a hiring freeze to protect sheriff's employees in the boot camp for juvenile offenders. If state funding cuts close part of the boot camp program, Crowder wants to have other jobs for those employees. "We're facing a serious financial crunch, and we need to tighten our belts," Weberman said. "We're not facing a theoretical shortfall, but an actual one." The purchase of vehicles has been delayed until March, when further budget figures are available and maybe the "outlook has a rosier picture," **Blackburn** said.

Also, travel will be cut back, with most staff members allowed to travel out of town only for training programs, and department directors allowed to attend only one national and state conference for the rest of the fiscal year, which ends Sept. 30. Department heads have until Dec. 1 to come up with "innovative" ways to scale back on their spending plans, **Blackburn** said.
The county also is working to identify other strategies to withstand the fiscal downtown over the next three years. "Past history has demonstrated that a recession has about a three-year trend before recovery begins," he said.

Stuart News, The (FL)
June 3, 2001

**COUNTY ADMINISTRATOR TO GET JOB REVIEW BEFORE RAISE APPROVAL**
Author: GEORGE ANDREASSI

STUART - Martin County commissioners are generally pleased with County Administrator **Russ Blackburn**'s performance in the six months since a new majority took office, but they still want to give him a formal review before deciding whether to raise his $119,700 salary. "I'm just not willing to give any automatic raises to anybody," County Commissioner Lee Weberman said. "We need to talk about how we're going to measure his performance and if we're happy with what's gone on the last six months."

According to the terms of his contract, **Blackburn** would have received a 5 percent raise automatically if Weberman had not suggested a review of his performance by Tuesday. Commissioners are expected to decide Tuesday whether to mandate annual performance reviews for the county administrator and county attorney. They are also to discuss standards for the reviews.

The 5 percent raises given to **Blackburn** and former County Attorney Gary Oldehoff last summer rekindled a controversy that carried over into the fall elections that put three new commissioners in office. Their salaries first came under fire in 1999, when both received 15 percent raises. "There was a lot of controversy in the last two years with the fantastic raises that were voted on by the old" County Commission, Weberman said. "There was a lot of sentiment in the community that those were unwarranted raises. At the time, I agreed with that. I thought we should have gone through some belt-tightening exercises."

Joining Weberman in support of a formal review of **Blackburn**'s job performance were Commissioners Dennis Armstrong, Elmira Gainey and Michael DiTerlizzi. Commissioner Doug Smith could not be reached for comment. "In the business world, I review my employees," said DiTerlizzi, who owns several service stations and convenience stores. "I think it's a good idea to review the administrator." Although he said he thinks **Blackburn** has been doing a good job, DiTerlizzi said he is against giving the administrator an automatic raise without discussing his performance.

Armstrong and Gainey, who opposed large raises for the county administrator and county attorney in the past, said **Blackburn** has done a good job of changing the county government in accordance with the wishes of the new commission majority. "I'm impressed with how he's picked up on the direction the new board wants to go and bringing the staff along with him on those issues," Armstrong said. "I'm pretty pleased with his performance in general." Gainey agreed. "

Overall, I think he's done an excellent job," she said. Gainey, Armstrong, DiTerlizzi and Weberman said they also have some constructive criticism of **Blackburn**'s performance but declined to discuss the details. In past years, Armstrong said, "I gave him an oral review because I didn't really want my comments to be publicized." The one criticism of **Blackburn** that he was willing to share was a style issue, Armstrong said. He would like the county administrator to be more willing to offer his professional opinion on issues coming before the County Commission.

**Blackburn** said he thinks he has been doing a good job and is looking forward to being reviewed so he can learn what commissioners think he is doing right and what he needs to improve. "I don't anticipate that it will be controversial," he said. "I think the board is going to make practical decisions about how well we are doing . . . to meet their strategic objectives and to carry out their policy directives. "They certainly decide if there's a raise at all, what the form of that raise is," **Blackburn** said. "I'm willing to work with the commission and get through that issue. My more important objective is to hear their feedback and make sure that I'm doing the things that are important."

Stuart News, The (FL)
September 28, 2000

**NEW COMMISSION: BLACKBURN'S JOB IS SAFE**
**LEE WEBERMAN SAID THE COUNTY ADMINISTRATOR WILL BE GIVEN "A COMPLETE OPPORTUNITY TO PROVE HIMSELF."**
Author: Paul T. Rosynsky

STUART - In an effort to quell widespread talk that County Administrator **Russ Blackburn** will be the next county employee destined for firing, members of the commission's new majority vowed Wednesday not to seek his ouster. With **Blackburn** indicating he would like to remain county administrator and criticisms from their Election Day opponents that a "blood bath" is coming, members of the new majority said they look forward to working with the administrator who was picked by the current commission four years ago. "I am rethinking my position with Mr. **Blackburn**," said Commissioner-elect Lee Weberman, the most vocal advocate of ridding the county of its top two employees. "It's an issue of fairness. I want to give Mr. **Blackburn** a complete opportunity to prove himself." A day after the outgoing commission majority fired County Attorney Gary Oldehoff for fear he would fall victim to a new-majority "blood bath," attention turned to **Blackburn** and whether he would receive a deal similar to Oldehoff's, which included a more than $93,000 compensation package. **Blackburn** and Oldehoff have similar clauses in their contract that allows the commission to fire them "without cause" to ensure they receive a compensation package. "I guess if **Russ** wanted out I'm sure he could get the three of them to give him the same deal," said Commissioner Dennis Armstrong. "The question is, is he ready to take the money and run?" **Blackburn** said Wednesday he is not. "My commitment is to guide the organization through the transfer," he said. "I plan to serve the new board." To prove his point, **Blackburn** has already scheduled a series of meetings with the new commissioners and staff members to ensure any policy changes demanded by the new board would begin as soon as possible. It is that planning and **Blackburn**'s eagerness to meet with the new commission members that have them rethinking their positions. "My understanding is that he has set up weekly meetings. He seems really fired up on this new commissioner orientation program," Armstrong said. "My gut feeling is that he wants to stick around and work with everybody." And at least one member of the outgoing County Commission majority agrees. Commission Chairman Marshal "Bud" Wilcox, who proposed firing Oldehoff this week, said Tuesday he has no reason to believe **Blackburn**'s job is in jeopardy. **Blackburn** said Wednesday there has been no discussion between himself and the outgoing commission majority about leaving his post. "I haven't broached any of those types of subjects," he said. Commissioner-elect Michael DiTerlizzi blamed the firing controversies on members of the outgoing commission majority, who he said were trying to create problems for the newcomers. "It definitely throws a monkey wrench into the ointment," he said. "But I will be able to work through the damage they have done." Although DiTerlizzi said during the campaign that he wanted to review both **Blackburn**'s and Oldehoff's contract, he said Wednesday that firing either one was not a top priority. "Actually, I said I wasn't looking to fire anybody.' he said. "All I said was I would review the contracts. I didn't say I would fire them."

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Stuart News, The (FL)
June 29, 2000

**1.9% TAX HIKE IN $300 MILLION SPENDING PLAN**
Author: Paul T. Rosynsky

The increase would add more than $20 to the average taxpayer's bill. STUART - The opening of two county parks, a library and higher salaries for firefighters and sheriff's deputies could add more than $20 to the average county taxpayer bill this year, County Administrator **Russ Blackburn** said Wednesday as he released the county's more than $300 million budget. Buoyed by a 6 percent increase in property values but stymied by the opening of additional public facilities, **Blackburn** proposed raising the average county tax rate by 1.9 percent to $8.57 per $1,000 of assessed property value from $8.41. As a result, an average home worth $150,000 with a $25,000 homestead exemption would pay about $1,071 in county taxes this year.

**Blackburn** characterized the budget as a success because officials were able to compensate for major improvements in county services without raising the tax rate higher than the annual cost of living. "We are very pleased that we were able to provide a tentative budget that was below the consumer price index," **Blackburn** said. "It really is following through on our commitment." The opening of the Halpatiokee Regional Park, Indian Riverside Park and the Robert Morgade Library will cost the county more than $300,000 in additional operating costs during the coming year, **Blackburn** said. The county also will reserve $1.3 million to increase county firefighter and paramedic salaries, he said.

In total, the county will add 23 employees to its staff, increasing the number of employees to 812, including six for a sidewalk maintenance and construction crew. The county hired outside firms in the past to build new sidewalks and replace deteriorating ones, but **Blackburn** said production could be increased if the county did the work itself. "We believe we will be able to increase the linear feet of sidewalk we replace each year," he said. But the largest increase in the budget came from Sheriff Bob Crowder, who requested more than $2 million for department raises and to add a deputy for the Indiantown area. Other constitutional offices also received increases in the budget, with the property appraiser receiving about $135,000 for salary increases, the tax collector receiving about $97,000 for two additional clerk positions, $43,100 for the supervisor of elections because of upcoming presidential elections, and $10,700 for the clerk of courts.

Although the county's budget increased by more than $9 million there were several cuts, worth about $2 million, made to ensure the property tax rate hike remained low, **Blackburn** said. Those ranged from small line-item cuts such as not replacing computer monitors in the library system to not funding a planned design study for a sheriff's administration building, he said. "We made reductions in various items throughout the budget," **Blackburn** said. "We really moved our budget back to the fiscal year 1999 numbers."

Commissioner Janet Gettig, however, said more cuts are necessary. "This is just like putting everything on the table and then we get to the cutting," she said. "That's the regular process." Gettig said she will lobby to erase the proposed tax hike and wants to look into the sheriff's budget request during hearings next month.

Commissioner Dennis Armstrong also questioned the sheriff's request, but said he was generally pleased with the budget. "All in all it sounds pretty reasonable," he said. "We may still may be able to do a little tweaking here and there." Other commissioners did not return phone calls Wednesday, but will have a chance to voice their opinion when the annual budget hearings begin July 21. Those meetings will last until Aug. 1 when the commission sets the tentative tax rate. The budget will then be completed and presented to the public for two public hearings, Sept. 13 and Sept. 20.

Stuart News, The (FL)
January 16, 2000

**BLACKBURN PLANS TO STAY**
Author: Gabriella Boston

STUART - Many people have one boss whose expectations they attempt to meet. County Administrator **Russ Blackburn** has five - the Martin County Commission, a group known for its fiery personalities and divergent ideas on growth and environmental issues. It might not be an easy job, but to **Blackburn**, it's a rewarding one.

**Blackburn**, 46, started as county administrator in Martin County in August 1997, about seven months after the County Commission fired then-County Administrator Peter Cheney, who'd been in the position 2 1/2 years. It was shortly after the 1996 election that Cheney's contract was terminated by commissioners Janet Gettig, Donna Melzer and Marshal Wilcox, at the initiative of Gettig. The county administrator is hired by the commissioners and can be fired by them at any time. **Blackburn**, whose experience includes deputy county administrator in Loudoun County, Va., and assistant county administrator in Greeneville, S.C., said he doesn't look at the position as short-term. "My goal is to stay, and I think most county administrators will stay until they retire," **Blackburn** said.

In his 2 1/2 years here, **Blackburn**, who says he's a "palm aficionado" in his spare time, has already put down deep roots. "Our whole family, we really like Martin County," **Blackburn** said. He lives in a four-bedroom house in Palm City with his wife of 12 years, Arzella, 36, who is a speech pathologist, their daughter Erin, 8, who's a student at Bessey Creek Elementary School, and the dog, Windy, a 3-year-old Bichon. His long hours - "If you scan my calendar you will see I get to deal with maybe 20 different things in one day" - prevent him from seeing much of his family during the week. On weekends, if the weather allows, the three of them work in the palm-crowded yard. They have 20 different kinds of palms, and **Blackburn** explains that the Sabal Palms, because of the soil here, do better than the Royals.

At the county building, **Blackburn** sees a lot of fighting among county commissioners. But in his position behind the dais between County Attorney Gary Oldehoff and Commissioner Janet Gettig, he seldom says anything, and never interrupts. His job is not to mediate or be referee, but to facilitate the day-to-day work of the county commissioners, he said.

Still, "facilitating" can be interpreted different ways. County Commissioner Dennis Armstrong said the county administrator should put his foot down if commissioners start interfering with the staff's work, which is to make recommendations to the board and implement its policies. "What I see is a change in style between the old administrators and the new ones," Armstrong said. "Where Peter Cheney and Randy Reid would tell us we've crossed the line, **Russ** is not willing to tell the board that what we're doing is wrong." At a recent County Commission meeting, Melzer requested a 1,000-page document on a dredging project under consideration.

Armstrong dropped the heavy document in the waste basket after the meeting. "Nobody could be expected to digest it," Armstrong said, noting it took too much of staff's time to research and copy the material. Melzer, who calls herself a "**Blackburn** supporter," said Armstrong's comments about the administrator's performance are political. **Blackburn** is simply doing his job, she said, adding, "He's very professional and he makes sure all people have a voice." "A democracy says that when the majority speaks, the staff is instructed to follow their directions," Melzer said. "And as a county staff member, he does not have the constitutional right to not do what the county commissioners instruct."

**Blackburn** thinks everyone's opinion should be known. If a commissioner who represents his or her constituents wants information on an issue, he said, it's the staff's responsibility to provide it, whether it's politically popular or not. "In a democracy, conflict is healthy," **Blackburn** said. As opposed to the private sector where some decisions can be made and implemented very quickly, it is important for elected officials, staff and residents alike to understand that the "democratic idea sometimes takes time," he said.

**Blackburn**'s strong interest in politics didn't start until he was in college. During his boyhood years in North Augusta, S.C., he was interested in animals. His long list of pets included a boa constrictor, an alligator, dogs and fish. "I wanted to be a marine biologist or veterinarian - kids' stuff," he said. But once he went off to college and graduate school at Valdosta State University and Georgia Southern University, his keen interest in public service took hold. The appeal was, and still is, to make a difference in society, he said.

"I think there's something special in helping people in a community and meeting their needs." **Blackburn** supervises almost 800 employees and draws a salary of $114,000. He started at $93,000 in 1997 and has received more than $10,000 above the standard 5 percent increase a year, something that's upset other county employees in the past. Gettig, Wilcox and Melzer, who often vote as a bloc, formed the majority to approve the raises.

**Blackburn** says his accomplishments include the completion of the Blake Library in Stuart, the breaking down of barriers between the county's departments through intra-departmental meetings, and an employee recognition system. His biggest disappointment is the long-running fight with the city over annexation issues. "Conflict is healthy. But in this case it's gone above and beyond," he said. As for the future, **Blackburn** said, "My vision is to have a process that's inclusive, that enables the citizens and government to work together to achieve their goals and objectives ... I'm a conduit and an interpreter."

The Palm Beach Post
September 21, 1999

**MARTIN APPROVES BUDGET, ADDING 21 FIREFIGHTERS**
Author: Howie Paul Hartnett

The thin red line of firefighters in Martin County got a little thicker Monday after county commissioners recommitted to hiring 21 new paramedics and emergency medical technicians. Commissioners renewed the vow they made in July on their way to approving the county's $293 million budget and a 4.75 percent increase in property taxes. "We're thrilled," said John Davidson, president of the Martin County firefighters union. "We got a solid commitment from the commission to hire 21 guys, and we got a commitment to increase the salaries."
Under the plan adopted 3-2, with Commissioners Donna Melzer and Marshal "Bud" Wilcox dissenting, nine new firefighters will be hired before Jan. 1, six more by May and the final six next September.

In addition, the commission set aside $800,000 for salary increases. Part of that will come from money set aside for a salary study and part will come from what the county saves by staggering the hires. Adding 21 all at once would increase hiring costs by an estimated $500,000.
All of this is good news for firefighters, the public and the county going into next year's contract negotiations, Davidson said. "Commissioner Wilcox is right: We still have a lot of issues to deal with," he said. "Right now we're just trying to keep people." That's what Wilcox and Melzer were trying to do, they said.

Instead of increasing the ranks, the county should increase salaries, study the personnel situation and add more when needed. "Do I think we need nine firefighters? Oh yes, I'm with you 100 percent," Wilcox said. "Do we need 21? Maybe, but not today." Melzer suggested hiring 15 and possibly the other six if the money were available, an idea County Administrator **Russ Blackburn** backed. By using the projected savings from staggering the hires, which likely will be a onetime savings, the commission could be putting itself in the position of having to raise taxes next year to meet the new salary levels, **Blackburn** said.

As for the rest of the budget, which was trimmed by $130,400 by Sheriff Robert Crowder on Monday, it increases the tax rate from $8.36 to $8.41 per $1,000 of taxable property value.
The owner of a home assessed at $150,000 with a $25,000 homestead exemption would pay $1,050.76, a $5.38 increase over this year. Individual tax bills will vary, depending on how much the assessment of a taxpayer's property has changed.

The Palm Beach Post
July 1, 1999

**MARTIN BUDGET CALLS FOR $20 TAX INCREASE**
Author: Howie Paul Hartnett

Martin County residents would get more building inspectors to check their homes, more deputies to patrol their homes, better drainage around their homes and more firefighters to defend their homes - all for the low price of $20, if commissioners approve the budget released Wednesday. County budget officers expect property owners would have a $20 increase in taxes next year under County Administrator **Russ Blackburn**'s $291,593,775 budget.

It looks like a big number at the bottom of the ledger, but budget officials are quick to point out that $21.5 million of that is from the 1-cent sales tax increase voters approved in November to buy preservation land and restore the St. Lucie River. Without the river money, the budget is 5.2 percent higher than last year's $256,710,004 budget. Under **Blackburn**'s proposal, the tax rate would rise from $8.36 to $8.52 per $1,000 of taxable property value, an increase of 1.9 percent. The owner of a home assessed at $150,000 with a $25,000 homestead exemption would pay about $1,065 in county taxes, county budget officials said. Individual tax bills will vary depending on how much the assessment of a taxpayer's property has changed since last year.

If there's a theme to this year's budget, **Blackburn** said it's improving basic county services. "We feel very good that we have maintained our current levels of service," he said. "The increases and enhancements in the general budget are related to services."

The proposed budget includes a new program meant to improve the county's involvement with the community. **Blackburn** wants $56,953 to hire a liaison between the county and neighborhoods to increase communication and help solve neighborhood problems through county services. Including building inspectors, neighborhood liaison, additional firefighters and others, the county wants to staff 17 new positions. That's still fewer than the 20 new deputies and clerks Sheriff Robert Crowder says he needs for bailiffs and the jail expansion. Crowder's budget is $28,677,653, up 5.7 percent from last year.

Some of those new deputies are needed, County Commissioner Dennis Armstrong said, but probably not all of them. "I talked to my counterparts in Palm Beach and they're not going to fund any of the added costs of more deputies because they think it's an unfunded mandate and the state should pick that up," said Armstrong, who has sat on the county's law enforcement committee. Other than the sheriff's portion, Armstrong said **Blackburn**'s proposed budget looks like "a real good place to start."

Stuart News, The (FL)
May 28, 1999

**BLACKBURN HOPES TO MAKE MEETINGS MORE ACCESSIBLE**
Author: Dan McCue

Besides making commission meetings more viewer-friendly, the initiative intends to air commission meetings on TV within the next 12 months. "In our current negotiations with Adelphia, we're also trying to secure a channel dedicated solely to local education."
**Russ Blackburn**, county administrator

STUART - County Administrator **Russ Blackburn** readily admits there's a problem when it comes to Martin County Commission meetings. During presentations before the board - like this week's unveiling of conceptual plans for the Regional Park - slides, maps, photos and charts are placed to face the commissioners, the public being left to glean only the sketchiest details.
"It's a terrible situation," **Blackburn** said Thursday. "All anybody sees is the presenter's back and the back of an easel. ... And if you are talking about something happening in someone's neighborhood, they want to see what it is."

Beginning next month and continuing through the summer, the county will begin to rectify that problem by installing new video equipment in the commission meeting room at the administrative center. Commissioners last year set aside $150,000 for the equipment, which includes three video cameras to record the meetings, a fourth camera aimed at maps, charts and other large diagrams, and four video monitors so the public can watch presentations.
"Our goal is to expand the number of people who can actively be involved in commission business," **Blackburn** said.

Besides making commission meetings more viewer-friendly, the initiative intends to air commission meetings on television within the next 12 months, **Blackburn** said.
With other counties already on the air, Martin is behind the curve, said David Graham, the county's special projects coordinator. Graham attended a conference this week on government and television sponsored by the Florida Government Communicators Association. "We've really only just begun to move in this direction and to talk with other counties about what they do," Graham said.

In a report to commissioners, Graham plans to recommend installing two sets of parallel monitors in the commission meeting room, one with screens 32 to 37 inches in size, the other with 27-inch screens. The project, which is expected to be completed by Sept. 30, also calls for the installation of four video monitors on the commissioners' dais. A closet next to the dais will be converted into a video control room. Graham said commissioners will need to decide this summer whether they want to train one of their computer staff members to run the equipment or to hire an audio-visual engineer. He said it's unclear whether any meetings in the room will be relocated or canceled while work is carried out. "It's highly unlikely we'd cancel a commission

meeting," he said. "But some of the other committees that use the room might have to change their meeting times or temporarily relocate their meetings."

**Blackburn** said installation of the equipment will let the county take full advantage of its franchise agreement with Adelphia Cable. The agreement allows for a Martin County government channel, but because the county lacked the equipment, it could not provide any programming. Port St. Lucie and Indian River Community College have been broadcasting on the channel.

"In our current negotiations with Adelphia, we're also trying to secure a channel dedicated solely to local education," **Blackburn** said, adding the county plans to work with IRCC and the school board. **Blackburn** said the county might broadcast Local Planning Agency meetings and special meetings of other county boards and committees. The station also might serve as a video community bulletin board, listing meeting times, locations and agendas.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

The Palm Beach Post
December 3, 1998

**MARTIN MANAGER GETS RAISE BY DEFAULT**
Author: Howie Paul Hartnett

Martin County Administrator **Russ Blackburn** may not believe silence is golden.
But it's worth at least $4,600 to him. **Blackburn** automatically earned a 5 percent salary increase this year after the commission failed to evaluate his performance during a public meeting before his July 5 anniversary with the county. That means his salary will increase from $93,000 to $97,650. **Blackburn** said in a memo to commissioners this week that he had received enough feedback on his performance through individual conversations with commissioners to justify his raise. ``The commission really has a choice," **Blackburn** said Wednesday. ``If they're comfortable with the way things are going, (a public hearing) is really not necessary."

Besides oral comments, **Blackburn** said he got written comments from commissioners Dennis Armstrong and Elmira Gainey. ``I do feel that it's very important for the commission to provide feedback," **Blackburn** said. ``And I got it." But he may not have gotten all of it. Gainey said Wednesday she still wants to talk about **Blackburn**'s performance at a commission meeting. ``It's an item that the public needs to have an opportunity to comment on," she said. Ditto, said Armstrong.

But the likelihood of that is slim. ``I'm not sure that we would have gotten three (commissioners) to discuss it in public," he said. ``This is the problem I raised when we talked about his original contract. (**Blackburn**'s) right. It's a free ride unless a majority of the board says he's done poorly. He can get the raise for just doing OK." **Blackburn**'s done better than that, Commissioner Donna Melzer said. ``I think he's doing excellent," she said. ``He's brought us a long way, but there are some things he needs to improve on, such as more staff accountability."

**Blackburn** agrees. In fact, more responsiveness is something he had intended to work on this year. He also hopes to work out the commission's schedule so next year's evaluation will be held during a public meeting. That's good, Melzer said. ``It's always hard to talk about personnel issues with the public. (But) I hope that next year we move in such a way that we can address it."

The Washington Post – Washington, D.C.
October 9, 1997

**Loudoun County Hires Assistant County Administrator**

Loudoun County Administrator Kirby M. Bowers has hired a former executive administrator for the town of Tyngsborough, Mass., as assistant to the county administrator. Bob Griffin, 31, takes over the position vacated by former Deputy County Administrator **Russ Blackburn,** who resigned in June to accept a postion as administrator for Martin County, Fla. Bowers said Griffin will focus primarily on special projects under the direction of the county administrator.

Stuart News, The (FL)
May 28, 1997

**COUNTY, BLACKBURN SETTLE ON PAY TERMS**
Author: Kevin P. Connolly

**Russ Blackburn** will receive a $93,000 salary, which is $4,000 less than he requested.
STUART - **Russ Blackburn**, selected last week as the top choice for Martin County's next administrator, agreed to the County Commission's terms Tuesday and will take the job.
"I believe it's settled," **Blackburn** said late Tuesday from his home in Sterling, Va. "I'm very pleased." Commissioners on Tuesday offered **Blackburn** a $93,000 salary, which is about $4,000 less than the Loudoun County, Va., deputy administrator had requested last week. **Blackburn** currently earns $85,000 a year.

Commissioners selected **Blackburn** over four other candidates, including Acting Administrator Randall Reid, during a meeting May 12. **Blackburn** didn't attend Tuesday's meeting, but he relayed his opinions about commissioners' counteroffers through Acting County Attorney Gary Oldehoff. **Blackburn** accepted the $93,000 salary offer, Oldehoff said, but objected to commissioners' opposition to a $400-a-month car allowance, elimination of some moving expenses and reduction of his severance package from six to four months.

**Blackburn** said a six-month severance of $46,500 if he is fired without cause was "very, very necessary," Oldehoff told commissioners. "He pointed out that Martin County seems to go through an administrator every two years," Oldehoff said. "He also said there also seems to be some termination here in the county."

As a compromise for accepting the salary proposal, commissioners agreed to the six-month severance, a $300-a-month car allowance and three round-trip plane tickets for **Blackburn**, his wife and daughter to scout for a new home in Martin County. **Blackburn** originally sought six plane tickets.

Commissioner Janet Gettig was the only commissioner who wanted to pay **Blackburn** his entire salary proposal of $96,950. "I expect incredible, quality work from this individual. I just have a concern that we are reducing this substantially," Gettig said. "I just have a concern that we are chopping out the real important parts (of **Blackburn**'s proposal) and really putting ourselves in a real bad position here. "I just have a concern that we are being penny-wise and pound foolish," Gettig said.

Commissioners voted 3-2 for the $93,000 compromise, with Commissioners Dennis Armstrong and Elmira Gainey casting the dissenting votes. The package approved by commissioners Tuesday - not including **Blackburn**'s moving expenses - will cost the county more than $124,300 a year. That figure includes his proposed salary, a deferred compensation of 5 percent, the county's contributions to Florida's retirement system and health and life insurance policies.

Gainey and Armstrong wanted a salary of $85,000, which is the amount commissioners paid their last administrator, the late Peter Cheney, who was forced out in December.

Armstrong suggested an $85,000 salary, but more frequent evaluations, giving **Blackburn** an opportunity to get merit raises quickly. The proposed contract, which calls for an annual evaluation, would last for two years and begin July 5. "I mean, I don't have a problem giving this guy a raise if he does a good job," Armstrong said. They approved **Blackburn**'s requests for 20 days of vacation and to pay his moving expenses, though they didn't set a cap on that expenditure. **Blackburn**, who has a five-bedroom home in Sterling, will have to get three bids from movers.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

Stuart News, The (FL)
May 14, 1997

**MARTIN'S NEXT ADMINISTRATOR**

Welcome to **Blackburn**; Reid deserves thanks -The Martin County Commission has done what it certainly is entitled to do - select a county administrator who, in the view of a majority of commissioners, best fits their priorities and their desired management style.

**Russ Blackburn**, chosen Monday, could be on the job in about a month, assuming he and the commission come to terms on an employment contract. This would be the first top-administrator job for **Blackburn**, 43, who is one of three deputy administrators in Loudoun County, Va., and has held similar positions elsewhere. **Blackburn** would succeed the late Peter Cheney as administrator, but would directly replace Randall Reid, the acting administrator and another finalist for the permanent post. We congratulate **Blackburn** and wish him well in this demanding job. All Martin County citizens should extend a cordial welcome to **Blackburn** and his family as they settle into their new community.

As for Reid, issues of trust and leadership doomed his chances. Though he filled in capably during Cheney's illness and after Cheney left office, the commission majority never had full confidence in Reid. Though many people like to think a job of this kind is just a matter of overseeing departments, purely supervisory and "nonpolitical," don't believe that for a minute. It's always political. The administrator has to keep three out of five commissioners more or less content, most of the time, or end up gone.

But Reid deserves the thanks of all for trying to preserve some stability among county staffers during a stressful period of budgetary and legal challenges, personnel turnover and political ferment. He undoubtedly understands that when political winds shift, they can blow many decent people onto the rocks. Reid surely will do what he can to ensure a smooth transition of county business to **Blackburn**'s guidance. As in any change of administration, Martin County staffers must be apprehensive about what to expect. Speaking of leadership, a military analogy may be appropriate: **Blackburn** must soon show that he can inspire and motivate the troops.

In addition, as a good unit commander is expected to do, **Blackburn** must also show he can take care of his troops - see to their well-being, encourage them, and defend them when necessary. Suppose two or three commissioners demand that **Blackburn** fire a county employee on a dubious pretext; how might he respond? Let us wait and see. For now, at least, citizens should be hopeful. A fresh start could be a good thing for Martin County.

The Washington Post, Washington, D.C.
April 22, 1993

**Pressure Builds for Sewer Line; Helath Hazard Seen in Board Run Farms**
Author: Leef Smith

Ending more than 20 years of wrangling, the Loudoun County Board of Supervisors voted last week to approve a financing plan that will give Broad Run Farms homeowners access to a working sewer system. The subdivision was declared a health hazard by the state Department of Health in March after a survey of the area's 250 septic systems found nearly 20 percent to be functioning improperly or not at all. Each of the subdivision's homes has its own septic system. Long-time residents say the problem has existed for two decades. In many cases, the problem has been so severe that raw sewage has bubbled out of residents' septic fields. To alleviate the hazard, state and local health officials have recommended a public sewer system be installed throughout the 750-acre community.

Although the $3.4 million needed to finance the project has raised red flags among some of the community's low-income residents, who have said the sewer construction might pose undue financial burden for them, supervisors voted unanimously Sept. 1 to create taxing and financing districts to fund sewers in Broad Run Farms. "This is one of those things where the issue has been under consideration for over 20 years and it feels good to finally bring it to a close," said Supervisor Charles D. Grant (R-Broad Run). "Most people realize this sewer was a matter of necessity, not just an option anymore." Bordered in part by the Potomac River and Route 7, Broad Run Farms was one of Loudoun's original residential developments and was mapped out before there were regulations dictating the size of septic drain fields for houses. Under the new financing plan, a state revolving loan is being sought to build the sewer. Loudoun will repay the loan by levying a semi-annual tax on Broad Run Farm property owners of 14 cents for every $100 of assessed land value and by implementing an additional tax that will charge homeowners as the value of their lots increases.

Although payback of the loan will be spread over 20 years, officials said the sewer will so increase land values at the subdivision that it's likely the loan could be repaid in 12 to 15 years. "We figured if we couldn't get financing through this year it would never go through," said Bill Swift, president of the Broad Run Farms Sewer Committee and a three-year resident of the area. "Let's face it, we're just trying to get this done, and everyone has to share the pain to get the sewer resolved once and for all." In addition to higher taxes for the sewer's construction, residents would pay a $1,000 tap fee and about $4,500 each for the lines that will connect their homes to the main sewer. Only those residents with septic system problems would be required to connect to the sewer. Because it will take about eight months to design the sewer system and another 12 months for construction, county officials estimate the sewer will not be functioning before June 1995. "We as a community should be pleased that we can eliminate a major public hazard from Loudoun," said **Russ Blackburn**, deputy county administrator. "We all have a stake in our community as far as being sure we don't pollute our environment."

The Washington Post, Washington, DC
May 9, 1991

**Who's Hot, Who's Not in Fairfax**
Author: Steve Bates

All members of the Fairfax County Board of Supervisors have announced their candidacies for reelection, save one: Gerald Hyland (D-Mount Vernon), who is weighing the decision against personal and business concerns. The remaining eight supervisors are just getting their campaign fund-raising in gear and can be broken down into a few categories: The Heavyweights: Chairman Audrey Moore (D) and Supervisor Thomas M. Davis III (R-Mason), both running for the at-large chairmanship, the highest elected post in the county. From Jan. 1 through April 25, Davis accumulated Northern Virginia's largest war chest ($144,000), almost three times as much as Moore ($50,000).

Fastest Out of the Gate: Lilla Richards (D-Dranesville), who is expected to have one of the toughest reelection fights, has raised $17,300, including $4,700 left over from the 1987 campaign. Her GOP opponent, Ernest J. Berger, an official at George Mason University, has raised $20,200, has spent $14,700 and had $5,500 on hand as of the reporting date. The Underachievers: Joseph Alexander (D-Lee), whose entire $4,200 total is left over from the last campaign, and Martha V. Pennino (D-Centreville), who reported raising $0 and having $0 on hand.

The Pack: Kate Hanley (D-Providence) has raised $10,400, including $3,200 from her last race; Sharon Bulova (D-Annandale) has raised $8,000, including $3,200 from her last campaign; and Elaine N. McConnell (R-Springfield) has raised about $5,500. -John Ward Anderson
The Loudoun Shuffle - Whenever things seem calm in Loudoun County politics, rest assured that the county is simply in the eye of the hurricane. Government and political leaders have been stepping up, stepping down and stepping out so much recently that at times they seem to be part of a Broadway chorus line.

Rarely, if ever, has there been a period of such upheaval in Loudoun's top political and governmental leadership as the past several days and weeks have seen. To update the scorecard: Edgar B. Hatrick III was chosen Saturday as the new school superintendent, in a divisive 5 to 3 School Board vote. Hatrick's stormy relationship with the previous superintendent, David N. Thomas, was widely believed to be a factor in Thomas's surprise firing in January. Betty W. Tatum, a Democrat and chairman of the county Board of Supervisors, said she won't run again for the chairmanship or for her Guilford District seat. Instead, she's running for the House of Delegates from a newly created district that has no incumbent and skirts Republican Linda M. Rollins's house by a short distance. William C. Mims, a Republican and current chairman of the Loudoun Republican Committee, made it official this week: He too will run for the new delegate seat after a string of successful election campaigns in which he did the managing. And Rollins announced her re-election bid this week.

*Internet – Newspaper Archives Searches*
*Russ Blackburn*
*(Articles are in reverse chronological order)*

On Tuesday, County Board Vice Chairman Charles A. Bos (D-Leesburg) confirmed that he won't seek another term. "After 11 years, I need to get on with a normal life," he said.
And, of course, last week saw the forced resignation of County Administrator Philip A. Bolen after two decades at the helm of the Loudoun County government. The announcement on Wednesday that Bolen will take early retirement surprised many people, but some who know Bolen well say he has agonized over the decision for many months. And there's more: Earlier this year, Bolen's top assistant, James Keene, announced he was leaving to take a county administrator job in Arizona, and Leesburg Town Manager Jeffrey Minor was forced out of his job.

Amid all the hubbub of the past several days, **Russ Blackburn** was very quietly promoted from assistant county administrator to deputy county administrator, the position that Keene had held. However, Bolen said he will not recommend an acting county administrator to succeed him after his departure, which likely will occur at the end of September. What does it all mean? Stay tuned. New districts are being formed for the Board of Supervisors, and the three announced candidates for the new, at-large chairmanship of the Board of Supervisors may not be the full field that will be in the running this summer. With so many new faces, keep your scorecard handy.

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Research Compiled by: Levon Little
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 6*

# *John R. Conklin*

# *Port St. Lucie City Manager Candidate Report*

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# *Resume*

# JOHN R. CONKLIN, *CEM®, MEP*

[redacted]

johnconklincem@gmail.com

*Associate, Disaster Recovery Planning and Management Specialist* 10/2014-Present
Booz Allen Hamilton
Washington, DC

- Client-facing project support to Federal clients and investment capture for existing and new business opportunities
- FEMA PTAS IDIQ Task Order Regional Manager assisting/mentoring other senior planner/task leads across the organization
- Senior Planner/Task Lead managing a six-person staff supporting FEMA Region III development of the Nuclear/Radiological Incident Annex (encompassing fixed nuclear facilities, radiological dispersion devices (RDD), and improvised nuclear device (IND) scenarios)
- Senior Planner/Task Lead managing a seven-person staff supporting the FEMA Regions I, II, and III IND Resource Allocation Workshops and development of the coordinated Resource Allocation Appendix for Boston, New York, Philadelphia, and Washington, DC.
- Senior Planner/Task Lead managing a seven-person staff supporting FEMA Consequence Management planning support (CMSC Plan and FEMA OPLAN) for the September 2015, National Security Special Event (NSSE) Papal Visit to Philadelphia, Washington D.C., and New York City
- Subject Matter Expert for developing an all-hazards Deliberate Planning Preparedness course for East African Union local emergency managers. This project was in support of U.S. Army AFRICOM efforts and involved pilot program presentations to the International Peace Support Training Center (IPSTC) and Humanitarian Peace Support School (HPSS) located in Nairobi, Kenya
- FEMA Technical Assistance Lead for the Los Angeles County Power Incident Annex project and the Los Angeles City Critical Lifelines project
- Security Clearance: DoD Top Secret (active, final 8 Jul 2014, Cage Code #17038)

*Emergency Management Specialist* 4/2013-10/2014
Davis-Paige Management Systems (DPMS), LLC
Annandale, Virginia

- Headquarters, Department of the Army (HQDA-Pentagon), G-34 Emergency Management, Contract Support for the CONUS/OCONUS Emergency Management Modernization Program (EM2P) and other Technical Assistance as required. Assignments include various IMCOM, AMC, USAR, and ARNG installation programmatic liaison

- Conducts onsite gap analysis surveys and recommendations for achieving an installation's Initial Operation Capability (IOC) to Full Operational Capability (FOC) as outlined under DA PAM 525-27 (Common Operating Picture (COP), Mass Warning and Notification (MWN) systems, 911/Telecommunications)
- US Army ICS instructor and FEMA-EMI courses Instructor
- Security Clearance: DoD Top Secret (active, final 8 Jul 2014)

*Emergency Management Specialist - GS-13/CORE* 9/2012-4/2013
U.S. Department of Homeland Security
Federal Emergency Management Agency
Region III, Response Division
Philadelphia, Pennsylvania

- Assist the FEMA Region III Response Division leadership with all aspects of business operations, including items such as the Spend Plan, Work Plans, Divisional status reports, training coordination, policy review, and project management.
- Chief of Staff for the Response Division Director/Deputy Director
- Interim Regional Emergency Communications Coordinator (RECC/DEC)
- Hurricane Sandy Activation - Deputy RRCC Manager
- November 2012 Nor'easter Activation - Deputy RRCC Manager
- 2013 POTUS Inauguration Activation - RRCC Information Management Branch Chief
- Division representative to the Regional Outreach Working Group (EA)
- Chairperson/Division representative to the Regional Diversity & Inclusion Working Group
- Security Clearance: NACLC/OPM Public Trust (inactive)

*Project Manager* 11/2011-9/2012
Mission Critical Partners, Inc.
State College, Pennsylvania

- Primary responsibility for contracted executive management and communications consulting support to FEMA Engineering for the joint FEMA/DoD Chemical Stockpile Emergency Preparedness Program (CSEPP) projects in Colorado (Pueblo) and Kentucky (Bluegrass); and other public safety communications initiatives.
- Provide technical expertise and facilitate discussions (face-to-face meetings and through regularly scheduled teleconferences) between Federal, State, and local clients regarding EMCOMM telecommunications systems management and solutions.
- Research and analyze telecommunications interoperability issues and remain informed of new emerging technologies and Federal programs and policy such as IPAWS.
- Facilitated several HSEEP telecommunications-specific tabletop and functional exercises for clients.

*Acting County Executive* periodically from 2006-2011
County of Northampton
Easton, Pennsylvania

- Legally appointed under the Home Rule Charter to act as the County's CEO during regular absences of the elected County Executive.
- Enter the County into contracts, approve staffing vacancies, and represent the County at various public speaking events and functions.
- During an extended (5 month) medical absence of the County Executive in 2008/2009, collaborated/negotiated with the County Council through the 2009 Budget hearings to come to consensus agreement for successful legislative passage of the final budget.

***County Administrator*** 10/2006 - 11/2011
County of Northampton
Easton, Pennsylvania
(2013 pop. approx. 300,000; 2,100 employees; $335 million budget; 11 collective bargaining agreements)

- Executive management position fully responsible to facilitate, assist, and coordinate the effective operations of all County agencies in their respective delivery of County Government services.
- Directly responsible for the following County Departments and Divisions: Administration, Administrative Services, Agricultural Extension, Conservation District, Community and Economic Development, Emergency Management/911 Services, Farmland Preservation, Voter Registration & Elections, Weights and Measures, and oversight for the offices of the Sheriff and Coroner.
- Dually responsible for Community and Economic Development within the County, working with state, regional, municipal agencies, financial lenders and developers/business owners to facilitate and garner legislative and financial package support for job growth and tax revenue opportunities for economic improvement in the County coupled with the same efforts for non-profit organizations and municipalities in the community development realm.
- Acting Director for four months of the courts-related offices of the Prothonotary (Civil Division), Criminal Division, Archives, Protection from Abuse, and Register of Wills.
- Acting Director for four months of the Human Resources Department responsible for conducting labor-management hearings, grievance proceedings, and interpreting county policy.
- In collaboration with the County Executive, Director of Fiscal Affairs, and the Budget Director develop the annual budget; evaluate FTE complement, non-unionized employee wage and benefit packages, motorized fleet replenishment, and capital improvement projects to present to County Council for legislative consideration.
- Lead County negotiator for the collective bargaining agreements with the County unionized workforce; directs and supervises the enforcement of state laws and County ordinances; and directs the strategic planning process of all County agencies.
- Maintain relationships with the members of the General Assembly of the Commonwealth of Pennsylvania and the members of the United States Congress representing the citizens of the County.
- Directs the administration of the County insurance program.
- Directs the County's daily public information program and in emergencies, supports the EMA as the Public Information Officer (PIO) and providing SME guidance to the EOC staff.

- Initiate and implement Continuity of Operations Planning (COOP) and inaugural Devolution Plan using Business Process Analysis techniques for functional areas reporting under the direction of the County Executive.
- Chair (2011) of the Criminal Justice Advisory Board and was instrumental in establishing the county's 24/7 Central Booking Center with video teleconferencing capability between the jail and district magistrates.
- Former member of the County's Retirement Board from 2006-2010 charged with fiduciary responsibility for the $250 million retirement fund.

***Business Development Manager*** 8/2006 - 10/2006
Homeland Security & Emergency Management
General Physics Corporation (GP)
Tampa, Florida

- Responsible for identifying new, potential business opportunities and maintaining a high customer service level with existing clients throughout Florida and the southeast US.

***Emergency Management Coordinator*** 4/2005 - 8/2006
City of Miami
Miami, Florida

- Deputy Division Manager responsible for direct daily management of five full-time emergency management personnel and when operational, directing the city's Emergency Operations Center (EOC).
- Experience managing an operations center during activations for natural or man-made disasters, managing and assigning resources, receiving reports, maintaining situational awareness and providing summary reports of critical information to senior officials.
- Responsible for coordinating all aspects of the Comprehensive Emergency Management Plan (CEMP), Continuity of Operations Plan (COOP), and Continuity of Government/Devolution Plan (COG).
- Experience planning, developing, and implementing operational protocols for preparedness and response activities for major fire, rescue, hazardous material, and other emergency incidents.
- Conducting detailed analysis of contingency requirements, formulating feasibility and sustainability assessments, identifying related programs, recommending solutions, and directing complex studies and approaches for contingency and all-hazards planning.
- Integrate Urban Areas Security Initiative (UASI) strategies into all emergency management and domestic security plans.
- Member of the Port of the Miami River, USCG Port Security Working Group.
- Experience serving as a primary advisor and expert in the development of contingency plans and policies; working cooperatively with partners from inside the civilian emergency management community and externally to the city's state and federal partners (DOS, DHS, DOD, DOJ).
- RDSTF Region 7 EM co-chair and member of the SWG Group for emergency management and homeland security issues.

- Sitting member of City of Miami Special Events Committee, Fire-Rescue Information Technology Committee, GIS Users Steering Committee, and the Miami Police International Training College facility design team.
- Serving as liaison between the consultant, city personnel and departments, County, State and Federal representatives regarding all Emergency Management related issues.
- Direct the City of Miami EOC response and recovery operations to Hurricanes Katrina, Rita, and Wilma.
- NSSE Planning member on the Super Bowl XLI Public Safety Committee.
- Coordinate the City of Miami EOC activities with state and federal partners for the 2005 MTV Awards show and the Miami Heat NBA Playoff and Championship series games and Celebration Parade.
- Lead for the City of Miami in the DHS-driven 2006 National Plan Review (NPR) process.
- Knowledge of the Emergency Services Sector Specific Plan for the National Infrastructure Protection Plan and the protocols for evaluating and prioritizing information to prepare for adequate resource allocation for response to hazard incidents.
- Participate in the planning and conduct of the Miami-area's 2006 DHS Tactical Interoperable Communications Plan (TICP) exercise.
- Conducted NIMS training (IS 100, 200, 700, 800, ICS 300, 400) to public safety personnel through southeast Florida.

*Planning Team Manager* 2005 - 2006
FEMA Urban Search & Rescue (US&R) Team
Florida Task Force - 2
Miami, Florida

- Provide offsite planning coordination and administrative support for FL TF-2 Gulf Coast deployment to 2005 Hurricane's Katrina and Rita.

*Emergency Program Manager* 9/2003 – 4/2005
Domestic Security & Public Safety
County of Broward
Plantation, Florida

- Represent Broward County in programs relating to homeland security initiatives, including the Broward POC to the Miami Urban Area Security Initiative (UASI) and Florida's 2004 & 2005 Domestic Security Strategic Planning Work Group.
- ESF-5 Planning Section Chief for many EOC activations and exercises.
- EMA liaison for public safety outsourcing that includes LE, Fire-Rescue and E911 Communications activities; includes preparation and review of inter-local agreements with various entities to solve complex interoperability issues.
- Exercise Director for the 2004 Region 7 Southeast Domestic Security Task Force tabletop and full-scale exercises involving Broward, Miami-Dade Monroe, and Palm Beach counties.
- Coordinate with FBI Miami and other federal agencies in the establishment of the Broward EOC as the federal JOC and planning efforts for the November 2003 NSSE

FTAA in Miami, the 2003 National Governor's Convention in Boca Raton, and the 2005 NSSE OAS Conference in Fort Lauderdale.

- FDLE "Prepare Florida" Instructor, provide terrorism awareness/ ICS training to Broward Sheriff's Office personnel.
- Assist with homeland security training and workshop development/delivery at the 2004 Florida Governor's Hurricane Conference in Tampa, the 2004 South Florida Hurricane Conference in Fort Lauderdale, and the 2005 Florida Governor's Hurricane Conference in Fort Lauderdale.
- Participate as the BEMA liaison to the Port Everglades and Fort Lauderdale-Hollywood International Airport Security committees.
- Florida Response Liaison to Desoto County (OPS Chief) for Hurricane Charley 8/2004.
- Florida Response Liaison to Lee County (OPS Chief, Pine Island EOC) for Hurricane Charley 8/2004.
- Certified in the HLS-CAM (Homeland Security Comprehensive Assessment Model) critical infrastructure and facility threat and vulnerability assessment tool.

***Director, Emergency Management Services*** 1998 - 2003

County of Lehigh

Allentown, Pennsylvania

- Full responsibility for planning, directing, coordinating, and evaluating all Divisional activities of the EMA (E911/Communications, HazMat, LEPC, Technical Rescue, EOC).
- Directly responsible for an agency budget of $3 million and 38 fulltime, 50 part-time employees, and 30 volunteers.
- Assures the Lehigh County readiness and operational capability to respond to and recover from local and regional emergencies, natural and man-made disasters or national emergency situations.
- Experience planning, developing, and implementing operational protocols for preparedness and response activities for major fire, rescue, hazardous material, and other emergency incidents.

  - Experience managing an emergency operations center during activations for natural or man-made disasters, managing and assigning resources, receiving reports, maintaining situational awareness and providing summary reports of critical information to senior officials.
  - Experience developing, revising, approving, and issuing policy governing emergency management program and functions.
  - Implemented the first ever County COOP and Devolution planning effort.
  - Conduct countywide outreach and instruction for municipal fire departments to participate in the NFIRS program as outlined in the National Standard and administered through the PA State Fire Commissioner's Office.
  - Receive designation for Lehigh County as a National Weather Service "Storm Ready" county in November 2000, one of first four in Pennsylvania and the first in the Mt. Holly, NJ Forecast Office coverage area.

- Receive designation for Lehigh County as a CHER-CAP community in September 2000, first in FEMA Region III; CHER-CAP Exercise Director for the full-scale response exercise conducted in the City of Bethlehem.
- Co-chair, Northeast PA Emergency Response Group (8-county counter-terrorism task force). Knowledge of trends in terrorist related practice that may have impact on the emergency services sector.
- Chair, Lehigh Valley Counter-terrorism Task Force (CTTF), including an established, nationally-recognized health/medical bio-terrorism working group.
- Chair, Lehigh County Drought Task Force.
- Direct the County's on-scene response/recovery coordination efforts to a multiple fatality/injuries, chemical plant explosion/building collapses (Concept Sciences Incorporated) in February 1999.
- Testify before the Pennsylvania House of Representatives Veterans Affairs and Emergency Management Committee regarding shortfalls in existing legislative language surrounding the state equivalent (Act 165) of OSHA SARA Title III, which results in changes to the state reporting requirements.
- Provide technical screening, sampling, and evidence collection coordination to various law enforcement agencies for over 1000 "white powder" incidents throughout the Lehigh Valley region beginning in October 2001.
- Participate in regional health/medical coordination for the Lehigh Valley Hospital - Muhlenberg Campus, Toronto-related SARS case in 2003.
- Develop a regional emergency call center at Muhlenberg College which can be deployed for large scale, public health emergencies.
- Create the Lehigh County Technical Rescue Team by securing County General Fund and Regional CTTF budget funds; equip, staff, and train the team for regional response.
- Then led the regional effort, in coordination with PEMA leadership, for the creation of PA Company 3 US&R Team.
- Chief, Lehigh County Special Operations Team (HazMat and Technical Rescue components).
- Full responsibility for a complete re-engineering and build out of the county's police and fire/EMS radio communications systems which improved telecommunications capabilities for disaster response activities.
- As agency lead and under my direction, a E911/Communications Center team selected and installed a new Motorola PrintTrak CAD system for 911 Dispatch and the county's Mobile Data (MDT) system for LE.
- Establish in 1999 the NFA Incident Command System (ICS) as the county-wide operations standard - well before NIMS requirements.
- Conducted Preliminary Damage Assessments at emergency scenes for uploading to PEMA for further Public Assistance and Individual Assistance threshold approval.
- Provided guidance to disaster-impacted constituents on SBA loans and private sector "bridge loan" packages.

- Ensures that all plans and procedures, as well as training and exercises meet the requirements of the US Department of Homeland Security and the Pennsylvania Emergency Management Agency.

- Regularly participate in Limerick Nuclear Generating Station federally-evaluated exercises as a Support County.
- Participate in the Lehigh Valley International Airport annually required full-scale exercises.
- Maintain current EOP's, inter-local agreements, special event plans, commodity flow studies, hazard vulnerability analysis, annex-specific planning (i.e. West Nile Virus, Foot & Mouth Disease, Bio-terrorism).
- Participate in the EPA 2002 National OSC Training Workshop in Phoenix, AZ as the Region III "wildcard" selected invitee.
- Assist in (NSSE) planning/HMRT response staging with US Secret Service during VP Al Gore's presidential campaign visit to Fountain Hill, PA in November 2000.

- Prepares agency 5-year Strategic Plan, 5-year Capital Expenditure submittal and annual Budget request to the County Executive.
- Manages grants including Act 78 (911 fee), Act 147 RTERF, Act 147 RERF, Act 165 HazMat Assessment (Fees), Act 165 HMEP (Planning & Training), EMPG, local EMS grants and Terrorism Preparedness (DOJ/OJP), PA Homeland Security grant, Citizen Corp Council grants, COOP/COG.

***Emergency Management Coordinator*** 1992 - 1998
Lower Swatara Township, Dauphin County
Middletown, Pennsylvania

- Direct municipal EOC response to the 1991 Three Mile Island NGS Site Area Emergency, several gubernatorial and Presidentially-declared disasters (flooding/blizzards), a hazardous materials train derailment, and aircraft crash into the Susquehanna River.
- Serve as an elected Township Commissioner and represented the Board of Commissioners on the Public Safety Committee.
- Develop inter-agency relationships of emergency responders located within Lower Swatara Township; Lower Swatara Police/Fire/EMS, PA Air National Guard 193rd CFR/Military Police, Harrisburg International Airport (HIA) CFR/Police and Penn State University Police.
- Investigation and follow-up with responsible parties and PA Department of Environmental Protection on environmental impacting events to ensure proper control, remediation, and closure of the event.
- Meet on a regular basis with the Lower Swatara and HIA Fire Departments and the Codes Enforcement Officer/Fire Marshal to discuss ongoing building development in the Township.
- Participate in Three Mile Island NGS REP exercises (risk municipality), annual HIA FAA-mandated FAR 107 & 139 exercises, EPA PREP (OPA-90) exercise, and numerous private sector drills.

***Planning Team Manager & HazMat Specialist*** 1998 - 2005
FEMA Urban Search & Rescue (US&R) Team
Pennsylvania Task Force - 1
Harrisburg, Pennsylvania

- As Lehigh County EMA Director, request first ever callout of PA TF-1 for a chemical plant explosion/building collapses (Concept Sciences Incorporated) in February 1999.
- Alpha-shift Planning Team Manager during the PA TF-1 deployment to the World Trade Center, September 11-19, 2001 – FEMA-DR-1391-NY.

*EMA staff member, Fire/Police/EMS Dispatcher* 1981 – 1983
York County Emergency Management Agency
York County, Pennsylvania

- 911/Communications dispatcher and trainer, NCIC/CLEAN/PADOT.
- County EMA on-site observer for 1982 Peach Bottom NGS REP exercise.
- Chief Law enforcement dispatcher for President Ronald Reagan's 1982 visit to Harley-Davidson manufacturing facility in York County.

***Additionally, I have held various corporate engineering/production management positions from 1981-1998 before moving to full-time public service. (Pfaltzgraff, AMP Incorporated, Mack Trucks)***

EDUCATION & CERTIFICATION

***FEMA Advanced Professional Series (APS)*** May 2015
Federal Emergency Management Agency
Emmitsburg, Maryland

***Master Exercise Practitioner (MEP)*** May 2014
Federal Emergency Management Agency
Emmitsburg, Maryland

***Certified Emergency Manager (CEM®)*** September 2012
(Original certification June 2007)
International Association of Emergency Managers (IAEM)
Falls Church, Virginia

***FEMA Professional Development Series (PDS)*** June 2011
Emmitsburg, Maryland

***Certified in Homeland Security (CHS®-III)*** May 2009
The American Board for Certification in Homeland Security
Springfield, Missouri

***Certificate-Crisis & Emergency Response Management*** June 2006
College of Business Administration,
Executive and Professional Education
Florida International University
Miami, Florida

***Professional Emergency Manager Certification*** January 2003
Commonwealth of Pennsylvania

Pennsylvania Emergency Management Agency
Harrisburg, Pennsylvania

*Associate in Specialized Technology*, Industrial Engineer Feb 1981
The Pittsburgh Technical Institute
Pittsburgh, Pennsylvania

*Bachelor of Arts*, Emergency and Disaster Management enrolled
American Military University
Charles Town, West Virginia

*Technician Class Amateur Radio License, W3CTE* December 2012
Federal Communications Commission
Washington, DC

*Emergency Management Assessment Program Assessor* Dec 2005
Council of State Governments - EMAP
Lexington, Kentucky

***Additional credits in business/management/general from York College of Pennsylvania, Pennsylvania State University, University of Pittsburgh, and Harrisburg Area Community College. I have received thousands of hours of training and numerous certificates in public safety since 1974 and engineering/management since 1981.***

PROFESSIONAL AFFILIATIONS

***(Current):***

**International Association of Emergency Managers (IAEM)**: member; IAEM Region 3 President; Certified Emergency Manager (CEM®); member

**Keystone Emergency Management Association (KEMA)**: Executive Board member, former Eastern Region President

**Firemen's Association of the State of Pennsylvania**: member

**FEMA EMI G/L-series/IEMC, National Incident Management System (NIMS), and Incident Command System (ICS) Instructor:** FEMA-certified L-449 ICS Instructor; FEMA-certified HSEEP L-146 & G-147 Instructor; FEMA-certified All-Hazards Position-Specific Incident Management Team (IMT) Instructor (11 of 16 FEMA L-950 through FEMA L-984 courses); and FEMA-certified G/L-series Instructor

***(Previous Affiliations and Activities):***

**International Association of Emergency Managers (IAEM)**:
North American CEM® Commissioner 2009-2014, Chair 2013 & 2014; Region 3 Vice President and Secretary/Treasurer, 2009-2013; Global CEM Commission Executive Board, 2014 & 2015

**Florida Emergency Preparedness Association (FEPA)**: member

**Association of Public-Safety Communications Officers (APCO)**: member - Pennsylvania
**International City/County Management Association**: member
**DHS/FEMA Community Rating System 600 Series Flood Preparedness Task Force Subcommittee**: member
**Northampton County Local Emergency Planning Committee**: member
**Northampton County Citizens Corps**: member
**National Criminal Justice Association (NCJA) and Office of Domestic Preparedness (ODP) "Enhancing Grants Management" Technical Assistance Working Group**: member
**DHS/ODP**: WMD Standardized Awareness Training (SAAT) Instructor
**Congress for the New Urbanism (CNU) "Emergency Responder and Street Design" Working Group**: member
**Lehigh Valley Economic Development Corporation (LVEDC 2006-2011)**: Board member, Local Government Relations Committee, Transportation Committee, Strategic Planning Committee: member
**Lehigh Valley Chapter of the American Red Cross**: 2008 Hero Campaign Recruiter; 2009 Hero Campaign Bi-County Chair
**Greater Lehigh Valley Chamber of Commerce**: Board of Governors member, Transportation Committee member
**Discover Lehigh Valley (Convention & Visitors Bureau)**: Board member
**Lehigh-Northampton Airport Authority**: Board member
**DHS/Emergency Management Institute (EMI)**: IEMC Adjunct Instructor
**DHS/NIMS Integration Center "Animal Health Emergencies Response" Working Group**: member
**Florida Governor's Regional Domestic Security Task Force, Emergency Management Operations**: State Working Group Co-Chair
**Southeast Florida Regional 7 Domestic Security Task Force, Emergency Management Working Group**: member
**Miami-Dade County Terrorism Advisory Steering Committee**: member
**Miami-Dade Hospital Consortium Committee**: member
**Miami Urban Area Security Initiative (UASI), Urban Area Working Group (UAWG)**: executive member
**U.S. Customs Service, Bureau of Custom Enforcement, Blue Lightning Strike Force Florida**: Cross Designation Customs Officer, 2004 - 2006
**Miami-Dade County FOAM-D HazMat Committee**: member
**Community Advisory Committee (CAC), PA Department of Transportation**: US 222 Project: member
**Lehigh-Carbon Community College**: Board of Ambassadors
**Lehigh Career & Technical Institute**: Safety & Health Occupational Advisory Council member

PA Society of HazMat Technicians: member
PA Water Rescue Instructors Association: member
Institute for Emerging Defense Technologies, Applied Research Laboratory, The Pennsylvania State University, "The First Responder Technology Roundtable": subject matter expert panel member

PREVIOUS ENGINEERING AFFILIATIONS

Institute of Industrial Engineers, Atlanta, GA
Vice President, IIE Region 2, 1990 - 1993
President, Harrisburg, Pennsylvania Chapter, 1987 - 1989
Vice President, Lancaster, Pennsylvania Chapter, 1994-1996

AWARDS & RECOGNITION

"***Distinguished Service Award***", Eastern Pennsylvania Emergency Medical Services Council, Orefield, Pennsylvania, 2011
"***Keynote Speaker Award***", The Institution of Fire Engineers (IFE), New Zealand Branch, Transportation Emergencies Conference, Christchurch, NZ, 2006
"***Exceptional Service in the Public Interest***", Federal Bureau of Investigation (FBI), Director Mueller, 2003
"***Style Award***", Lehigh Valley Style Magazine, 2002
"***Certificate of Appreciation***", FEMA and New York State Emergency Management Office, FEMA-DR-1391-NY, 2001
"***Congressional Record***", 107th Congress, First Session - House of Representatives, "Honoring Pennsylvania Volunteers", Honorable George W. Gekas, Pennsylvania, October 11, 2001
"***Award of Valor***", Lower Swatara Township, Pennsylvania, 2001
"***The Mayor's Award for Valor***", City of Harrisburg, Pennsylvania, 2001
"***Third Annual Movers and Shapers of the Valley***", Lehigh Valley Magazine, 2000
"***Award of Excellence***", Institute of Industrial Engineers (IIE), Chapter Program Year 1988-1989
"***Award of Excellence***", Institute of Industrial Engineers (IIE), Chapter Program Year 1987-1988
"***Police Certificate of Appreciation***", Allegheny County (PA) Bureau of Police, 1979 - Apprehension of Individuals Attempting to Steal an Aircraft

# *Candidate Introduction*

# John R Conklin

## EDUCATION

Bachelor of Arts, Emergency & Disaster Management, American Military University (currently pursuing)
Certificate, Crisis and Emergency Response Management, Florida International University
Associate in Specialized Technology, Industrial Engineering, Pittsburgh Technical Institute
Certified Emergency Manager (CEM), International Association of Emergency Managers
Professional Emergency Manager (County Director), Commonwealth of Pennsylvania
Active Top Secret Clearance, Department of Defense

## EXPERIENCE

| | |
|---|---|
| Federal Consultant, Booz Allen Hamilton, McLean, VA | 10/2014-present |
| Federal Consultant, Davis-Paige Management Systems, Annandale, VA | 4/2013-10/2014 |
| Emergency Management Specialist, FEMA Region III, Philadelphia, PA | 9/2012-4/2013 |
| Project Manager, Mission Critical Partners, Inc., State College, PA | 11/2011-9/2012 |
| County Administrator, Northampton County, PA | 10/2006-11/2011 |
| Business Development Manager, General Physics Worldwide, Tampa, FL | 2006 |
| Emergency Management Coordinator, City of Miami, FL | 4/2005-8/2006 |
| Emergency Program Manager, Broward County, FL | 2003-2005 |
| Emergency Management Services Director, Lehigh County, PA | 1998-2003 |
| Township Commissioner, Lower Swatara Township, Middletown, PA | 1996-1999 |
| Industrial engineering/manufacturing management, various positions | 1981-1998 |

## BACKGROUND

Northampton County (County), incorporated in 1752, is centrally located on the eastern border of the Commonwealth of Pennsylvania. It has 36 distinct municipalities, and two cities; Bethlehem and Easton and is located 50 miles north of Philadelphia, 75 miles west of New York City, and 80 miles east of Harrisburg, the state capital. The Delaware River acts as the County's entire eastern border, which separates the County and the Commonwealth of Pennsylvania from the State of New Jersey. The topography of the County's 379.8 square miles is rolling to mountainous. The current population (est. 2015 U.S. Census) is just under 301,000.

The County has always been one of the most economically-important counties in Pennsylvania, from its days as a terminal on the old Pennsylvania Canal in the 1800s, to its role building America's skyscrapers as the home of Bethlehem Steel. Today, Northampton County is in the middle of a new and exciting era in its history, helping to make the Lehigh Valley the fastest-growing region in Pennsylvania, and the top-ranked region for economic development in the Northeast. County business leaders have seen the rebirth and continued growth of its

manufacturing economy, with such internationally-renowned companies as Porsche, Majestic Sportswear, Mondelez International, Just Born Candies, Follett, Victaulic, Crayola, Sands Casino and Hotel, and C.F. Martin Guitars.

Northampton County boasts impressive infrastructure, including water and sewer resources, data fiber, and excellent access to the Northeastern United States markets. Major roadways traversing the county include Interstates 78, Interstate 80, and US 22 (East/West), and PA33 (North/South). Norfolk Southern Railway's Lehigh Line operates extensively in the county and beyond to New Jersey and New York. The County is served by Lehigh Valley International Airport on its western border and by a general aviation airpark to the east.

Northampton County has seen the redevelopment of its two cities, Bethlehem and Easton, both of which include vibrant downtown neighborhoods, arts and culture, restaurants, and entertainment districts. The County is home to three major hospital systems, Lehigh Valley Health Network, St. Luke's University Health Network, and Coordinated Health. Lafayette College, Lehigh University, Northampton Community College, and Moravian College provide extensive college opportunities locally. The prestigious Saucon Valley Country Club has hosted several PGA Senior Open and LPGA U.S. Open tournaments.

The County is a third class county, governed by Home Rule, as defined by Pennsylvania law. It operates under a council-executive form of government.

- County Council (Council) is the 9-member governing body that is empowered to adopt and repeal ordinances and resolutions; to adopt the budget; and many other legislative duties regarding appointments, salaries and wages, special reports, etc. Council members serve four-year staggered terms, alternating every two years between five members elected "at large" and four members elected by district.
- The Executive is the elected chief executive and administrative officer whose duties include, either in person or through subordinates, enforcing ordinances, preparing and submitting to Council financial plans and budgets, executing legal documents, overseeing labor relations, and administering the County's personnel system. The executive is elected to serve a four-year term.

My position as County Administrator reported directly to the Executive. My areas of management responsibility under the County's Administrative Code included providing leadership and guidance to the programs and staff in the Department of Administration and other program areas as assigned by the Executive. This also included direct responsibility for the Department of Community and Economic Development and oversight for the Sheriff's Office and Coroner's Office. I also provided leadership responsibility during separate department head vacancies (approximately 4 months each) in Human Resources and Court Services (Archives, Prothonotary, Criminal Division, Orphan's Court, and Register of Wills.)

# John R Conklin

For 2011, Northampton County's proposed total budget was $330.6 million; $91 million in General Fund, $232.7 million assigned to Special Revenue Funds, and $6.5 million proposed for Capital Projects. Governmental Accounting Standards Board (GASB) No. 54 and several other statements were adopted for use by ordinance in recent years.

## GENERAL, MANAGEMENT STYLE AND EXPERIENCE

The breadth of my experience, coupled with what I know to be professionally and personally rewarding, is what makes the position of City Manager for the City of Port St. Lucie fit perfectly into my career path. I would offer that everything I have experienced and accomplished has prepared me for a position such as this.

As County Administrator for Northampton County, my general management style was collaborative, transparent and respectful. I believe each of my 12 direct reports, as well as the Executive, would agree. I also believe they would say that when the scenario dictated, I could be a swift and responsible decision maker. As the top administrator under the Executive, there were approximately 1,500 employees for whom I was responsible. Along with that number of employees came situations in which I had to make tough and sometimes unpopular decisions, including during labor agreement negotiations for 11 different bargaining units. My approach was to listen and understand both sides while being respectful for the wellbeing of fellow county employees. At the same time, I was mindful of the budgetary implications of any decision I made. This fair and inclusive approach earned me the respect of all sides, including Council. From an employee-employer perspective, there were unfortunate circumstances that required me to discipline, reassign, or sometimes terminate an employee. While uncomfortable for all involved, I never take these actions lightly. I ensure that adequate and objective documentation is provided as required, that all policies and procedures are carried out, and that the employee is treated fairly.

Former County Executive John Stoffa and I had an outstanding working relationship. His professional background in Human Services often offered a perspective that complimented my own. Together we were an effective team. He often would tell others that he rested easy at night knowing Conklin was leading the charge.

The Executive's relationship with Council was often strained, primarily due to his win over the incumbent Executive. Despite adversarial relationships between the Executive and some same-party members of Council, we were able to effectively conduct the business of the County. I am particularly proud of replacing electronic voting machines which had been untimely decertified just prior to a November general election. I gained the approval from the PA Secretary of State to conduct the election using our old mechanical voting machines. Post-election, I spearheaded a committee to research and proposed a recommendation for

the purchase of replacement electronic machines to Council. New certified electronic voting machines were in place in time for the next April primary.

Another area of which I am proud is my work in community and economic development, specifically my work in bringing the Chrin Commerce Center to fruition. I worked with state, county, and local officials along with a private developer to coordinate and secure public/private funding. These efforts resulted in a $30 million interchange to gain access to 800 acres of developable land. Preliminary studies indicated that the Chrin Commerce Center would support thousands of new jobs for the county. The mixed use project currently features four million square feet of industrial and distribution uses, 580,000 sq. ft. of Class A office space, and 165,000 feet of retail space. The centerpiece is the interchange providing access to PA Route 33.

While there were many areas where I had a positive impact for Northampton County, I believe my most significant impact occurred when I was named Acting County Executive. During two separate and extended medical absences of the Executive, I took responsibility as the Acting County Executive, which is provided for under the Home Rule Charter. The first instance lasted four months. During this time I presented the next fiscal year's County Annual Budget and Capital Improvements Plan (CIP) to Council. Through several subsequent budget hearings, I provided adequate justification on revenue/expense projections and negotiated several budget line items with Council members which eventually resulted in the successful adoption of the Approved Annual Budget and CIP.

While working within the confines of any applicable laws or administrative policies, the metrics that I apply to measure performance include:

- Garner ongoing support of City Council, constituents, and relative entities,
- Adherence to budget, and
- Meeting projected timelines and milestones

I pride myself in leading a large, culturally, and economically diverse staff by being an even-toned, knowledgeable, and accessible leader at every level. In a short period of time, I expect to gain the support, respect, and trust of City Council and ultimately the community at large to show that I am a dedicated public servant who has the best interests of Port St. Lucie at heart.

My only regret during my tenure with Northampton County was that the Administration did not have the relationship with Council that I would have liked. We could have accomplished so much good for the community at large if the Executive-Council relationship would have been better. I do not expect you to receive any negative feedback on my performance as County Administrator. There were, however, a few Council members vehemently opposed to the Administration under which I served.

# John R Conklin

Should I be offered the position of City Manager of Port St. Lucie, the immediate challenge I would face would include overcoming the unfamiliarity of City operations. I would immediately tackle this by learning the players involved, understanding various interests represented on Council, understanding the City budget, familiarizing myself with City services, and meeting with the City workforce to gain an understanding of their activities and challenges.

During my first six months, in addition to the above, I would diligently work to ensure a balanced budget for the next fiscal year, investigate Bond restructuring/debt refinancing, create an environment within City government that values customer service, create a Mayor's Economic Development Task Force with key members of the City staff and community to facilitate job creation and business expansion through allowable funding mechanisms from the State and private sector.

I have enjoyed an excellent working relationship with all of our local media outlets in the Lehigh Valley and the Philadelphia media market. This included print, radio, and television. I had a reputation for being responsive, accessible, and accurate. I was told that I could always be counted on for a good sound bite.

Social media is another important outlet for public messaging that provides a consistent and immediate way to communicate with the public. Social media is extremely effective when delivered under properly supervised administrative policies. I would use social media, i.e. Twitter and Facebook, to communicate important messages to city residents such as community events, meeting announcements, emergency protective actions, and other relevant messaging.

In my all-too-brief leisure time, I enjoy golf with my wife, Maria and son, Johnny. When we are not being fulltime pet parents to our two Maltese-poodle mixes, my wife and I enjoy cooking and traveling.

## SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

Creative Problem Solver
Practices and Advocates Transparency
Approachable and Fair
Dedicated, Ethical Public Servant
Fiscally Responsible
Accountable

# John R Conklin

## REASON FOR DEPARTING CURRENT POSITION

As the incumbent planning and technical assistance provider to FEMA, Booz Allen Hamilton was recently unsuccessful in its bid for recapturing the next 5-year contract. Therefore, as my two current federal projects come to a close, there may not be enough capacity in Booz Allen's portfolio to support the current staff. As I reflect on my past career, I know that being a public servant has been the most rewarding and the most challenging work I have done. And while I enjoyed working in various government and industry capacities, I believe all the knowledge and experience I have gathered has prepared me for this position in Port St. Lucie. I would like to serve out the final 10-15 years of my professional career in a position where I can make a difference.

## CURRENT/MOST RECENT SALARY

My current annual salary at Booz Allen Hamilton is $132,600. At the time of my retirement from Northampton County in 2011, my annual salary was $103,000.

## Section 6

# *CB&A Background Checks*

## Background Check Summary for
## JOHN ROBERT CONKLIN

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Washington, DC | No Records Found |
| Fairfax County, VA | No Records Found |
| Philadelphia County, PA | No Records Found |
| Centre County, PA | No Records Found |
| Northampton County, PA | No Records Found |
| Hillsborough County, FL | No Records Found |
| Miami Dade County, FL | No Records Found |
| Broward County, FL | No Records Found |
| Lehigh County, PA | No Records Found |
| State | |
| District of Columbia | No Records Found |
| Virginia | Records maintained by county of residence |
| Pennsylvania | No Records Found |
| Florida | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Washington, DC | No Records Found |
| Fairfax County, VA | No Records Found |
| Philadelphia County, PA | No Records Found |
| Centre County, PA | No Records Found |
| Northampton County, PA | No Records Found |
| Hillsborough County, FL | No Records Found |
| Miami Dade County, FL | No Records Found |
| Broward County, FL | No Records Found |
| Lehigh County, PA | No Records Found |
| Federal | |
| District of Columbia | No Records Found |
| Virginia | No Records Found |
| Pennsylvania | No Records Found |
| Florida | No Records Found |

## Background Check Summary for
## JOHN ROBERT CONKLIN

| | |
|---|---|
| **Motor Vehicle** Pennsylvania | Results Pending |
| **Credit** | Excellent |
| **Bankruptcy** | No Records Found |
| **Education** | Enrollment Confirmed |
| **Employment** | Booz Allen Hamilton (2014 – Present)<br>DPMS (2013 – 2014)<br>FEMA (2012 – 2013<br>Mission Critical Partners (2011 – 2012)<br>Northampton County (2006 – 2011)<br>City of Miami (2005 – 2006<br>Broward County (2003 – 2005)<br>Lehigh County (1998 – 2003)<br>**Confirmed**<br><br>*Homeland Security & Emergency Management (2006)*<br>*Florida Task Force 2 (2005 – 2006)*<br>*Verifications Pending* |

# Background Check Summary for
## JOHN ROBERT CONKLIN
### Personal Disclosure

## Personal Disclosure Questionnaire

Name of Applicant: John R. Conklin

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?
   Yes (No)
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes (No)
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes (No)
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   (Yes) No
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes (No)
6. Have you ever been convicted of driving while intoxicated?
   Yes (No)
7. Have you ever sued a current or former employer?
   Yes (No)
8. Do you have a personal My Space, Face Book or other type of Web Page?
   (Yes) No
9. Do you have a personal Twitter Account?
   (Yes) No
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
    Yes (No)
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: _____
Signature of Applicant

**Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/07/16.**

**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

**Background Check Summary for**
**JOHN ROBERT CONKLIN**
**Personal Disclosure Explanation**

# John R. Conklin

Personal Disclosure Questionnaire (Detailed)

4a/11. Pennsylvania Eastern District Court
Ferraro et al v. Buskirk et al
Docket Number: 5:08-CV-05513
Pacer Case Number:288369
Date Filed: 2008-11-24
Date Terminated: 2009-09-23

4b/11. Commonwealth Court of Pennsylvania
Todora v. Buskirk
No. 1905 C.D. 2013
Decided: July 7, 2014

4c/11. U.S. District Court for the Eastern District
Matthew Farrell v. Northampton County et al
Civil Action Number: 11-3665

4d/11. Pennsylvania Eastern District Court
Mucha v. Boehm et al
Docket Number: 5:11-CV-00624

8. Facebook
LinkedIn

9. Twitter

# *CB&A Reference Notes*

# Reference Notes
# John R. Conklin

**John Stoffa – Former County Executive, Northampton County, Easton, PA**

Mr. Stoffa has known Mr. Conklin since approximately 2003 while he was in Lehigh County. Their close working relationship began in 2006 when Mr. Conklin came to Northampton and they worked together there until 2011. They continue to have some occasional contact mostly via social media.

Mr. Conklin's job performance was most excellent while in Northampton. He is extremely bright and perceives and remembers things quite well. He analyzes things quickly and is a good problem solver who sticks to the job until it is done. Those attributes are especially evident when it comes to emergency management. He can mobilize people quickly and stays calm and collected under pressure.

When it comes to making decisions, Mr. Conklin thinks well on his feet. He is also innovative and keeps the organization running at a high performance level. He studies and reaches out to other communities to find out what is working in their areas and then will use some of those ideas in his organization. He stays current in his field and uses best practices to make his organization the best it can be.

Communication is important to Mr. Conklin. He communicated with Mr. Stoffa on a regular basis when they worked together in Northampton. They discussed issues at regularly scheduled staff meetings as well as face to face on a daily basis. Mr. Conklin has strong communication skills.

Mr. Stoffa is not aware of Mr. Conklin being involved in anything controversial since he has known him. He knows of nothing in Mr. Conklin's personal background that would be construed as embarrassing if the press were to investigate his past history.

**Words or phrases used to describe John Conklin:**

- Hardworking,
- Level headed,
- Bright,
- Politically astute,
- Smart, and
- Courageous.

**Strengths:** Excellent at emergency management, calm, collected, and a fantastic problem solver.

**Weaknesses:** At times can get frustrated with elected officials, but always stays level headed when dealing with them.

# Reference Notes
# John R. Conklin

**Jane Ervin – Former County Executive, Lehigh County, Allentown, PA**

Ms. Ervin has known Mr. Conklin since 1998. She worked with him the entire time he was in Lehigh County until he left in 2003. They have had some contact since that time, but it has been a few years.

Ms. Ervin would characterize Mr. Conklin's job performance in Lehigh County as excellent. He did a fantastic job while at the County. He was very dedicated to his job, came up with good, creative ideas, and always stayed within the budget. He was easy to talk to and always kept her informed about what was happening in his area of responsibility.

Additionally, Mr. Conklin was well respected by the staff and the community. He was well organized and well educated especially in regards to Emergency Management. She has seen him take his experiences from Lehigh County and expand upon them as he has grown in his career over the years.

Making good decisions comes naturally to Mr. Conklin. He is very wise and makes the best decisions for his organization and community. He helped Ms. Ervin to understand much about Emergency Management Services and how to run them properly. During 9/11 he did a wonderful job ensuring they were safe in regards to the situation that was unfolding. He did a remarkable job of keeping them completely informed and calmly handling the situation. In addition, he organized teams of Emergency Management personnel to go and help at Ground Zero. He was utterly professional and collected in the face of much chaos and tragedy.

Mr. Conklin is a stickler for high performance with his staff. Beyond that he is always thinking of innovative ways to do things better and make the organization more successful. He is the type of person who inspires others to perform better and have more confidence in themselves and their talents. At one time Lehigh had some issues with the 911 Emergency Services trying to figure out how to triangulate calls coming from cell phones. At this time that was a brand new issue, but he did a wonderful job figuring out how to overcome those issues, forged through the problem, and he and his team came up with a successful solution.

Ms. Ervin is not aware of Mr. Conklin being involved in any controversies since she has known him. She has no knowledge of anything in his background that would be thought of as unflattering by any future employer. He would be a very competent City Manager.

**Words or phrases used to describe John Conklin:**

- Strongly committed,
- Expert in his field,
- Well respected,
- Brave,
- Approachable,
- Likeable, and
- Exudes self-confidence.

# Reference Notes
# John R. Conklin

**Strengths:** An extremely experienced professional who works hard and inspires others to work hard as well to make the organization the best it can be.

**Weaknesses:** None identified.

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**Maria Bentzoni – Administrator, Farmland Preservation, Northampton County, PA**

Ms. Bentzoni first met Mr. Conklin in 2006. Even though she was based in a satellite office, she reported directly to him while he was in Northampton until he left in 2011. They continue to have some occasional contact.

Mr. Conklin was always very cooperative while working with Ms. Bentzoni. He was open minded and people were comfortable bringing issues to him. He would examine both sides of the problem and come to a conclusion that was satisfactory for everyone involved. Additionally, he gave her the autonomy to run her program with his guidance, but without micromanaging. He was fully engaged and aware of what was happening, but he did not hover over her and her staff.

Making good decisions is an area where Mr. Conklin performs well. He was not only good at making the decisions, but he was also willing to listen to others' input. He created and fostered good working relationships with her and the rest of the staff because of this style of management. He was also very good about keeping them informed about what was happening in the organization so that they were always abreast of issues, changes, and everyday operations. Furthermore, he was accessible and consistently followed up with people.

Mr. Conklin is a combination of someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. He looks at things from multiple perspectives and in that way he can creatively resolve issues that arise and help others to see things in a different light. He not only felt the need to be creative, but he also let things be if they were working successfully and efficiently.

Ms. Bentzoni has no knowledge of Mr. Conklin having any embarrassing items in his background. She is also not aware of him being involved in any controversies since she has known him. He would be an excellent candidate for a City Manager position because of his forward thinking, his calm demeanor, and because he gets the job done.

**Words or phrases used to describe John Conklin:**

- Thorough,
- Decisive,
- Open minded,
- Willing to work hard, and
- Team player.

# Reference Notes
# John R. Conklin

**Strengths:** Confident, calm, and professional manager who has extensive knowledge and experience in his field.

**Weaknesses:** None identified.

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**Michael Dowd – Former Council Member, Northampton County, PA**

Mr. Dowd first met Mr. Conklin during the hiring process in 2006 in Northampton County. They worked together until Mr. Conklin left in 2011. They continue to have some occasional contact through social media.

Mr. Conklin did a wonderful job in Northampton. He had a myriad of challenges as well as a divided legislative body, but he did well balancing all of the issues that arose. He is remarkably intelligent and perceives and understands issues quickly getting to the heart of the matter. He is determined and he pursued the items that he thought were important to the County to make it a better place. Mr. Dowd was quite impressed with how he jumped right into the fire when he came on board and finessed some rather challenging issues.

Decision making is an area where Mr. Conklin also excels. He was straightforward in his communication with the County Executive and did not hesitate to share his opinions to find the best path to take. He ensures to maintain a high standard of performance in an organization, but he also is prepared to drive change when necessary to make improvements.

Mr. Conklin communicated well with Mr. Dowd. They were allies for the County and they regularly kept in contact. He also communicated well with the staff members resolving conflicts well among people. He walked into situations armed with information and knowledge, identified the problem, and effectively resolved those problems.

Working with the public comes naturally to Mr. Conklin. He is particularly good about interacting with people during a crisis. He was good about sharing information and adept at bringing a solid emergency response to situations. He is definitely a leader who is out and about amongst the staff and community.

Mr. Dowd is not aware of Mr. Conklin being involved in any controversies since he has known him. He has no knowledge of anything in his background that would be construed as embarrassing if the press were to go digging. He would be an excellent City Manager because he displays great skill in handling relationships between counties and cities.

**Words or phrases used to describe John Conklin:**

- Intelligent,
- Good people skills,

- Integrity,
- Courageous,
- Loyal,
- Friendly, and
- Task oriented.

**Strengths:** A highly intelligent individual who works hard to make his organization successful by working through problems and making solid decisions.

**Weaknesses:** At times he can be impatient and be a bit abrupt, but that is a function of his desire to get things accomplished.

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**Victor Mazziotti – Former Director of Fiscal Affairs, Northampton County, PA**

Mr. Mazziotti first met Mr. Conklin in 2006 when he came to Northampton. The two gentlemen worked together until 2011. They continue to have some occasional contact.

Mr. Conklin did an excellent job in a difficult position. The County can be quite partisan at times, especially with the Council members, but he maintained a good working relationship with both the elected officials and his peers.

Mr. Conklin is bright, organized and structured in his work ethic. He also has fantastic people and management skills and is also quite technically savvy. He makes good decisions and is a leader who is often found out and about amongst the staff. He is the type of person who would be bored sitting behind a desk.

Mr. Mazziotti would characterize Mr. Conklin as innovative and a change agent. He is excellent at bringing about changes that enhance and improve an organization. He is also an effective communicator and always kept others abreast of the happenings in the County for which he was responsible. He also interacted well with elected officials at the Council meetings and ensured that they were well informed.

Solving problems is an area where Mr. Conklin has talent. He had a number of departments under his purview and he always worked well with those directors and their staff members. He created a positive working environment where people interacted professionally and in a friendly manner.

Mr. Mazziotti is not aware of Mr. Conklin being involved in any controversies. He has no knowledge of any issues in his past history that would be characterized as unflattering or unbecoming of a public servant. He definitely has the skill set for a City Manager and would do well in that environment.

# Reference Notes
# John R. Conklin

**Words or phrases used to describe John Conklin:**

- Smart,
- Stays focused,
- Calm,
- Good people skills,
- Professional appearance, and
- Handles himself well.

**Strengths:** An experienced professional who gets along well with everyone and knows how to work with challenging political environments.

**Weaknesses:** None identified.

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**Michael Stershic – President, Discover Lehigh Valley, Lehigh County, PA**

Mr. Stershic first met Mr. Conklin while he was in Lehigh County, however they really did not get to know each other or start working together until 2006 when Mr. Conklin came to Northampton County. They worked together until 2011 and have had periodic contact since that time.

Mr. Conklin was Mr. Stershic's primary contact at the County and helped him to interact with the other departments when necessary. His personality is even keeled, but straightforward. He always maintained an even handed approach especially in charged situations.

Mr. Conklin has a knack for bringing people together and getting them to discuss and work out issues. He was heavily involved in negotiations on behalf of the County and he is an extremely strong negotiator. He is fair and objective in his negotiating skills. Additionally, he is willing, open, and communicates extremely well representing his party professionally and ensuring that the best outcome is reached.

Decision making is an area where Mr. Conklin shined. He was an effective decision maker. He was one of the few people who were liked by both sides of the aisle in what could be a challenging political climate at times. Furthermore, he was excellent at dealing with the public and worked often with members of the community as part of his job.

Depending upon the situation, Mr. Conklin can be innovative or maintain the organization at a high performance level. He is a high performer and expects his staff members to be the same way. If innovation, creativity are needed to improve upon the organization, he will do that as well.

In terms of being a leader or someone who sits behind a desk and manages processes, Mr. Conklin can be both. He is seen as a leader in the community who is out and about, but also is excellent at dealing with tasks and people in the office on a daily basis. He is definitely a flexible manager.

Mr. Stershic is not aware of Mr. Conklin being involved in any controversies since he has known him. He has no knowledge of anything in Mr. Conklin's background that would be thought of as detrimental to his character if the press were to investigate. He is a wonderful person with an incredible skill set to be a fantastic City Manager. He would be an asset to any municipality that hires him.

**Words or phrases used to describe John Conklin:**

- Effective,
- Even keeled,
- Relationship builder, and
- Problem solver.

**Strengths:** Extremely skilled and talented individual who is an effective manager, negotiator, and representative for his organization.

**Weaknesses:** None identified.

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**Tony Ianelli – CEO, Greater Lehigh Valley Chamber of Commerce, Lehigh County, PA**

Mr. Ianelli first met Mr. Conklin between 2001 and 2003 while he was in Lehigh Valley. He also worked with him when he was serving in Northampton as well. Since Mr. Conklin left Northampton in 2011 the two have had no further contact.

Mr. Conklin did a fine job while working in Lehigh and Northampton Counties. He is good at working with people from both the public and private sectors. He has a very measured personality, is calm, and professional. He understood his position in the organization and played the party lines well.

Maintaining a high level of performance is what Mr. Conklin does well. He served on the Chamber Board while he was in the area and was always participatory and added much to their meetings. He is results oriented and resolves issues well because of his calm demeanor.

Mr. Ianelli is not aware of Mr. Conklin ever being involved in anything controversial. He is not privy to any information from Mr. Conklin's background that would be looked upon as embarrassing. He would be a good fit for a City Manager because he is not a big political person, but is excellent at running the daily operations of an organization.

# Reference Notes
# John R. Conklin

**Words or phrases used to describe John Conklin:**

- Professional,
- Measured,
- Nice depth to his personality,
- Seasoned, and
- Flexible.

**Strengths:** Excellent manager who is experienced and works well with others.

**Weaknesses:** None identified.

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**Angel Gillette – Former Manager, Hazard Mitigation and Recovery, Northampton County, PA**

Ms. Gillette has known Mr. Conklin since 2007. They worked together until he left Northampton in 2011. They continue to stay in contact with each other because of their continued involvement in the same professional field.

When Ms. Gillette came on board at the County, the Emergency Management program was not doing well. With Mr. Conklin's experience he took it from being in the red to one of the best programs in the commonwealth of Pennsylvania. He turned it into a top notch program.

Mr. Conklin has several strengths including that of being a long term, strategic thinker. He is well disciplined at tying strategic planning into budgets. He connects long term strategic goals into the overall programs of an organization while effectively maintaining the daily operations. He is also quite diplomatic and politically savvy, speaks well in front of the public, and educates them on what is happening in the organization.

Making wise decisions is easy for Mr. Conklin. He is experienced in his field and knows how to handle situations. He is also talented at finding and bringing qualified individuals on staff. While he was in Northampton he did a most excellent job of hiring people during the total overhaul of the Emergency Management Division.

Ms. Gillette would characterize Mr. Conklin as someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. He served as a change agent in Northampton to ensure she had resources for her specific agency, but at the same time continued to serve the entire County at the highest possible level.

During Mr. Conklin's time in Northampton a HAZMAT incident occurred. At the time he was serving as the Public Information Officer and he proved to be a professional representative of the

County. He definitely has superb media relation skills and knows how to interact with the press and the public alike.

Ms. Gillette has no knowledge of any item in Mr. Conklin's background that would be detrimental to his character. Furthermore, is not aware of him being involved in any controversies since she has known him. He is well respected in his field and he would be an ideal candidate for a City Manager position.

**Words or phrases used to describe John Conklin:**

- Strategic,
- Collaborator,
- Relationship builder,
- Solid decision maker,
- Knowledgeable,
- Professional, and
- Smart.

**Strengths:** A leader who is a good listener, is open minded, and can rally his staff around him and the goals of the organization.

**Weaknesses:** None identified.

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**Jay Finnigan – Township Manager, Hanover Township, PA**

Mr. Finnigan first met Mr. Conklin while he was in Lehigh County in approximately 2001. Even though Mr. Conklin is no longer in the area, they continue to have frequent contact at various Emergency Management training meetings.

Mr. Conklin is competent, extremely intelligent, and level headed. He is rational and the type of person who examines all of the alternatives to a situation before moving forward. He knows how to rally individuals around him and causes.

When Mr. Conklin was the County Administrator in Northampton he was Mr. Finnigan's contact within the organization. He was a very hands-on Administrator, not only with just his executive team, but also with the entire County. He is a consummate professional who works hard to get things accomplished.

Innovative, a change agent, and maintaining the organization at a high performance level are three excellent ways to describe Mr. Conklin. He offers alternative and creative solutions to issues that arise and then sets about implementing them in the best possible manner. He

embraces change when it is something that will enhance the organization, but will not make changes for the sake of change.

One of Mr. Conklin's strong points is communication. He does well in three areas, as an oral presenter, with the written word, and as an instructor and educator. One example of his phenomenal communication skills took place during the union negotiations. Historically the negotiations had been bitter and heated, but when Mr. Conklin was in charge of them that was never the case. He worked tirelessly towards a solution that was beneficial for everyone involved.

Mr. Conklin is also fantastic under pressure. In Lehigh County a serious situation occurred as a result of an explosion. He was in charge of the Emergency Management at the time and he did a wonderful job of staying composed and methodically handling the situation. He does not get stressed out or excited, but is professional and knows how to think quickly on his feet to keep others safe and calm in the face of disaster.

Mr. Finnigan is not aware of Mr. Conklin being involved in any controversies that were not part of his job description or daily duties. He knows of nothing embarrassing that would be found in his background if the press were to investigate. He would absolutely hire him if he were given the opportunity. He is confident that Mr. Conklin is more than qualified for a City Manager position.

**Words or phrases used to describe John Conklin:**

- Professional,
- Collaborative,
- Problem solver,
- Out of the box thinker,
- Calm, and
- Responsive.

**Strengths:** Extremely qualified and experienced professional who stays calm under pressure and knows how to get things accomplished.

**Weaknesses:** None identified.

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**Howard Kutzler – Township Manager, South Whitehall Township, PA**

Mr. Kutzler first met Mr. Conklin in 1999. They met because of an explosion that occurred in the Allentown area while Mr. Conklin was in Lehigh County. It was the first time Mr. Kutzler had met anyone who knew how to deal with that type of situation with such professionalism and

experience. They continued to have interactions on and off since that time, but have had very minimal contact since Mr. Conklin left Northampton in 2011.

Mr. Conklin did an outstanding job over the years while in Pennsylvania. Despite the difficulties of a highly political area, he performed most excellently. He has immense integrity, is extremely credible, and is a take charge kind of person without being arrogant or pompous.

Mr. Kutzler would characterize Mr. Conklin as someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. He brought innovative ideas of how to react to emergency situations to his organization and made it a more effective program. Their area is not one that embraces change well and Mr. Conklin understood that. He was methodical and took his time introducing any changes that needed to be made, but at the same time ensured that the high level of standards in service continued on a daily basis.

Mr. Conklin is a leader who is a professional at dealing with the public. He knows how to talk to people both in large groups and one on one. He has a calming presence that helps to diffuse rather charged situations and always keeping a level head about him.

Mr. Kutzler is not aware of any controversies involving Mr. Conklin. He has no knowledge of anything in his background that would be construed as unflattering if the press were to investigate. As long as he has a good team around him he would be a perfect candidate for a City Manager. He is equipped to handle such a position and has the experience to back up his knowledge. Any community would be fortunate to have him.

**Words or phrases used to describe John Conklin:**

- Knowledgeable,
- Professional,
- High integrity,
- Honor,
- Can do attitude, and
- Does what is right.

**Strengths:** A good all-around person who is experienced, knowledgeable and can manage charged situations with grace and confidence.

**Weaknesses:** None identified.

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**Prepared by:** Heather Linares
Colin Baenziger & Associates

# *CB&A Internet Research*

Express-Times, The (Easton, PA)
September 24, 2013

**Prison firing lawsuit dismissed FORMER GUARD SUED NORTHAMPTON COUNTY, alleging retaliation for complaints about mold.**
Author: TOM SHORTELL

EASTON | A Northampton County judge has dismissed a lawsuit filed by a former prison guard who alleged he was fired in retaliation for filing a lawsuit about mold in Northampton County Prison. Judge F.P. Kimberly McFadden found Anthony Todaro offered no facts to support his claims he was unfairly suspended for complaining about the mold at the 142-year-old prison.

Whistle-blower laws do not apply to him, because in the original mold lawsuit Todaro only raised concerns about health risks to which he was exposed, not public welfare, she said. McFadden also found that even if there was a public interest, Todaro offered no facts to show the firing was in retaliation for the lawsuit. He had a lengthy history of discipline troubles both before and after the lawsuit, including repeated warnings for excessive absences and multiple suspensions for sexual harassment, McFadden wrote.

Todaro's lawsuit "is vague and unspecific and fails to meet the fact-pleading requirements of this court," she said. The retaliation lawsuit was originally filed in federal court by Todaro and fellow former prison guard Vincent Ferraro against Warden Todd Buskirk, county Executive John Stoffa, former Human Resources Director Connie Sutton-Falk and former Director of Administration **John Conklin**. Federal Judge Juan Sanchez transferred the case to Northampton County Court in 2009. The two guards claimed they were harassed at work and told that any further questions about mold would be considered insubordination, according to the suit. Ferraro withdrew from the retaliation suit in January. Claims against **Conklin** were dismissed in April. Ferraro and Todaro originally sought more than $150,000 in damages. The original mold lawsuit, filed in 2005, claimed expansion of the jail in 2004 stirred up mold, which contaminated food and the air. Todaro, Ferraro and four other prison guards filed the complaint, but it was dismissed in 2010.

Express-Times, The (Easton, PA)
September 24, 2011

**County director to step down TOP MAN JOHN CONKLIN leaves John Stoffa's administration for private-sector employment.**
Author: SARAH CASSI

EASTON | Northampton County Executive John Stoffa is losing yet another top staffer to greener pastures. Administration Director **John Conklin** submitted his notice to Stoffa Friday, saying his last day with the county will be Oct. 31. "I am sorry to see him go. He's one of the brightest people I know," Stoffa said. "He worked very hard, took his responsibilities seriously, but I realize that in my sixth year it's not unusual for people to start leaving. I'm going to miss him." **Conklin**, 51, said he is leaving to take a job in the private sector, where he'll be working with state and federal homeland security partners. "Doing what I do best," **Conklin** said of his new job. **Conklin** worked for Lehigh County from 1998 to 2003 and is known for his work with the Concept Sciences explosion in 1999 that killed five people and injured 13. He served as Miami's emergency management coordinator and emergency program manager for Broward County, Fla., before joining Northampton County five years ago. Former Fiscal Affairs Director Vic Mazziotti retired earlier this year and is running for Lehigh County commissioner. Asked about the two empty top positions, Stoffa said the county is running fine right now without a fiscal affairs director, but "I do need a director of administration."

Stoffa said there are two internal candidates he is considering. But if they don't work out, Stoffa said, he will have to advertise the job. Looking back, **Conklin** said his biggest challenges were twice replacing the county's voting machine systems, negotiating numerous union contracts and his work improving the county's emergency management and 911 system. **Conklin** reformatted the emergency management hierarchy, added new positions and moved the staff to the 911 building at the Gracedale nursing home campus. "We used to be one of the worst. Now it's one of the best in the state," **Conklin** said. Stoffa credited **Conklin** for his work on the 911 center and the county's emergency management division. "We are top-notch now," Stoffa said.

Morning Call, The (Allentown, PA)
August 24, 2011

**LVIA soon to be under AvPORTS management ** Airport authority puts its $20 million-a-year operation in hands of Virginia company.**
Author: Matt Assad

In debt and under pressure to increase passengers, the Lehigh-Northampton Airport Authority decided Tuesday to turn management of its $20 million-a-year air travel operation over to a private company from Dulles, Va. Authority members are hoping AvPORTS Management can bring new business, new money and maybe even new airlines to Lehigh Valley International Airport, but it won't come cheaply. The board approved a two-year deal that will pay AvPORTS nearly $500,000 a year and offer incentive bonuses that could bring hundreds of thousands of dollars more per year for increasing ridership, grant revenue and the number of airlines flying out of the airport. The potentially pricey new deal comes as the authority tries to figure out how to pay the remaining $16 million it owes of a $26 million court judgment for taking development land in the 1990s, but board members didn't seem sticker-shocked. "We're expecting more planes, more passengers and more revenues in general," said authority board member **John Conklin**, chairman of the committee that searched for an airport manager. "If AvPORTS is able to do what we expect, the financial gains will greatly exceed the costs."

The costs figure to be well above the $400,000-plus the board was paying its previous management team. Under the deal, AvPORTS will be paid a base fee of $660,000 for the two years, plus another $142,500 per year for an airport manager it will bring in to run LVIA and its sister airports, Queen City Airport in Allentown and Braden Airpark in Forks Township. Add travel expenses of nearly $16,000 and AvPORTS' pay rises to nearly $1 million over two years. In addition, AvPORTS gets 20 percent of all net increases in operating income, which is the money the airport has left after paying all expenses. Its net operating income is budgeted at $1.5 million for 2011. So, if AvPORTS can drive that up to $2.5 million in 2012, it gets a $200,000 bonus. "The philosophy was to bring a private sector mentality to a public sector operation," board solicitor Glenn Williams said. "We hope they make big bonuses, because that gives us an opportunity to take an 80 percent stake in the upside potential."

AvPORTS will start Sept. 9, with a 90-day period in which it will evaluate airport operations and recommend how things can be more efficient. That could mean personnel changes or plans to outsource areas of the operation, but the authority board would have the final say in anything AvPORTS proposes. The new manager will be Charles Everett Jr., a former Syracuse, N.Y., airport manager who will leave his job as manager of the National Planning and Environmental Division of the Federal Aviation Administration to run LVIA. Though he will start as part of the evaluation team Sept. 9, he takes over as airports manager Jan. 1. AvPORTS President Ozzie Moore said while he has some ideas for changes that might work, he will reserve judgment until the evaluation is over. Moore did say AvPORTS will work on how the airport can turn its location near airports in New York, Philadelphia and Newark, N.J., from a competitive disadvantage to that point that it can steal traffic from those airports.

"We will ask, How can we differentiate ourselves from those airports?," Moore said. "What do we have to offer that they cannot? There is great potential in this airport." AvPORTS and Everett have much work ahead. A Lehigh County Court master has recommended the airport get four years to pay its remaining debt of $16 million to WBF Associates, which owned 632 acres of development property taken by the airport in the mid-1990s. The payments, in addition to the $10 million it has agreed to pay, could force increased parking fees and ticket fees, and has already prompted the board to consider selling off its surplus property. The case, which began in 1996 and has dragged on largely because of frequent airport appeals, has also cost the airport more than $4.2 million in legal fees. Paying up will force the airport to "get creative" if it wants to improve and expand its business, authority Chairman David Haines said. That's where AvPORTS comes in. While some board members raved about AvPORTS' experience in managing nine other airports, such as Albany (N.Y.) International and San Bernardino (Calif.) International, Cindy Feinberg was the lone board member to vote against hiring AvPORTS, saying an executive should be hired.

The authority in August forced 19-year Executive Director George Doughty to resign, in part because some members blame him for the expensive court dispute. Then in March, Doughty's expected successor, longtime Deputy Director Larry Krauter, resigned to run an airport in Spokane, Wash. The board turned to a new plan to hire an aviation management company it hopes can make what could be drastic changes needed to set a new course. That way, in perhaps two years, an executive director could be hired to guide the airport. AvPORTS' contract includes a clause that allows for annual renewals. AvPORTS has never lost a contract renewal at any airport where it has been it has been hired, and some authority board members already say they hope the company's deal becomes long-term. But that will likely be determined by whether it can deliver on promises to carry the airport to new heights. "Our job is to clean the place up and potentially hand it back," Moore said. "If after two years, they decide to hire an executive director, we will take satisfaction in our accomplishments and be on our way."

Morning Call, The (Allentown, PA)
August 19, 2011

**No relief on Gracedale legal fees ** Judge won't reconsider ruling against coalition, which cited foes' 'illegal use' of tax money.**
Author: Riley Yates

A group that successfully opposed the sale of Gracedale won't be able to force the other side to pay its legal fees, a Northampton County judge decided Thursday. Larry Otter, the attorney for The Coalition of Alzheimer's Families, wanted blogger Bernie O'Hare and County Councilman Ron Angle to pick up the group's lawyer bills, alleging the pair benefited from "illegal use" of taxpayer money to aid their legal fight against the coalition's petition drive. In May, county voters, by a 3-to-1 margin, approved a referendum barring the sale of Gracedale for five years, thwarting county plans to sell the Upper Nazareth Township nursing facility. Judge Stephen Baratta had already rejected awarding attorney fees in the fight. He ruled in March against Otter's requests to be reimbursed for O'Hare and Angle's lawsuit and for a separate challenge filed by the county. With O'Hare and Angle, Baratta found their suit was reasonably filed, though they ultimately did not prevail in their effort to get the question tossed from the ballot.

Otter was asking Baratta to reconsider, in light of "new information" that an attorney from Eckert Seamans, the law firm the county hired to help privatize Gracedale, charged the county about $15,000 to revise Angle and O'Hare's suit and to produce evidence submitted as its Exhibit A. Even assuming that was true, Baratta said, that is no reason for him to grant legal fees. Angle and O'Hare "didn't write the check. They had no authority to make Eckert Seamans work for them," Baratta said, adding to Otter, "You want me to make them pay for that. How do I do that?" But though Baratta rejected the request for reconsideration, that doesn't mean the dispute is over. Otter had originally sought to slap Angle, O'Hare, County Executive John Stoffa and County Administrator **John Conklin** with a surcharge requiring them to pay back the county for the portion of money Eckert Seamans received.

But the law requires a report by the county controller on the expenditures before such a bid can be entertained, and Otter withdrew his request in July. "If he would have spent more than two minutes of legal research, he would have known that action has to be taken first by the controller," Karl Longenbach, the county's solicitor, said Thursday. Otter vowed during and after the hearing that he will continue to press an issue he says is about taxpayer money going to fund partisan endeavors. "I'll be back. The day after that report is issued, I'll be back," Otter said. County Controller Stephen Barron was a vocal supporter of keeping Gracedale county-owned, and he sat with members of The Coalition of Alzheimer's Families during Thursday's hearing. Asked if he was working on a report, he wouldn't comment.

Morning Call, The (Allentown, PA)
May 18, 2011

**Voters block Gracedale sale ** 3-1 majority decides Northampton County will keep nursing home.**
Author: Jenna Portnoy

Voters struck a blow to privatization Tuesday and decided Northampton County should hold on to Gracedale nursing home for up to five years. The grassroots-conceived and union-supported ballot referendum passed overwhelmingly, with 73 percent opposed to a sale and 27 percent ready to let the Upper Nazareth facility go private, with nearly all precincts reporting. Results are unofficial. "The voters have given us an opportunity and a challenge," said county Councilman Lamont McClure, who opposed a sale. "The opportunity is we have five years to show them Gracedale can continue to care for them at a high level and cost little to no county tax dollars, and that's the challenge as well."

The vote brings some closure to a seven-month often-heated debate over the severity of Gracedale's financial woes versus the county's obligation to care for the elderly. In the months leading up to the primary, county Executive John Stoffa's administration and some members of council painted a picture of an aging institution in dire need of capital improvements and facing steep budget shortfalls. They warned council would have to increase taxes 10 percent to 30 percent, or force Stoffa to refuse new admissions and lay off staff. Councilman Ron Angle -- who favored a sale but accurately predicted the referendum would pass 3 to 1 -- said the county could have made a stronger case for privatization: "I think we should have started two years earlier and spent a lot of time getting the public more informed." The anti-sale Coalition for Alzheimer's Families -- named for the condition some of their relatives at Gracedale suffer from -- believe a county eager to drop $60 million from the overall budget and reduce the workforce by one-third exaggerated the nursing home's projected losses. Now that the referendum has passed, the county plans to immediately seek proposals from management companies that Stoffa and the unions believe could identify efficiencies and turn the nursing home into a reliable moneymaker, or at least a break-even operation.

"They'll run the day-to-day-operations," Angle said, "and start doing studies on how we could be doing things more economically with less people." A private company runs Lehigh County's nursing home, Cedarbrook. Northampton County's administration and unions representing nearly all of Gracedale's 700 workers have also said they will sit down and hammer out concessions to erase a $3 million deficit anticipated for the second half of this year. The county projects the nursing home will lose $6 million in 2012. Talks broke down months ago when the American Federation of State, County and Municipal Employees wanted the county to insert a clause into the workers' contract that could protect them in the case of a sale; the county balked. This time around, the process is tainted by allegations of an unfair labor practice lobbed by Jerry Green, president of the Steelworkers union representing about 50 Gracedale nurses, against Director of Administration **John Conklin**.

Green alleges **Conklin** promised not to saddle the prospective buyers with a newly negotiated union contract. **Conklin** did not return a call for comment Tuesday. The county has toyed with selling Gracedale for years, but the issue came to a head last fall after council approved Stoffa's request to search for a law firm to help choose a nursing home buyer. The next month residents petitioned the county Election Commission to let voters decide the issue via ballot referendum, and the quest for signatures began. The county pressed on with plans for a sale even as the coalition canvassed polling places and garnered support for their cause. Shortly after they submitted 23,391 signatures -- 19 percent more than the minimum -- blogger Bernie O'Hare and Councilman Ron Angle filed the first of two legal challenges to the petitions. A county judge ruling, later upheld by Commonwealth Court, tossed out some signatures, but not enough to take the question off the ballot.

At the same time, Stoffa was fighting the referendum on the grounds it violated the home rule charter's ban on questions relating to the budget. Again the courts sided with the coalition and what once seemed like a far-fetched plan to engage voters became reality. The revelation that the county law firm charged taxpayers to revise Angle and O'Hare's legal brief and to produce evidence they submitted in court intensified the disdain the two sides felt for each other. A hearing in that matter is scheduled for Tuesday.

Express-Times, The (Easton, PA)
April 15, 2011

**County council rejects court workers' contract**
Author: SARAH CASSI

EASTON | Northampton County Council rejected a contract Thursday for the county's court appointed professional unit. A motion to approve the contract failed by a 6-2 vote. Council members Lamont McClure and Ann McHale voted in favor of the contract. Councilman Bruce Gilbert was absent. The unit, represented by the American Federation of State, County and Municipal Employees District Council No. 88, is comprised of 62 county employees including adult, DUI and juvenile probation officers, pretrial officers and accountants in the domestic relations office. The contract was ordered following an arbitration decision. But council members rallied against the proposed salary increases in the wake of the dismal economic climate. Councilwoman Peg Ferraro said arbitration is a powerful tool that never seems to benefit taxpayers. "What's the matter with a wage freeze?" Ferraro asked.

Administration Director **John Conklin** said the contact would run 2010 to 2012 and included a 4.5 percent salary increase in 2010, with a 4 percent increase for people at the top of the salary scale, a $1,000 salary bump across the board and a 2.25 percent salary increase this year. A $500 bump and a 2.25 percent salary increase was included for next year. For health care, there would be no increase in employee contributions in 2010, but small percentage increases in 2011 and 2012. **Conklin** said under state law, council could reject portions of an arbitration-ordered contract, but not the entire contract. County Solicitor Karl Longenbach said he would need to perform some "quick research" to see what the county's next step must be.

Morning Call, The (Allentown, PA)
February 4, 2011

**Stoffa picks Gracedale buyer ** County executive wants to sell to TL Global. Judge will hear legal challenges today.**
Author: Jenna Portnoy

Executive John Stoffa told Northampton County Council on Thursday night he wants to sell Gracedale nursing home to a partnership of TL Management LLC of Brooklyn, N.Y., and Global Healthcare of Howell, N.J. The partnership, called TL Global, offered $35 million, the average bid among the four companies that have been vying to buy Gracedale since mid-December. Director of Administration **John Conklin** said the final sale price will be lower than the bid, depending on how the county and TL Global reconcile long-delayed capital improvements, including asbestos abatement, a sewer line upgrade, parking lot resurfacing and tower roof repairs. Debt service and bonuses to encourage employees to stay will add up as well, he said. The administration will take the next 45 days to negotiate the terms of a sale. Then Stoffa will return to council seeking final approval. As the sale proceeds, a referendum effort to ask voters if they want to block the sale for five years is stalled in court. At a hearing set for this morning, Judge Stephen G. Baratta will begin to untangle various challenges.

On behalf of Stoffa, county solicitor Karl Longenbach and attorneys from a Harrisburg firm hired to help with the sale filed a petition Thursday arguing that the voter referendum doesn't conform to the home rule charter, which prohibits questions that affect the budget or capital program from going before voters. The county Election Commission ruled earlier this week that the referendum does conform to the charter, but at least one member said he was motivated by a desire to see a judge make the call. County Councilman Ron Angle and blogger Bernie O'Hare last week filed objections to thousands of petition signatures collected by the Coalition for Alzheimer's Families, which includes relatives of current and former patients and unions representing Gracedale workers. Coalition attorney Larry Otter, in turn, filed documents to have a judge toss the objections.

Attorney Gary Asteak will represent members of the American Federation of State, County and Municipal Employees named in the Angle-O'Hare objections. Tom Tosti, director of AFSCME District Council 88, implored council Thursday night to let voters have their say on the spring ballot. The union represents 700 full- and part-time Gracedale workers. "Let the residents of Northampton County decide," he said. "Don't make the decision here. Let them decide in May." He handed council members packets of information on each of the potential bidders and said public nursing homes have lower turnover, which leads to better "continuity of care," compared with private ones. Angle said benefits make up 68 percent of Gracedale's workers' compensation package. A private employer will trim benefits and salary and find other ways to make the nursing home profitable, he said. A county-commissioned study found the Medicaid rate that private companies command alone could net a buyer a $4 million annual profit.

Angle said he'll drop in unannounced on one or more of TL Global's facilities. Members of the

county committee that evaluated the bids made a planned visit to TL Management/Global Healthcare Chester Valley Rehab and Nursing Center in Malvern, Chester County. "I want to get in my car and drive to look at one or two of these," he said. "I want to see how they operate ... Then I'll make my vote." Stoffa said the county will require that at least 85 percent of Gracedale's 725 beds be reserved for Medicaid-eligible residents, and the partnership is willing to do that. The companies' current nursing homes have an average of 80 percent Medicaid occupancy, Stoffa said. He said 602 of Gracedale's beds were occupied on Thursday. TL Global has pledged to hire most of the current work force, but Stoffa said the county cannot enforce such a promise.

"What I liked was that they said they would hire most of the people from Gracedale," he said after Thursday's meeting. "We have to assume that they'll do that." Stoffa said TL Global operates 14 nursing homes, 11 of which are in Pennsylvania and 12 of which have a unionized work force. **Conklin** said 350 of Gracedale's 700 employees are eligible for retirement. That will force the county to assume more costs because the pension fund is not fully funded, said Director of Fiscal Affairs Vic Mazziotti. A committee of 10 high-level county employees, council members and consultants evaluated bid proposals based on qualifications and experience, quality of care, financial fitness and price.

Bidders also were judged on whether they could guarantee that "long-term care needs of all county residents will continue to be met for at least the next decade," that no current Gracedale residents will be displaced by the sale and that current employees will be given "first consideration and fair opportunity" to work for the new owners, the bid documents say. Four of the 10 committee members visited facilities operated by each of the bidders in Pennsylvania, and three went to facilities in Chicago as well.

Express-Times, The (Easton, PA)
January 31, 2011

**Fire response delay detailed WARREN LEFT OUT SPECIFICS when relaying call to Northampton. Database also suspect, report says.**
Author: MICHAEL BUCK

Lapses in communication between Warren County and Northampton County dispatchers led to emergency services being delayed when responding to a fire last week that destroyed a Forks Township home, according to a Northampton County investigation. The investigation shows that a resident of the destroyed home, Roseanna Brucato, called 911 from her cell phone, which was picked up by a cell tower in Harmony Township, Warren County. Brucato gave Warren County dispatchers her address as "4340 N. Delaware Drive on Route 611 next to the Mineral Springs Hotel," the report says. But when Warren County dispatchers relayed the information to Northampton County dispatchers, they simply said the fire was "next door to the bar" and "it's really bad," according to the report. There was no mention of the bar's name, the report says. Those details are contained in a report, which was released Sunday, drafted by Northampton County Administrator **John Conklin** and county Emergency Management Service Director Robert Mateff. Based on the information from Warren County, Northampton County dispatchers plugged the address into their computer system, which gave them a location in Upper Mount Bethel Township, the report says.

Warren County dispatchers did not verify the municipality from where Brucato was calling. Emergency crews wouldn't find the fire for another 40 minutes, Brucato said. The location was revealed when a Pennsylvania State Police trooper came by the home in Forks Township by happenstance, according to Brucato. The investigation showed that there was incomplete address information listed in the Northampton County's computer system. The address range for North Delaware Drive in Forks Township only went up to 4335, the report says. The range has since been corrected and if 4340 N. Delaware Drive is entered into the Northampton County system, a prompt will display asking for the municipality, the report says. There are four municipalities in Northampton County with a North Delaware Drive: Easton and Forks, Lower Mount Bethel and Upper Mount Bethel townships, the report says. This incident has prompted the county to perform an audit of all the address ranges entered into the system, the report says. Frank Wheatley, Warren County's public safety director, did not return e-mail and voice messages Sunday seeking comment.

Express-Times, The (Easton, PA)
January 22, 2011

**County fills posts, points to backlog PRISON SAW DELAYS, OVERTIME SOAR. Council agrees to 38 hires.**
Author: SARAH CASSI

Northampton County Council learned the toll the county's hiring freeze has taken as it approved filling 38 vacant positions Thursday. The positions, none of which are new, are funded in the 2011 budget, but council served as a final clearinghouse for the hirings. The vacancies were created by resignations, firings and retirements. County Executive John Stoffa said the county had 130 fewer employees by the end of 2010, including 48 part-time employees. But the vacancies are taking a toll on county departments, Stoffa said. Turnover in the county criminal division has created a lack of clerks available for judges, particularly during busy criminal court weeks. The proposal includes adding one clerk, and Stoffa said officials were trying to fill two previous clerk positions. Stoffa said the freeze is also affecting the prison: He received notice that an inmate's discharge was delayed because an employee was unavailable to enter the discharge into the computer system.

Overtime has also increased. Officials negotiated a new contract with correction officers last year that aimed to reduce overtime, but the contract is contingent on a certain level of staffing, said Administration Director **John Conklin**. "Overtime increased above and beyond what we anticipated we would save with the new contract," **Conklin** said. Some on county council's personnel committee agreed the positions should be filled, but Councilman Ron Angle pushed to keep some of the positions empty. "I think there's much more cutting that can be done," Angle said. "If you want to face a tax increase, vote for all of these."

The hiring package includes a social services coordinator at Gracedale nursing home, which drew questions from some council members considering the county may opt to sell the nursing home. Council President John Cusick said he was concerned about having to pay unemployment for the new hire should the county sell the nursing home. But Human Services Director Ross Marcus said all four of the potential buyers interested in the nursing home told county officials a majority of current staff would transfer over with new owners. "They certainly can't replace all the staff that first day," Marcus said.

Morning Call, The (Allentown, PA)
December 10, 2010

**Angle's motivation questioned on job ** Council president wants to eliminate court position; others suspect he's exacting revenge.**
Author: Jenna Portnoy

Council President Ron Angle denies allegations that a political vendetta is fueling his efforts to eliminate a position in the Northampton County executive's Cabinet. Angle introduced Thursday an ordinance that would do away with the "director of court services," which he called a "hall-walker's job" that previous county executives have used to reward their friends. The ordinance garnered no discussion during council's last meeting of the year. Angle also planned to ax the position during this year's budget talks. He promised to never again do heavy financial lifting on behalf of his colleagues when they defied him and restored the position. Archie Disidore III oversees county archives and is responsible for financial reporting in civil and criminal divisions, orphans court, the register of wills and protection from abuse matters, according to the county website. His annual salary is $65,486 plus $24,848 in benefits.

Disidore's wife, Susan, is a supervisor in Lower Mount Bethel Township, where Angle owns land. Angle and Susan Disidore have publicly tangled over her proposal to limit development in the township. Councilman Lamont McClure, a Democrat and vocal Angle critic, called the pair "bitter political rivals." He said Angle, a Republican, wants to put Disidore out of work to punish his wife. "Clearly Ron is taking what I think are extraordinary steps to eliminate this position," McClure said. Angle denied the claim and said he's known Archie Disidore's family since the men were children. "[That] I'm not fond of Archie Disidore's wife has nothing to do with Archie Disidore," Angle said Wednesday. County Executive John Stoffa declined to comment on Angle's motives. He said the position is vital to accomplishing one of his top goals for next year: centralizing the extensive archives. The paper records are stored in an Allentown warehouse and scattered throughout county buildings in Easton.

"I need the director of court services," Stoffa said Wednesday. "I need Archie. It's a Cabinet-level position." Angle noted that Stoffa could find another place for Disidore in the work force. His proposal would make court services Director of Administration **John Conklin**'s responsibility, as it was in the four months before Disidore was hired. Councilman John Cusick said **Conklin** is too busy to take on another duty. As the county's top administrator, **Conklin** negotiates union contracts and overseas emergency management, elections, economic development and other key departments. "My sense is that the [court services] position is necessary and provides a necessary oversight function," said Cusick, who initially forwarded Disidore's resume to Stoffa. County Controller Stephen Barron, another Angle rival, said if the position were eliminated, with it would go safeguards put in place after a former chief deputy clerk in the criminal division was convicted of taking more than $100,000 from the county coffers from 2003 to 2005.

Angle's distaste for the position surfaced in 2008, when Stoffa recommended council approve the

hire. At the time the vote was unanimous, except for Angle, who said he abstained because his colleagues suggested his clashes at the township level could present a conflict of interest. Angle said Disidore's title is misleading because Court Administrator Jim Onembo runs the day-to-day operations of the courts and supervises court-related offices. Disidore declined comment Wednesday and did not return calls for comment Thursday. Attempts to reach Susan Disidore Thursday were unsuccessful. Council is set to vote on the ordinance on Jan. 6.

**Internet – Newspaper Archives Search**
**John Conklin**
*(Articles are in reverse chronological order)*

Morning Call, The (Allentown, PA)
July 7, 2010

**Firefighters, 911 officials douse conflict **In Easton, they agree on training to extinguish inter-agency complaints.**
Author: Michael Duck

Aiming to keep Easton firefighters safe and head off a struggle that was heating up between them and Northampton County emergency dispatchers, county officials agreed Tuesday to step up training and outreach efforts with the firefighters. Easton's chapter of the International Association of Fire Fighters, led by union president Terrance Hand, has complained for months about some of the county 911 center's radio procedures. Though Easton Fire Chief John Bast said those procedures aren't causing safety problems, Hand and other firefighters said they were putting lives in jeopardy. "There needs to be more discipline. There needs to be training -- there needs to be training for all of us to work together," Hand said Tuesday at a meeting between firefighters and county and city officials. During the meeting, which was arranged by Easton Councilman Jeff Warren, county Director of Administration **John Conklin** said he's happy to discuss any problems with city firefighters and their officers.

"If they have perceived safety concerns, we at least need to sit down and talk about them," **Conklin** added afterward. **Conklin** said the 911 center won't overhaul its procedures just on Easton firefighters' say-so, pointing out that their perspective might overlook key things at the county level. On the other hand, he said, the city firefighters may be able to point out problems county officials don't see. In addition to Easton's professional fire department, the county dispatches nearly 40 volunteer fire companies. One of the city firefighters' complaints is that dispatchers use the term "structure fire" -- which draws an urgent, full-scale response -- while summoning firefighters to incidents that don't end up involving structures on fire. One such call was a report of an alarming odor in a building, which turned out to be caused not by a fire but by a dead animal, Hand said.

Hand and other firefighters said there are also problems with Easton fire officers being forced to monitor operations at two different locations on two different county radio frequencies, which can put firefighters in danger by leaving them out of touch with their commanding officer. All sides agreed better training about the county's radio procedures would help with many of the problems, and **Conklin** agreed to set up a training workshop later this month.

Morning Call, The (Allentown, PA)
May 3, 2010

**Director wants to start with clean slate **Northampton County human resources head takes over after years of costly setbacks.**
Author: Michael Duck

Northampton County has burned through millions of taxpayer dollars in the last four years in personnel-related expenses, from runaway overtime for prison guards to hefty legal bills to deal with employees' complaints. The county's 11 unions have been battling County Executive John Stoffa's human resources department since he took office in 2006. In addition, controls in that department have been in such disarray that some employees have received county paychecks and unemployment compensation at the same time. But some critics and unions are starting to see reasons for hope. All sides have praised the unusually amicable in-house negotiations over a new contract for prison guards, which was approved last month.

A new head of human resources, former Allentown assistant solicitor Patricia Siemiontkowski, is to take office today. Both the administration and its critics say her appointment represents a chance for a fresh start. "I want to wipe the slate clean," Siemiontkowski said. "Hopefully, we can move ahead and leave the past behind." As Controller Stephen Barron put it, "It can really only get better from here." County budget records show that under Stoffa's first human resources director, Connie Sutton-Falk, the department spent nearly $702,000 on lawyers' bills from 2006 through 2009, often to handle arbitration over contracts or employee grievances. The records show the department didn't budget any money for legal expenses before 2005, when it spent about $54,000 on lawyers. Most of the county's unions formed in the first half of the decade. Negotiations over the county's labor contracts often broke down and ended up in arbitration. For that, union leaders blame Sutton-Falk.

"It was just horrendous. ... She was unwilling to negotiate anything," said Tom Cora, president of the corrections officers union. "It was her way, or no way." Sutton-Falk, who left office in December, countered that she "made every effort to reach middle ground with the unions, within the parameters that I was allowed to." But Stoffa said going to arbitration so often didn't help the county because, in most cases, "arbitrators favor the employees, not management." In 2007 and 2008, arbitration awards with five labor groups cost the county about $5.15 million in wage increases, back pay, overtime and other factors. One of those awards was the correction officers' previous contract, which kept in place a requirement for 20 minutes of daily overtime for shift briefings for all guards. An audit by Barron's office showed the prison's roughly 200 guards received nearly $7.6 million in overtime from 2004 through 2008, more than all other county departments combined. Another audit by the controller showed human resources had no policy manual for unemployment compensation. Five individuals received unemployment and payroll checks at the same time, and one was overpaid for 33 weeks for a total of $3,696.

Sutton-Falk responded that the department was in even worse shape when she arrived in 2006. "There were a lot of antiquated forms, systems and thought processes," she said. "I modernized

the HR office and the HR system." Stoffa doesn't dispute that. "There's nobody who could write policies like Connie could," he said. At the same time, "I know there were issues. That's one of the reasons why changes were made." Sutton-Falk's departure hasn't immediately ended the county's labor problems. Last week Stoffa's administration faced off in court against the union representing nurses and social workers at Gracedale, the county's nursing home. They accuse Stoffa and the county of negotiating in bad faith over a new contract, and a resolution is weeks away. The county also faces a complaint Sutton-Falk filed with the federal Equal Employment Opportunity Commission after she was forced out. Her filing claims she was discriminated against because of her age and because she's a woman.

Still, the new prison contract and change in leadership are leading to optimism. After Sutton-Falk's departure, Director of Administration **John Conklin** took over the negotiations with the prison guards and reached a deal, which includes raises and some overtime reforms. Cora, the guards union president, credited **Conklin** with saving the negotiations from ending up in front of an arbitrator again. "We didn't always get what we wanted, but at least it was done in a respectful manner," Cora said. Councilman Lamont McClure, who in 2008 was one of five council members who called for Sutton-Falk to resign, said he also sees the deal as a turning point. "I think the county executive gets it now," McClure said, "and I think the new director will continue on this positive new path."

**Internet – Newspaper Archives Search**
**John Conklin**
*(Articles are in reverse chronological order)*

Morning Call, The (Allentown, PA)
April 24, 2010

**Prison guards sign pact with 9% raises ** Three-year deal will cut down on extra overtime, say Northampton County officials.**
Author: Michael Duck

Northampton County Prison guards will get raises of more than 9 percent over the next three years under a contract that's also intended to rein in hundreds of thousands of dollars in overtime costs. County Council approved the deal Thursday, after the correction officers union voted Wednesday to accept it. The three-year contract takes effect retroactively, as of the start of this year. "We definitely feel that we were treated fairly...Both sides made a concerted effort to minimize overtime costs," said Tom Cora, president of the American Federation of State, County and Municipal Employees Local 2549. The union represents the county's roughly 200 corrections officers. Over the past five years, the county has paid $7.6 million in overtime to prison workers, some of whom have reached six-figure salaries because of their overtime hours.

Part of those hours came from the 20 minute briefings all guards were required to attend before the start of every shift. Under the new contract, those briefings were cut to 10 minutes. That change alone will save the county $250,000 each year, said Director of Administration **John Conklin**, who led negotiations for the county. Also, though corrections officers may continue their practice of switching shifts with each other, "there's absolutely no switching [allowed] that would create overtime situations," **Conklin** said. Other provisions of the contract include a 2.25 percent cost-of-living increase in 2010, a 5 percent step raise in 2011 and a 2.5 percent cost-of-living increase in 2012. Corrections officers will also pay slightly less for health care, putting them closer in line with other unions' contracts, **Conklin** said.

Council President Ron Angle and others noted that, unlike many other county contracts, this one was negotiated in-house and didn't go to binding arbitration, which would have been far more expensive. "It's the best contract I've seen in my 10 years here," Angle said. Council's vote was nearly derailed by a question of whether council solicitor Phil Lauer needed to review the contract first. After a lengthy council debate, Lauer and administration solicitor Karl Longenbach agreed to step out of the meeting to go over the document. After Lauer said he found no problems, council voted 8-0 to approve it.

Morning Call, The (Allentown, PA)
March 26, 2010

**Big bucks for train **Lehigh Valley-to-New York City line would cost almost $700 million, study finds **RAIL FEASIBILITY STUDY**
Author: Dan Hartzell

Restoring passenger rail service between the Lehigh Valley and New York City a half-century after the last train pulled into the Allentown station would cost a staggering $658.9 million, according to a study. And the prospects are even more daunting in light of the position of New Jersey's rail agency. NJ Transit has no plans to extend a line west to Phillipsburg that would link Allentown, Bethlehem and Easton and is thinking about raising fares and cutting back service, said the Lehigh Valley's chief transportation planner, Joseph Gurinko. Trains to New York, though popular in the public imagination, would cost nearly $15 million per year to operate, 22 percent of which would be covered by passenger fares, according to the study commissioned by Lehigh and Northampton counties and the Lehigh Valley Economic Development Corp. Taxpayers would have to contribute $11.6 million annually, Systra Consulting of Little Falls, N.J., concludes in its study. All of the estimates are in 2010 dollars.

The projected "farebox recovery" rate is below the 35 percent figure for NJ Transit's existing Raritan Valley Line and less than half the 55 percent enjoyed by NJ Transit's commuter rail system overall, Systra notes. The Central New Jersey/Raritan Valley Transit Study of rail feasibility envisions extending the Raritan Valley Line serving New York from High Bridge, N.J., about 20 miles west to Phillipsburg. The study's $250,000 "Pennsylvania Component," an addendum to the Raritan study, proposes extending the line an additional 17 miles from Phillipsburg to Allentown, using mostly Norfolk-Southern track along the south side of the Lehigh River. No funding has been identified for either line extension as yet.

These are among the details in a draft report discussed Thursday by members of the Lehigh Valley Planning Commission. A public unveiling of the finished report is expected at a transportation forum planned by the nonprofit Lehigh Valley Renew for April 19 in the Hotel Bethlehem. If money can be found, trains to New York could start chugging by 2030, with 21/2-hour one-way trips to Manhattan from Allentown; about two hours from Easton. However, securing the money "will be a challenge" in a competitive funding environment, the study notes. Train stations are envisioned near Third and Union streets in Allentown; at the BethWorks development site near the Sands Casino Resort Bethlehem, and at the old Lehigh Valley Railroad terminal on the south side of the Lehigh River in Easton. The three stations would generate a total of 800 daily riders, or 1,600 one-way trips. Using NJ Transit's Raritan-line fares as a base, consultants project a $13.50 one-way fare from Easton, $14 from Bethlehem and $14.50 from Allentown, again in today's dollars.

Systra considered the cities' "transit-oriented development goals," as well as "special generator" events such as Musikfest, in estimating ridership. Paul Sullivan, Systra's director of urban design, said the ridership estimates come from computer modeling that considers factors including

existing transportation patterns and expected consumer choices based on travel times, frequency of service, transfer requirements, travel distance to train stations -- "anything you can think of," he said. The fare estimates are based on existing NJ Transit fares, Sullivan said. Gurinko, the Planning Commission's chief transportation planner, outlined some of the details at the commission's offices in Hanover Township, Lehigh County. Executive Director Michael Kaiser said the staff would not comment on the data because the report is not yet complete. Gurinko noted NJ Transit has made no commitment to initiate the first phase of the project, extending the line to Phillipsburg, adding that in fact, the agency is considering fare increases and cutbacks to its existing service.

"That makes the Allentown extension irrelevant," said board member Ross Marcus. "We don't want to comment on that," Kaiser quickly cautioned. In an interview earlier this week, Northampton County Administration Director **John Conklin** said the preliminary study represents "a first step." He said the cost estimates "are way up there," but added the study represents "really a crystal ball as to what might happen" to bring back train service. Developments such as higher gasoline prices could cast the numbers in a different light, he said. However, "it would take a lot of state-to-state cooperation [and] a lot of federal money" to build the system, **Conklin** said. "This is basically a step that was needed for Pennsylvania to even get in line for any federal rail [funding] considerations." Paul Marin, a high-profile Lehigh Valley mass-transit advocate before moving to Spain last year, said in a phone interview that the Systra cost figures should be taken "not as cost estimates, but cost opinions," numbers possibly inflated by presumptions "that everything is starting from scratch -- the infrastructure, the payments to Norfolk Southern" for use of their tracks, and other data.

The Valley-to-New York line should be seen as an integral part of a larger passenger-rail corridor between Harrisburg and New York, with participation by Amtrak to better funnel state and federal funds to the project, said Marin, who was in Maryland on Thursday. "This is not over; this doesn't kill" the plan to restore train service to New York, Marin said. "This is a starting point. It's going to happen." As an alternative to the train service, Systra considered the idea of establishing express bus service between the Valley and Manhattan, and between the Valley and job sites in and around Bridgewater, N.J., to which about 3,000 commuters travel each weekday, according to the 2000 census. The buses would benefit from trips shortened by the use of "bus only" express lanes. Unlike the trains, which would be operated by NJ Transit with a similar public entity on the Pennsylvania side, the bus service would be run by private companies like those currently providing New York service. The capital costs are estimated at $25 million to buy buses for the Valley-to-Manhattan route and $8.25 million to buy them for the Valley-to-Bridgewater route.

POSSIBLE RAILS TO NEW YORK CITY FROM EASTON Site: South of Lehigh River, north of West Canal Street,west of Third Street and Smith Avenue Cost: $13.50* one-way or $378 monthly Duration: 128 minutes Riders: 350 daily

FROM BETHLEHEM Site: Within BethWorks development 1,500 feet west of Sands casino Cost: $14 one-way or $392 monthly Duration: 144 minutes Riders: 220 daily

FROM ALLENTOWN Site: Between Hamilton and Union streets with access from Third Street Cost: $14.50 one-way or $406 monthly Duration: 155 minutes Riders: 230 daily
*Price estimates are in 2010 dollars

Morning Call, The (Allentown, PA)
February 20, 2010

**911 center to undergo $1.9 million upgrade ** The project will modernize Northampton County's nearly decade-old system.**
Author: Michael Duck

Northampton County's 911 call center is to get an almost $1.9 million upgrade, replacing its nearly decade-old telephone technology with a computer-based system. The project, which is to make it easier to take emergency calls from Internet phone providers as well as cell phones and land lines, was approved 8-0 Thursday by County Council. "It's basically replacing all of the original hardware," explained county Director of Administration **John Conklin**.

Representatives of TuWay Communications of Bethlehem, the winning bidder for the upgrade, told the council's Finance Committee on Wednesday that the new system will replace the telephone communications backbone of the call center with an Internet protocol-based system. The communications center already can accept phone calls placed through voice over Internet protocol computer services such as Skype, **Conklin** said, but the new system will handle those calls more effectively.

In addition to keeping the center up to date with current technology, the upgrade should also make it easier to expand into new technologies as they come online, **Conklin** said. According to the contract approved by council, the upgrade is also to include a new digital-recording system and new consoles at the 911 center, which is in Upper Nazareth Township and has been in use since 2003. The call center already has the capability of figuring out where a cell phone is calling from based on which cell towers receive its signal, **Conklin** said, adding that Northampton was the first county in Pennsylvania to have a call center with that ability.

Morning Call, The (Allentown, PA)
October 21, 2009

**Local leaders are poised to fight for new casino fees **Table games have some in the Valley salivating at the prospect of more hosting cash.**
Author: Nicole Radzievich and Jarrett Renshaw

The first time the Lehigh Valley was poised to receive millions in casino host fees, local leaders hammered out an agreement to share the payout no matter whether slot machines ended up in Bethlehem or Allentown. Not this time. Now, some Northampton County leaders are not so willing to share any new gambling revenue that might come from table games at the Sands Casino Resort Bethlehem. What's changed? The building boom under which the Valley's first revenue-sharing agreement was drafted has evaporated and Northampton County is facing a property tax increase. It's far from clear that even the state would share tax revenues from table games with local governments: The Senate proposes a local share, the House does not, and Gov. Ed Rendell is noncommittal.

But local leaders are already positioning themselves for more of the $2 million that could come from blackjack, roulette and other table games if the Legislature allows a local payout. Though the payout will be far less than what the slots are bringing in, local officials say every penny counts. Northampton County Executive John Stoffa, whose county faces a 1 mill tax hike, is lobbying to keep an estimated $1 million from table games instead of sharing it with Lehigh County, which is how slots revenue is handled. "We're starting to see the bad features of gambling -- DUIs, thefts, all things that put a burden on law enforcement, the judicial system and, ultimately, the jail," Stoffa said. "We need 100 percent of that [potential table games] money." But Lehigh County Executive Don Cunningham said the "historic agreement" with the slots revenue should be followed for table games. He blamed the push to keep money in Northampton on state Sen. Lisa Boscola, D-Northampton, who is "kind of playing to her district." "This is classic greedy politics," Cunningham said. "It would be a huge mistake to move away from the historic agreement struck between the two cities, the counties and state lawmakers ... They didn't move the casinos, all they did was add table games. It made sense then and it makes sense now."

But Boscola said she learned a lot from the slots agreement since the casino opened and believes Northampton County got "shortchanged" with the slots revenue. "Northampton County gets more of the impact than Lehigh County," Boscola said. "It should be getting more of the money." She added the slots revenue-sharing agreement leaves out Easton, the county seat, and makes no specific provisions for Fountain Hill, which borders Bethlehem but is in Lehigh County. Under a new revenue-sharing agreement for table games, Boscola said she's trying to get Easton $180,000 and Fountain Hill some money. Boscola and state Sen. Pat Browne, R-Lehigh, met Tuesday afternoon to try to hash out how to distribute any table games money. Boscola said the current draft would divide $1 million between Northampton and Lehigh counties and another $1 million between Bethlehem and Allentown.

Under the plan, Northampton would get 80 percent and Lehigh 20 percent -- not the current 50-50 split. The cities' share would be 60 percent for Bethlehem and 40 percent for Allentown. Lehigh County would also get about 25 percent of Allentown's share -- about $100,000 -- on top of the fees it shares with Northampton. Under the draft, which could change, Allentown and Lehigh County would each get $300,000, Bethlehem $600,000 and Northampton County $800,000. Boscola said work must still be done on whether Easton's share would come from Bethlehem's or Northampton County's cut. "We're about $100,000 away from closing the deal," she said. Browne said lawmakers from communities with casinos are working on the details of the revenue-sharing plan. He said any plan should reflect the philosophy that the negative impact of a casino is not bound by municipal lines and that table game revenues should be shared in a way similar to the existing plan that governs slots.

Bethlehem Mayor John Callahan said he prefers leaving the revenue-sharing agreement as it was mapped out for the slots revenue. But if it is renegotiated, he agrees that Easton should be included in the revenue sharing, and believes all of the municipalities should split casino fee money. Allentown Mayor Ed Pawlowski said the tough stance coming from Northampton County is largely political. "There's a potential tax increase on the horizon, and they are looking for revenue wherever they can get it," said Pawlowski, who is facing multimillion-dollar budget deficits himself. "Believe me, I understand, but there always has been cooperation between the two counties, and I don't see why that should change now."

Northampton County Administrator **John Conklin** said the county needs every penny it can get from the casino to cover expenses. The amount Boscola is talking about giving to Lehigh County from the counties' share amounts to $200,000 -- 0.027 of a mill, or $1.35 for every $50,000 of property taxes. "That may not seem like a lot of money, but it adds up," **Conklin** said. "That's half the cost of the employees needed to staff the office of a ninth judge."

Express-Times, The (Easton, PA)
April 22, 2009

**High marks doled out for spill response OFFICIAL CITES few problems in handling last month's acid leak on Route 33 in Wind Gap.**
Author: SARA SATULLO

WIND GAP | The emergency response last month when a tractor-trailer overturned on Route 33 leaking a toxic chemical was near perfect, according to Northampton County's administration director. The truck hauling 16 tons of pressurized hydrofluoric acid overturned about 2:30 a.m. March 21 when the driver swerved to avoid a deer. It eventually began leaking a drop every 15 seconds. "That chemical is probably one of the worst chemicals man makes," **John Conklin** told borough council Tuesday night. Fire officials made the decision to clear out about 5,000 residents within a one-mile radius of the spill and opened up Pen Argyl Area High School to evacuees. The leak began as the sun began heating the tank, causing the pressure to rise. The substance began to come out through a vent. Less than a quart leaked, said **Conklin**, who previously served as Lehigh County's emergency management director. "Some people might say (the evacuation) was overkill but they went by the book," **Conklin** said, referencing hazardous material guidelines for dealing with the chemical.

The local response was excellent, and council should be proud of the borough's residents and volunteers, he said. However, some of the first responders on the scene did not follow basic hazardous material guidelines, **Conklin** added. Both state troopers and an ambulance approached the wreck from below, he said. Basic hazardous material training rules dictate responders must stay uphill and above potential spills, **Conklin** said. "The first folks shouldn't have approached so lackadaisically," he said after the meeting. "They have the training. I don't want to see any other people get hurt in the future." Trucks carrying the acid come through the area two to three times a week, he said. Council President Scott Parsons said he was thrilled with the response but would like officials to sit down for a debriefing to go over some issues.

"It was like a ghost town around here (after the evacuation)," he said. **Conklin** said debriefings had taken place but he'd be happy to go over everything again with anyone who missed the first sessions. Officials used a reverse notification system to contact residents of the spill by phone. Announcements went out over television and radio emergency broadcast systems. "I think the response of the Wind Gap residents in following through with this was absolutely outstanding," **Conklin** said. **Conklin** said officials followed up with any residents who said they did not receive phone calls. In two instances he cited as examples, an address was listed improperly as being in Bangor, and in the other, the phone had been disconnected for nonpayment and dropped out of the system.

**Internet – Newspaper Archives Search**
**John Conklin**
*(Articles are in reverse chronological order)*

Morning Call, The (Allentown, PA)
October 31, 2008

**Stoffa, County Council square off in court ** Power struggle: Executive says law making him run decisions by board is illegal.**
Author: Matt Assad

For the first time ever, Northampton County's executive is suing County Council. County Executive John Stoffa contends council passed an illegal ordinance that requires him to run certain personnel decisions through the county's Personnel Commission. In the case, to be heard today in motions court, Stoffa said the ordinance, passed last month and then reaffirmed when Council overrode Stoffa's veto, wrongly erodes the powers of his office. "He's not slighting the Personnel Commission," said Director of Administration **John Conklin**, who is acting county executive while Stoffa remains on medical leave for a hip replacement. "He's protecting the rights of the county executive. Any erosion of those rights would last long after he's out of office and he's determined to prevent that from happening."

And council is determined to see otherwise. "It was a unanimous vote to override his veto," said Council President Ann McHale, "so obviously we hold a different opinion." The confrontation has been brewing since April, when after months of study to update the county's personnel manual, Human Resources Director Connie Sutton-Falk delivered a new manual with 65 changes. Most of the changes were routine tinkering -- such as clarifying how an employee gets internal training or what constitutes a sick day -- of a code that had not been altered in a decade. But a few changes shocked the county's 2,200-member work force, such as one eliminating lifetime health care benefits now given to retirees with at least 25 years of service. Stoffa ultimately withdrew the health care change, but council members sifted through the other changes and decided that some included major alterations in policies and regulations.

While detailed policy changes can be done by the county executive, over-arching regulation changes must go through the Personnel Commission and ultimately be approved by council. In October, council passed an ordinance requiring Stoffa to send all decisions through the independent Personnel Commission, allowing the commission to decide what is a policy and what is a regulation, before sending the regulations onto council. The case will get its first airing at 3 p.m. before Judge Anthony Beltrami.

Morning Call, The (Allentown, PA)
October 24, 2008

**Stoffa picks his interim replacement **Northampton County executive begins leave today for hip surgery.**
Author: Matt Assad

Northampton County residents have a new county executive and they had nothing to do with putting him in office. County Executive John Stoffa abruptly took a leave today to have his hip replaced and has named Director of Administration **John Conklin** of Upper Macungie Township to act on his behalf for what could be several weeks. Stoffa's departure, which surprised some County Council members when they learned of it Tuesday, comes as council begins crucial debates over his $330 million 2009 budget. "It came as a bit of a surprise, but I have no major problem with the late notice," County Council President Ann McHale said. "Mr. **Conklin** is a Lehigh County resident and I'd have preferred that Mr. Stoffa designate someone who lives in this county, but it's not a major thing. I wish him well and hope he gets back soon."

The 69-year-old Stoffa was scheduled have his left hip replaced today at Lehigh Valley Hospital-Muhlenberg. He notified council that he would be out indefinitely, but would be working by phone and computer from home as soon as possible. Stoffa said he will not be permitted to drive for about six weeks. Under the county's Home Rule Charter, he was required to designate a member of his Cabinet to take the helm. As acting county executive, **Conklin**, a former Lehigh County emergency management director who joined Stoffa's Cabinet in 2006, will have the same powers and duties as Stoffa, with the exception of two things: He can't veto ordinances and he can't veto items in the budget.

"I'll just be here to sign documents and do routine things that John would have done himself," **Conklin** said. "I know he's a phone call away. He's still the boss." In case **Conklin** also is absent at times, Stoffa named county solicitor Karl Longenbach as **Conklin**'s backup. After a lighthearted exchange with Stoffa, County Councilman Ron Angle declared there's no truth to the rumor that Angle is planning a coup d'etat while Stoffa is out. "I told him to pick me as his designee, and that just made him roll on the floor laughing," Angle said. "I think he was worried about the number of people who would be fired by the time he got back." Stoffa said he probably will miss all of the budget hearings, and though he said he hopes council makes no major alterations to his budget plan, his absence isn't necessarily a bad thing. "Those hearings have the look of a circus about to happen," Stoffa joked. "Never been a big fan of the circus."

Morning Call, The (Allentown, PA)
May 16, 2008

**Council wants impartial hiring ** Administration told to back off county registrar search.**
Author: Joe Nixon

A divided Northampton County Council has asked the Stoffa administration to stay out of hiring a new boss for the county elections office unless its assistance is requested by the county Election Commission. The nine-member panel voted 5-3 in favor of a resolution asking the administration to keep its distance. Council President Ann McHale supported the resolution, as did its sponsors, Charles Dertinger and Vice President Wayne Grube, along with Diane Neiper and Lamont McClure. The five represent the Democratic majority on council. Republicans J. Michael Dowd, Peg Ferraro and Ron Angle voted against the resolution.

Councilman John Cusick, also a Republican, voted "present," a vote he said was allowed under Robert's Rules of Order. "I don't think it's something we should be involved in at all," Cusick said after the meeting. "There's enough politics in that office already and I think we shouldn't be involved." Dertinger, a former Election Commission chairman, asserted there was daily interference by the administration in operation of the voter registration office, particularly from Director of Administration **John Conklin**. Angle said he thought council was "butting in" where it didn't belong and called the resolution "political gamesmanship." "There's nobody butting in. They merely gave you names. If you don't like the names, throw them in the garbage can," said Angle. "Mr. Angle, I only wish what you said was true," Dertinger replied.

The applications of three in-house candidates, supplied by the county Human Services Department, were in the hands of the Election Commission on Monday, but the time frame for a selection hasn't been determined. The commission could reject all three names and advertise publicly. A memo this week on the administration's position written by county solicitor Karl Longenbach said the selection of a new chief registrar is "subject to a two-step process" with the first part being the following of county hiring procedures under the Home Rule Charter. The decision on whom to hire is to be made by the commission, he said. The commission is made up of three members of the majority Democratic Party, along with two Republicans. How to select a new voter registration boss wasn't clear when former Chief Registrar Deborah DePaul resigned earlier this month. **Conklin** initially said he was prepared to form a committee that would include the Election Commission chairman, to interview and rank candidates. Subsequent research reached a different conclusion. County Executive John Stoffa said **Conklin** wasn't intending to get involved in the hiring of the new registrar. "I'll ask him to back away from that," he said.

But he defended **Conklin**'s work on election matters, including helping to select new electronic voting machines used in the April primary. "If we had let that operation up to the Election Commission, I have no idea what kind of election there would have been...The Election Commission didn't have the ability," he said. "They are part-time people. They are volunteers. "That was a full-time job to get those new machines in here, to make a decision about them, to

research it. The scope of work was beyond what an Election Commission should do," he said. The executive also said he wasn't sure charges of too much administration involvement in the elections office were accurate. "That is somebody's opinion. That office is running pretty well right now and a lot of it, in my opinion, is attributable to **John Conklin**'s abilities."

Express-Times, The (Easton, PA)
April 29, 2008

**Miscount blamed on clerical error STATE MISTAKENLY THOUGHT all of county's primary votes reported.**

HARRISBURG | Pennsylvania election officials on Monday revised their unofficial vote count for the presidential primary after determining that a clerical error had kept about 26,000 Northampton County votes out of the state tally. Department of State spokeswoman Leslie Amoros said the problem was traced to a mistaken assumption at the state level that all of the county's votes had been recorded. County Administration Director **John Conklin** said the county never had any question about the votes recorded locally - unofficial tallies show Sen. Barack Obama getting 19,893 to Sen. Hillary Clinton's 31,583 in the Democratic primary in Northampton County. The county began the task of certifying the vote Friday and should wrap up by midweek, **Conklin** said. After the state numbers were corrected Monday, about 21,000 votes were added to the Democratic presidential race and about 5,300 to the Republican presidential race. Sen. Hillary Clinton picked up 13,287 votes and Sen. Barack Obama picked up 7,678 votes for the Democratic presidential nomination.

The Associated Press' figures now match what the county had reported all along. Final numbers from the April 22 primary will be announced once counties finish tallying the provisional ballots and making other adjustments. Amoros said the miscount was not expected to change the allocation of presidential convention delegates among the candidates. She said no similar problems in other counties had been identified. Unofficially, Clinton received 1.26 million Democratic primary votes in Pennsylvania, or 54.6 percent of the total; Obama got 1.05 million, or 45.4 percent. Presumptive Republican nominee John McCain received 72.8 percent of his party's primary votes in the state.

Morning Call, The (Allentown, PA)
January 29, 2008

**County not worried by challenge to balloting ** Group who sued over voting machines seeks to halt purchase of new ones.**
Author: Joe Nixon

Northampton County isn't concerned that an injunction request filed Friday in Commonwealth Court over electronic voting machines used in the state will affect its plans for the April primary and beyond. "We are not worried about it," said **John Conklin**, Northampton's director of administration. A group of voters from around the state who in 2006 filed a suit challenging the units, known as direct recording electronic voting machines, now wants to prevent the state from permitting counties to spend $4 million of state money on more units made by a different company. Northampton, Lackawanna and Wayne counties had used electronic touch screen machines provided by Texas-based Advanced Voting Solutions Inc., but the AVS units were decertified last year at the state and federal levels.

Northampton used its mothballed mechanical lever machines in November, but began looking for a replacement electronic system because the lever machines can no longer be used under federal law. The county set aside $2 million in this year's budget for the new system and learned late last year that the state would reimburse it up to just over $2 million for new voting equipment. The Pennsylvania Department of State also offered reimbursement to Lackawanna and Wayne counties. Northampton County Council approved the voting machine purchase on Dec. 17 and an order was placed the next day for 300 machines from Sequoia Voting Systems of Oakland, Calif. The injunction request said the plaintiffs didn't seek to prevent the use of any machines currently certified and already purchased. **Conklin** said if the injunction request ultimately delayed the state money, "then so be it." "We're working diligently to pull off a successful election and restore confidence in the voting public," he said. "We feel we made an excellent decision on the voting machine purchase."

He said the Sequoia machines are federally and state-certified and have been successfully used in Montgomery County since 1996. "There is a huge burden they [plaintiffs] have to overcome there," he said. The original 2006 suit, whose plaintiffs included Hanover Township, Northampton County, voting activist Dr. Alan Brau, contend touch-screen machines can be tampered with, are unreliable, and need to have a voter-verified paper backup. The injunction request said that if the machines being questioned in the 2006 suit are ultimately decertified, counties could be forced to scrap them. Brau is also among the group of people seeking the recent injunction. The plaintiffs have alleged the Sequoia machines don't provide a permanent physical record of each vote as required by the state election code. **Conklin** is confident the county will be able to use the machines it ordered for the April 22 primary, saying, "We're not going to let this lawsuit get in our way."

Express-Times, The (Easton, PA)
December 23, 2007

**'I'm surprised at how hard it is to get things done'**
**AFTER TWO YEARS IN OFFICE, Northampton County executive looks back at relationship with council. 'I think sometimes we're at odds with each other'**
**The next two years or next six?**
Author: SARAH CASSI

Correction: CORRECTION
Northampton County Councilman Lamont McClure voted for the 2008 budget. Incorrect information was published Sunday in a story about Northampton County Executive John Stoffa's two years in office.

EASTON | John Stoffa said if he could travel back in time, he would tell himself to be better prepared. After two years in office, the Northampton County executive learned no matter how hard he tries, sometimes county council can't be swayed. Stoffa is a Democrat as are five of the nine councilmen. "I'm surprised at how hard it is to get things done," Stoffa said. "I think the blessing and the curse of democracy is how slow it is." Stoffa's relationship with council started to crack after the 2007 budget vote. Councilman Charles Dertinger attempted to use fund balance money for open space projects. Officials claimed Dertinger's plan was illegal, and Dertinger claimed he was tricked.

Council grudgingly voted for Stoffa's 5 percent tax increase to fund open space. "I think that made it a little rocky with how that went down with a couple members," said Administration Director **John Conklin**. "I think the majority of (council) probably like his style. I know he communicates with them regularly. ... They all have to work together, whether people like it or not." Then in June, council voted 7-1 against Stoffa's request to rebid a four-year information technology contract. Stoffa eventually rebid the contract without council's approval. Stoffa couldn't even rally council to unanimously pass a no-tax-increase 2008 budget. Councilmen Lamont McClure and Ron Angle rejected it. McClure and Dertinger voted against the millage rate. Grading his relationship with the council, Stoffa said he would give himself a C. "I think sometimes we're at odds with each other," Stoffa said.

Stoffa's second year hasn't been all bad news. The county settled a number of outstanding union contracts and purchased a Wolf Avenue property across from the courthouse, adding parking and space for the voter registration office. Stoffa said it's easier now that he has a full Cabinet, but **Conklin** said Stoffa still pushes to have his finger on all the details. "He's the final say. He's the CEO," **Conklin** said. "I think he's deliberative. That, in a good sense, gives him the ability to look at the different angles rather than make a snap decision." Stoffa said he is focused on a physical plant checklist for the next two years: a new archives building, replacing the windows at the Gracedale nursing home and finding a location for a prison rehabilitation program. The county executive also said he hasn't decided if he'll seek a second term. He said he wants his tenure to be characterized by good government, but he also talked about another round with

voters. "Voters will either accept me or reject me. I will learn to live with either decision," Stoffa said. "It's not a life and death decision."

Express-Times, The (Easton, PA)
October 26, 2007

**Council at odds on interim director post**
Author: SARAH CASSI

EASTON | Northampton County Council members discussed the lack of a director for the Department of Community and Economic Development at a budget meeting Thursday. Authorities Director John Kingsley stepped into the role on an interim basis. Administration Director **John Conklin** said officials have shifted some of Kingsley's responsibilities to other staff and the county will stop paying him the interim director salary at the end of this year. "That sounds good but it's not realistic," Councilwoman Ann McHale said. McHale said she was worried Kingsley wouldn't be paid for the additional responsibility but because of his experience would end up doing the work. **Conklin** said the county has to consider what salary the position deserves, not what Kingsley plans to do in the position.

"You know what **John**? I'm glad I don't work for you," McHale said. County Executive John Stoffa reminded council that Kingsley was offered the director position, but he turned it down. Stoffa also announced Northampton and Lehigh counties will not fund the housing coordinator position announced earlier this year. Each county budgeted $40,000 for the coordinator, who was to work with the Bi-County Affordable Housing Policy Advisory Committee. Stoffa said the counties are looking to a nonprofit - possibly the Community Action Committee of the Lehigh Valley - to create the position. **Conklin** said federal grant money is available. Council also discussed adding an auditor to the controller's office. The office requested adding another auditor but was turned down by the administration.

Frank Kedl, the county's audit manager, said there isn't office space for another staff member. "Well then find the space," Councilman Ron Angle said. "I don't want another one of these criminal division court things back here." Angle said he believes an extra auditor would help the county avoid a repeat of the Nicole Fogel embezzlement, where the county criminal division worker stole $119,700 between 2002 and 2006.

Express-Times, The (Easton, PA)
October 2, 2007

**County remodel getting new eyes JOHN STOFFA HIRES FIRM to review courthouse renovation.**
Author: SARAH CASSI

EASTON | Northampton County officials claim shoddy work on parts of the county courthouse renovation and expansion project are creating long to-do lists. Rather than let the construction management firm Alvin H. Butz Inc. close out the more than $43 million project, County Executive John Stoffa is spending $50,000 to bring in an outside engineer to help the Public Works Department with the final punch lists. Administration Director **John Conklin** said outstanding problems include cracked and heaving concrete by the handicapped parking spaces in front of the courthouse, wavy drywall, damaged and gouged walls, sticking doors, and recurrent problems with the government center elevators. "It's not from moving. It was poor workmanship," **Conklin** said of the damaged walls.

Public Works Director Steve DeSalva has gone so far as to withhold final payments to various subcontractors until the problems are fixed, **Conklin** said; if the subcontractors don't repair the problems, the county will keep the final payments for repair costs. **Conklin** said Bethlehem-based D'Huy Engineering Inc. will help public works employees "tidy up loose ends" for the project by helping with final punch lists and checking contractual requirements. The firm has been retained by the Bethlehem, Easton and Nazareth school districts as well as some municipalities. "You really need a trained, expert eye," **Conklin** said. "It's to make sure we got our money's worth." Some of the problems won't be quick fixes. The D'Huy contract runs until Dec. 31, 2008, **Conklin** said. Stoffa said Allentown-based Alvin H. Butz Inc. was charging more than $40,000 a month for contract management.

Larry Rutt, a Butz senior project manager, said the company created punch lists for all three years it was on the courthouse project. A few contractors needed to complete their work but the county let its contract with Butz run out, Rutt said. Originally, $5 million of the project was set aside for architectural and construction management fees. Part of the $111 million bond issue in 2001, the courthouse project included construction of a six-courtroom addition and renovating parts of what are now called the basement, lower level and first floors of the existing courthouse and government center. Rather than hire Butz to complete the punch lists, the county opted to do the project's final checks itself. "All of those things that we knew about when we were still there we, in fact, addressed. I don't know why they would be looking at the same things," Rutt said of the problems **Conklin** listed. Lee Butz, chief executive officer of Alvin H. Butz Inc., said he wasn't aware of any outstanding problems. "My understanding is things went very, very well," Butz said. County Council President Wayne Grube said he hadn't heard of any problems. "I'm sure there are some problems, but I didn't know it was that bad," Grube said. County Councilman Ron Angle said he heard of at least eight problems, including the concrete work. "I think they definitely need to do something," Angle said. "An engineer's opinion would be good. If the engineer finds stuff wrong, the contractor should pay for the engineer."

Morning Call, The (Allentown, PA)
August 27, 2007

**Emergency services merger is mulled ** Northampton County would combine 911 and emergency management, expand staff.**
Author: Joe Nixon

Northampton County is looking to revamp its emergency management structure and create a Division of Emergency Management Services whose chief would oversee both 911 operations and emergency management. And though the restructuring plan won't be pitched to county council for approval until budget review this fall, county administrators have already named someone new -- Robert Mateff, deputy director for operations and training at the county 911 center -- as acting emergency management coordinator, the primary county contact with the Pennsylvania Emergency Management Agency. He replaces longtime county Emergency Management Coordinator Nick Tylenda in the role of liaison to PEMA.

In addition, Tylenda and his deputy, Curt Fauerbach, have been penciled in at posts within the envisioned setup, said Northampton County Director of Administration **John Conklin**. Tylenda, a 30-year county employee who started in 1977 as an administrative assistant to the then civil defense director, retains his emergency management coordinator title within the county and would stay as a supervisor in the proposed system, overseeing three posts: a planning manager, a hazard mitigation manager and a resources manager. Fauerbach is operations and training manager. Northampton County's current emergency management staff is smaller than other Third Class counties in the state, **Conklin** said. Third Class counties have populations between 210,000 and 499,999. According to Census Bureau statistics, Northampton had an estimated 2006 population of 291,306. Lehigh County was listed at just over 355,500. The additional staff and the reorganization will allow the county to upgrade its services, **Conklin** said. Given the county's current small emergency management staff -- three people, including a secretary -- **Conklin** said there were state-required programs, such as quarterly training for municipal emergency management coordinators, that "had not been accomplished." To make the agency more proactive in the post-Sept. 11 era and to comply with state directives, he said, "it was time to expand the staff."

PEMA spokesman Justin Fleming said he was "not aware of any formal criticism (in writing) lodged by PEMA to the Northampton County Executive." County Executive John Stoffa said bolstering the emergency management staff is needed. "I think it's a sign of the times, primarily," he said last week. "I think secondly, we have a responsibility to be prepared as much as we can for any kind of catastrophic event. Thirdly, in the 18 months that I've been here, I've had people come to me with concerns about our emergency management setup." Stoffa said he was relying on **Conklin**'s experience to change the emergency management structure. He said staff needed to be increased and be more on the "cutting edge" of developments in the field. The executive said some fire chiefs have approached him "with concerns about how we were operating," including communication from the county to the local level.

William Bogari Jr., West Easton fire chief and president of the Northampton County Fire Chiefs Association, said he was encouraged by a recent presentation for municipal officials that outlined plans for a beefed-up emergency management operation. Stoffa said Tylenda didn't have enough staff to bring the county into a position where it would be noted for its emergency management expertise. "Nick has served the county very well over the years. He's been a valuable employee. But to get to the next level, we have to make some changes," Stoffa said. Tylenda did not return calls seeking comment. The reorganization would also remove both 911 and emergency management from the control of the sheriff's department and place it under the administration.

**Conklin** said that would allow the sheriff's department to concentrate on its core, court-related functions. "The whole thing is to have seamless integration," said **Conklin**, a former emergency management official in Lehigh County and Florida. He said the restructuring will allow for more interaction and planning between 911 and emergency management. Mateff, a former deputy sheriff, was named acting coordinator as of June 1 and is filling that role in addition to his 911 job. **Conklin** said that while Mateff has a working knowledge of some fields in the 911 and emergency management arenas, he must still obtain basic certification from PEMA within the next year. Mateff probably would be a candidate to head the new emergency services division, but **Conklin** said Mateff's ascension to that post was "by no means a given." The proposed reorganization would create three new jobs, including the division director post, but the financial impact hasn't been detailed yet, **Conklin** said. In addition, he said the county has to consult with the state to see if federal money used to reimburse portions of current county emergency management salaries can be expanded to cover the additional jobs. Not all Third Class counties are alike when it comes to emergency management.

"We're lucky as the day is long here in Lehigh County," said Emergency Management Coordinator Thomas Nervine, adding he was glad to have the current complement of five full-time and four part-time staff. "Staffing is driven by the mission and that changes from county to county," said Brian Gottschall, deputy coordinator for operations and training in the Berks County Emergency Management division. Gottschall said the emergency management director's post in Berks is vacant and noted that the county is also looking to reorganize, eliminating the post and placing one person over both 911 and emergency management. Berks County's population was estimated at just over 401,000 last year. The Berks emergency management staff includes nearly 40 part-time employees, the majority of whom serve on a hazardous materials team. Northampton County contracts with Lehigh County for haz-mat services. Luzerne County, with Wilkes-Barre as its county seat, created a public safety department about two years ago, said Alan Pugh, public safety chief. The new department oversees emergency management, 911 and security, a total of about 130 employees, but that number includes 911 dispatchers. Before the reorganization, Pugh said emergency management had seven employees, including secretarial staff. Though the number of employees dedicated purely to emergency management is now down to three -- on paper -- exclusive of the public safety chief and any secretarial support staff, Pugh said some 911 and security personnel are cross-trained and assist as needed. Luzerne's estimated 2006 population was just over 313,000.

Councilman Anthony Branco, whose intergovernmental affairs committee staged meetings for

municipal officials in all four county council districts over the past several months, said emergency management was a "very big" topic in those sessions. "People felt more things had to be done. People felt the county was lacking on a few items," he said, adding county-wide preparedness was a concern. Branco said municipal officials felt more had to be done overall and that the county had to take a more active role with local emergency management officers. Council President Wayne Grube said it's too early to be able to gauge the prevailing opinion on council about the proposed reorganization, but said more details are needed. "We need emergency management badly, as we learned with three floods," he said.

Express-Times, The (Easton, PA)
August 8, 2007

**Shakeup in emergency leaders ROBERT MATEFF, not Nick Tylenda top emergency management official.**
Author: DOUGLAS B. BRILL

Northampton County is reorganizing its emergency management and 911 centers and the state no longer recognizes the county's top emergency management official as such, county Director of Administration **John Conklin** said. The county still calls Nick Tylenda its emergency management coordinator. But, in the eyes of the Pennsylvania Emergency Management Agency, county 911 Deputy Director of Operations and Training Robert Mateff holds the job. **Conklin** and County Executive John Stoffa on June 1 told the state Mateff would oversee the county's emergency management system instead of Tylenda. Tylenda still oversees day-to-day operations but Mateff "is overseeing the direction of where emergency management is headed." The change is part of **Conklin**'s plan to revamp the county emergency management and 911 centers. He wants to create a Division of Emergency Management Services that would oversee both. It would be created next year if county council includes it in the 2008 budget.

The emergency management office and 911 center currently report to the sheriff's office. Under **Conklin**'s plan, they would report to a new director of emergency and management services. Mateff, **Conklin** said, is acting in that position. But he would have to apply for the job if and when it is officially created. The reorganization would leave the 911 center virtually unchanged. Dick Teasdale would remain in charge there, **Conklin** said. The emergency management office, which now has three employees, would get two new ones. One would be a hazard mitigation recovery manager to help municipalities get grant money for preventative measures. The other would be a planning manager who would help schools, hospitals and other bodies create emergency management plans. **Conklin** said there is not yet a price tag on the reorganization. But some of its added costs would be covered with grant money, he said.

Mateff said the reorganization would make emergency management run more efficiently by using a structure similar to PEMA and by reducing duplicate job duties. "I think you will find there will be a very proactive division of emergency management services," he said. County Councilman Ron Angle said the changes come amid increasing complaints of inadequate emergency management in the northern part of the county. **Conklin** acknowledged those complaints and said there have been "complaints countywide about the level of detail our emergency management system has had in recent years." He blamed understaffing, saying Tylenda, operations and training Manager Kurt Fauerbach and a secretary is "a three person department trying to juggle a lot of balls."

Express-Times, The (Easton, PA)
May 28, 2007

**Some officials utter 'B' word Council may have to issue bonds**
**Bonds may be necessary The prison The need for parking Projects on the horizon**
Author: SARAH CASSI

EASTON | The master plan Northampton County Executive John Stoffa is working on reads like a checklist of buildings most county governments construct over decades - a prison, parking deck, administration building. But time is not on this county's side and as the projects pile up and the need for them becomes more crucial, county council could be looking at issuing bonds to cover the costs. Some council members adamantly oppose issuing bonds for county buildings. "I'm not sure that our building needs are so pressing that we need to issue another bond," Councilman Lamont McClure said. "I'd like to exhaust all innovative ideas to solve what is a growing problem." Council President Wayne Grube said the $111 million bond experience from 2001 has some council members shying away from that kind of funding. "More and more nobody wants to come out and say 'bond' - they're all afraid of it. There's no question we'll need to float a bond," Grube said.

"This county's gotten bigger, services have gotten bigger, the court system is handling more people because of crime. Everything is just inflated. We need to address that," Grube said. The county prison on Union Street has operated at or above capacity since January. Officials are discussing whether to add to the current prison or build a new facility. Administration Director **John Conklin** said a new prison could start at $70 million to $80 million. "Putting taxpayer money into prisons is extremely unpopular," Stoffa said. "I don't know if you have to build. You can acquire something." Stoffa's considering a short-term solution like a community day center for nonviolent offenders. Grube said officials are eyeing a building on Lehigh Drive. The move could open up 225 beds and take pressure off the main prison, Grube said. Officials have not discussed potential costs for buying the building and outfitting it.

Stoffa recently added 60 parking spaces near the courthouse by buying the late Gus Milides' office buildings at 654 and 670 Wolf Ave. for $1.5 million but the administration is contemplating adding a new parking deck. Administration Director **John Conklin** said building a new deck near the courthouse could start at $8 million and county officials are applying for some federal funds. Councilman Ron Angle discussed adding another level to the existing deck on Washington Street. Adding another level could cost $2 million, **Conklin** said. Grube said the administration could clear the vacant Union Street lot it owns for a short-term parking solution. In the long term, Grube said he'd consider adding a level to the parking deck but wants to be sure it's feasible. Other future projects could include bringing the human services offices under one roof. Stoffa said finding a human services department hub is not a priority. A new building for human services could run from $8 million to $10 million. Stoffa's also considering a new administration building at the Gracedale campus in Upper Nazareth Township. "You can't just keep on building here," Stoffa said of the Washington Street site.

Morning Call, The (Allentown, PA)
May 17, 2007

**Northampton eyes millions in projects ** Council committees told a master plan for county is in the works.**
Author: Joe Nixon

Northampton County is expecting a study of its prison space needs will be done next month and a comprehensive look at numerous other capital projects -- including how to pay for them -- will come later this year, administration officials told a county council committee Wednesday. The update from Director of Administration **John Conklin** and Fiscal Affairs Director Vic Mazziotti came at a meeting of council's Finance and Personnel committees, where millions in potential future expenses were on the table for discussion. Among the likely big-ticket items are possible prison expansion, parking needs, space for human services workers, a new archives building and a parks maintenance garage. Councilman Ron Angle, finance committee chairman, said proposals like the $1.5 million purchase of the Milides office building on Wolf Avenue in Easton continue to come forward without an overall plan. "I see a whole raft of stuff on an ongoing basis," he said. Councilwoman Ann McHale said a prior comprehensive plan was discounted by the previous council. Councilman John Cusick, who also serves on the county Building Committee, said needs have been identified. "We have to start looking at how are we going to pay for these things," he said.

Cusick said things like parking, the Milides property, and a parks maintenance building are smaller needs in the immediate future. He said the county needs to know how it's going to move forward. "I don't want to spend $1.5 million and just own an office building," he said of the Milides property, located across the street from the courthouse complex. **Conklin** said the county hoped to move voter registration operations from the Gov. Wolf building on N. Second Street, Easton, to part of the Milides complex by the fall election. The rest of the complex may be razed to make room for archives. The county is currently spending money to house some archives materials in Allentown. Angle said needs, including the prison, could bring a price tag pushing $100 million.

Councilwoman Diane Neiper expressed frustration about past projects that were on the books, but never completed. "We don't finish anything," she said. "At some point, we have to bite the bullet and say, "Let's get the things done that were supposed to be done years ago.' "Mazziotti said the master plan would be in before the end of the year and hopefully before the proposed 2008 budget is presented to council. "It should be our responsibility to get that for you to review as part of your budget package," **Conklin** said. "Otherwise, we're in the same boat as we are now." The county's fund balance, basically its savings at the end of each year, was also touched on Wednesday as council members wondered how the county would foot the bill for the capital improvements and other costs, like retroactive pay for some recently settled union contracts. The county so far anticipates using $12.4 million of its $50.5 million fund balance to balance the budget. That does not include the retroactive pay, expected to amount to several million dollars more.

County officials have said they want to keep two months' expenses, about $40 million, in the reserve, prompting Angle to ask about the prospects of a tax hike next year. "I would say it will be tough not to have a tax increase from what I hear sitting here today and hearing all the endeavors people have," said county Budget Administrator Doran Hamann. Added Mazziotti, "The administration is not saying that we're going to be proposing a tax increase next year.

Express-Times, The (Easton, PA)
October 20, 2006

**Conklin's OK with council ANGLE REITERATES SALARY COMPLAINT. He says pay hike built into director's contract too generous.**
Author: SARAH CASSI

EASTON | Northampton County Council approved a new director of administration Thursday night, despite nagging concerns over an almost $80,000 starting salary. **John R. Conklin** said he has tentative plans to join the county Oct. 30. **Conklin**'s starting salary is $79,963, and he stands to receive a 4 percent raise in January. That raise prevented **Conklin** from receiving unanimous approval. Councilman Ron Angle said his vote was "yes to the hiring, no to the salary." Council Clerk Frank Flisser said he would record the vote as Angle stated in the meeting minutes. "There were at least seven people that voted for it," Flisser said.

**Conklin**'s salary "spit in the face of our career employees," Angle said, adding longtime employees Flisser, Budget Administrator Doran Hamann and Gracedale Administrator Harold W. Russell only received 2 percent raises last year. "This really does bother me immensely," Angle said. "How can we, in good faith, dole out an $80,000-a-year job? ... Let's get real here." Angle reiterated his motion from Wednesday's personnel committee meeting to lower **Conklin**'s starting salary to $73,225 so the January raise would bring him to $79,963. Again, the motion was not seconded.

Councilman Tony Branco said he was concerned about the salary, but he said the position's duties merit the pay. "I think with all these other duties, I think we're getting a bargain," Branco said. Timing concerned Councilman J. Michael Dowd. "We were pilot-less for the last year and a half," Dowd said. "I don't intend to get in an argument over $3,000." **Conklin** leaves behind his job as a business development manager for the General Physics Corp. in Tampa, Fla. He also worked for Lehigh County from 1998 to 2003 as an emergency management services director and has family in the area.

Morning Call, The (Allentown, PA)
October 5, 2006

**Familiar face eyed for Northampton post ** John R. Conklin, 46, nominated as director of administration.**
Author: Paul Muschick

Lehigh County's former emergency management director may return to the area to take a top job in Northampton County government. **John R. Conklin**, who until recently directed emergency operations in Miami, was nominated Wednesday as Northampton County's director of administration. The position is the top assistant to County Executive John Stoffa. **Conklin** served as Lehigh County's emergency management director from 1998 to 2003, a time most noted for coordinating a well-organized response to the 1999 explosion at Concept Sciences Inc. in Hanover Township that killed five people. Stoffa was a Lehigh County administrator at the time. Before entering emergency management, **Conklin** worked in corporate engineering and held supervisory positions, including at Mack Trucks in Allentown. He was also a township supervisor in Dauphin County.

"Pennsylvania government isn't new to me," **Conklin**, 46, a lifelong Republican, said Wednesday. He is unsure how he would register politically if he returned to Pennsylvania. His corporate jobs have included labor negotiations and fiscal oversight, which would be among his duties as administration director. Stoffa believes **Conklin** can handle the broad government job, which can become tangled with politics. "His relationships with people were superb," Stoffa said. "He knows politics. In meetings, he knows when to keep his mouth shut, when to add something. He's politically savvy." County Council must accept or reject **Conklin**'s nomination. Council's Personnel Committee is scheduled to consider the nomination Oct. 18, with the full council voting on it the next day. Several council members are leaning toward supporting him, though a few raised questions.

Who gets the job has been a point of political contention previously. Council rejected an earlier nominee, causing clashes between Stoffa and council and among council members. The job is important to taxpayers because the person helps create policies on spending taxpayer money. Stoffa is 10 months into his term and has been criticized for moving slowly on some issues. He has cited the absence of a director of administration to help him. Several council members have encouraged Stoffa to hire a director to assist him. Before nominating **Conklin**, he had considered promoting Vic Mazziotti, fiscal affairs director, to the job. **Conklin** left Lehigh County to take an emergency management job in Broward County, Fla., in 2003. Last year, he became emergency management coordinator in Miami. In August, he took a job as business development manager with General Physics Corp. in Tampa, a company that provides homeland security and emergency-management consulting.

Stoffa first considered **Conklin** for director of administration after **Conklin** sent him a congratulatory e-mail on his election last November, adding, "If anything ever opens up, let me know." Stoffa offered **Conklin** the job in June, but **Conklin** declined because the starting salary

of $79,963 would have been a pay cut. "At that time, it just didn't seem like the right financial move," **Conklin** said. He changed his mind recently and contacted Stoffa again, saying he and his wife want to move closer to their families. **Conklin** is a native of Johnstown, and his wife has family in the Allentown and Catasauqua areas. Council President Wayne Grube and council members Ann McHale and J. Michael Dowd said they thought they would support the nomination. "I will support him because **John** is really high on this man," Grube said. "I feel that he's got the background."

Dowd said he liked **Conklin**'s government experience. "I thought he seemed to be an admirable candidate," he said. McHale said she would probably support **Conklin** because he is Stoffa's choice, but she is concerned **Conklin** does not have enough business experience. She also is concerned about how frequently he has switched jobs and whether he would leave the county for a higher-paying job. She and Councilman Ron Angle questioned whether the proposed salary of nearly $80,000 is too high. Stoffa said **Conklin** is worth the money because he can improve one of the county's biggest weaknesses -- emergency preparedness and safety. He said county offices are vulnerable to violence such as recent school shootings, which could cost the county even more through lawsuits.

Miami Herald, The (FL)
May 15, 2006

SOUTH FLORIDIANS RUSHING TO HEED HARD LESSONS OF '05
Author: ERIKA BOLSTAD

Never, ever again, vowed Patty Asseff. After Hurricane Wilma knocked out her electricity for nearly three weeks last year, Asseff, 59, and her husband decided it was time to invest in a whole-house generator. So Asseff and about 20 of her Hollywood neighbors banded together to land a bulk discount on the natural gas-powered generators that kick on automatically when the lights go out. The generators start at about $15,000. Just two weeks from the start of the 2006 hurricane season, Asseff and her neighbors are among many who are taking heed of the preparedness message with a seriousness not seen in years. Few will soon forget the double-whammy of Katrina and Wilma, storms that left at least $13 billion in combined damage in Florida and as much as $87 billion nationwide.

``The biggest problem that a lot of us had was not having electricity," said Asseff, a real estate agent. ``It was really a mental thing. It was very hard to accept all the things that went on with that." Emergency management officials are seeing the change of attitude. ``We feel that everyone will be a little more prepared this year," said Lt. Shanti Hall, a spokesman for Miami-Dade Fire Rescue and the Office of Emergency Management. ``People had time to forget about Andrew, and, in fact, many residents were not even here for Andrew, so there wasn't a strong sense of need to prepare until they were forced to feel the impact of last year's season."

Among steps recently taken by state and local governments and businesses:* State lawmakers made it cheaper to buy supplies before the season begins, with a sales tax holiday that begins Sunday and goes through June 1. * Some homeowners' associations are putting more money aside for damage to common areas. * Cities are making simple but crucial changes, like operating their own fueling stations with backup power, so they're not dependent on commercial gas stations to power road-clearing and emergency equipment. * Though most forecasts are remarkably accurate, scientists are working on better and more accurate hurricane prediction models. Hurricane experts agree there's still plenty about preparation and response that could be improved, especially finding safe and affordable housing for people whose homes are uninhabitable after a storm.

``The longer-term solutions for temporary housing are really tough nuts to crack," said Tony Carper, Broward's emergency management director. But basic preparation can make a difference for many in the hours and days after the storm. ``We really rely on individuals to be self-sufficient for 72 hours," said Scott Morris, FEMA's Florida director of long-term recovery. ``Over the last few seasons, I believe those folks are starting to realize that. The government is not going to come in and make you whole. You should rely on the government to do very specific things, and not after 24 hours." State leaders say the purpose of the sales tax holiday is to give people a little help affording the things they need for the storm season. They hope it means

fewer people are dependent on government assistance, so that ice, water and food goes to the poor, the elderly and others who don't have the means to help themselves.

``The morning after the hurricane, you shouldn't need water. You should already have that," said Jennie Brooks, who as president of Fort Lauderdale's Dillard Park Homeowner's Association, made twice daily trips after Wilma for ice to hand out to needy neighbors. Most people will see the biggest improvements in response at the local government level. Weston officials, for instance, decided to turn their stoplights horizontal. That means they're less susceptible to wind damage. If more of them are up and running after the storm, the city won't have to devote as many police officers to traffic duty.

Homestead has its own gas depot for city vehicles, and it will run on backup generators. The city also invested in two-way radios because cellphone service was so unreliable after Wilma. Miami has a plan that strengthens the contact between the heads of the city's Neighborhood Enhancement Teams and local businesses. The idea is to involve businesses in the recovery effort and send commerce their way, said **John Conklin**, Miami's emergency management coordinator. ``The NET office could identify auto repair shops that can help repair tires - there's a lot of broken glass after the storm," **Conklin** said. One of the most sweeping changes came from Miami-Dade County, which now requires grocery stores and gas stations to have backup power. The gas station portion of the ordinance may be moot, however, if the governor signs a weaker version into state law that only forces owners of 10 or more gas stations to have at least one generator, which they can move among the various stations. But gas stations need fuel to sell, and that can sometimes be their biggest problem, said Alexander Ayzen, owner of a Texaco in Sunny Isles Beach. His was the first gas station in the city to reopen after Wilma, but he soon ran out of fuel. ``I sold the gas in one day, and the next day couldn't get any deliveries for a few days," Ayzen said. ``So then I had electricity and no gas."

That was caused by damage to the Port Everglades electrical grid, cutting off the electricity needed to pump gasoline at the port's fuel farm - the primary supply point in South Florida. Florida Power & Light is installing concrete power poles in the port and making other changes to ensure fuel flows from the farm, said Ben Wesley, an FPL area manager. He warns that improvements are ``not going to happen overnight" but also predicts that upgrades across the system mean that FPL customers will see fewer outages and a better response to them. Many customers remain skeptical, making generators a must-have item as the June 1 opening of the hurricane season approaches. Nina West, a neighborhood activist from Coconut Grove, bought a generator last month, before the sales tax holiday, because she feared she might not find one later. All the preparation is a good sign, Carper said. ``A lot of people will do things different - for this year," he said. ``Two or three years down the road, who knows? But we'll keep banging away at it."

Anticipating and forecasting storms has also improved over the past year, although many challenges remain, said Max Mayfield, director of the National Hurricane Center. Forecasters have cut hurricane track errors in half over the past 15 years, he told emergency planners last week at the annual Governor's Hurricane Conference in Fort Lauderdale. But they have had

much less success in improving intensity forecasts. Mayfield said one of his greatest fears is that people will go to sleep at night with a forecast of a low-intensity hurricane and then face the prospect of ``waking up to a Katrina or an Andrew." ``I can think of no greater tribute we could leave to the victims of Katrina and the other hurricanes of the last season than having people prepared for the next hurricanes," he said.

Miami Herald staff writers Jerry Berrios, Susan Anasagasti, Elyse Batista, Trenton Daniel, Elaine de Valle, Christina Kent, Diana Moskovitz, Ana Ribeiro, Amy Sherman, Ben Torter and Carli Teproff contributed to this report.

Hurricane Sales-Tax Holiday
National Hurricane Preparedness Week begins Sunday, ushering in 12 days of sales-tax savings on hurricane supplies. The state's Hurricane Preparedness Sales Tax Holiday begins Sunday and ends June 1. During that time, no state or local sales tax will be collected on hurricane items: * Flashlights and portable, self-powered light sources less than $20 * Portable radios, two-way radios and weather-band radios less than $50 * Tarps less than $50 * Portable fuel containers less than $25 * Batteries less than $30 * Nonelectrical food storage coolers less than $30 * Portable generators less than $1,000

Morning Call, The (Allentown, PA)
March 26, 2005

**State emergency official tapped for Lehigh job ** Nervine will oversee county's 911 center and disaster planning.**
Author: Dan Hartzell

A Pennsylvania Emergency Management Agency official has been chosen as director of Lehigh County's office of Emergency Management Services. Thomas H. Nervine, 53, of Catasauqua is an operations officer at PEMA's Eastern Area office in Hamburg, and a former assistant in the county EMS office. County Executive Jane R. Ervin announced Nervine's appointment Thursday. He will replace EMS Director Robert Edwards Jr., whose resignation is effective April 1. An 18-year PEMA employee who had worked for the state Welfare Department, Nervine will retire from the state and assume his duties at the EMS office in the county courthouse in Allentown on April 18. "It's going to be a challenge, but it's exciting" to take on the task, Nervine said Friday, adding that he intends to stress effective training for all EMS personnel. "One of my big things has always been training," he said.

Nervine was an administrative assistant in the county EMS office in the early 1980s, and served as coordinator of emergency services for Lehigh Carbon Community College in 1985-1987. Prior to that, he was fire chief for Allentown State Hospital. "Tom has extensive experience and a highly respectable background in virtually every aspect of emergency services," Ervin said. She added that his experience as mayor should give him an understanding of the importance of dealing with tight budgets and other administrative demands. Former county EMS Director **John R. Conklin** endorsed the selection of Nervine. "Absolutely, that's an excellent choice," said **Conklin**, director in 1998-2003, noting that Nervine is a state Fire Academy instructor with an excellent grasp of PEMA programs and regulations. Nervine provided vital assistance to regional EMS officials during the fatal Concept Sciences Inc. plant explosion in Hanover Township, Lehigh County in February 1999, **Conklin** said.

"I relied on Tom's expertise back then," he said. "He's just a super guy, gets along well with people he'll totally get the respect of the fire chiefs" from the companies throughout the region, **Conklin** said. Among the duties of the EMS office are overseeing the county's 911 communications center and hazardous materials response team, and coordinating first responder and emergency services planning, training, prevention and public response to natural or man-made disasters, including possible terrorist attacks.

Morning Call, The (Allentown, PA)
February 19, 2004

**Deadly '99 blast is safety lesson ** Area emergency crews still learn from Concept Sciences explosion.**
Author: Romy Varghese

The crater is gone. The hazardous chemicals are cleaned up. New buildings on the site just north of Allentown give no hint of the destruction, the showering of debris over homes of frightened residents, the loss of five lives. But the explosion five years ago today at Concept Sciences Inc. in Hanover Township, Lehigh County, has left a legacy that can be felt from Hanover to Harrisburg to beyond. It spurred tougher state reporting rules for companies that work with large amounts of hazardous materials. It galvanized county emergency officials to create a special rescue team and streamline radio communications. It led the township to make sure it knows all about the chemicals local manufacturers use.

The disaster also inspired creation of a local chemical industry group that meets regularly to share information on safety and new rules. It made people realize that "Yes, it can happen here," said **John R. Conklin**, former director of the Lehigh County Emergency Management Agency, who had been on the job three months when the plant blew up Feb. 19, 1999. "Overall, the Lehigh Valley is a lot more prepared regionally than before then," said **Conklin**, who has since taken a similar position in Florida.

Tougher reporting rules

That night, workers at Concept Sciences were trying to distill the company's first large commercial batch of hydroxylamine, a solution used by manufacturers to clean computer chips. Concept Sciences was hoping to be the first American producer. The chemical, when overheated or highly concentrated, is explosive and is listed as a "highly hazardous" substance by the U.S. Occupational Safety and Health Administration. County officials didn't know Concept Sciences existed, much less that it had a hazardous chemical on site. When the first rescue workers arrived, they thought they were dealing with a natural gas explosion, according to a report by the Federal Emergency Management Agency. With the building's floor plan and a list of chemicals destroyed by the force of the blast, it would be more than an hour before they learned that hydroxylamine was involved, the report said.

In the meantime, emergency workers searched for victims and treated the injured without wearing clothing that protects them from hazardous materials. The FEMA report noted that lack of information at the blast site could have resulted in more injuries to rescue personnel. "Fortunately, the hazardous materials involved were rather benign" to emergency workers, the report said. **Conklin** said the company failed to follow the state reporting guidelines of the time. But an investigation by the state attorney general's office found no criminal violations. The precise cause of the blast has never been determined, although the FEMA report noted that the explosion occurred in the fiberglass tank containing 750 pounds of hydroxylamine.

Even so, the blast led Pennsylvania to toughen reporting requirements on hazardous chemicals in December 2000. Previously, the state gave companies 60 days to report extremely hazardous chemicals and 90 days to report hazardous chemicals to municipal and county officials. Because of the Concept Sciences blast, the reporting period was cut to five business days. "It will never prevent an accident, but it will give more knowledge to us," said Madaline Muth, chairwoman of the Lehigh County Emergency Planning Committee, which receives state-mandated reports on hazardous chemicals at county companies and advises municipalities on the safety of proposed plants.

Streamlined rescue efforts

More than 400 people responded to the blast, which could be seen seven miles away. People from the Poconos to Trexlertown felt the force of the explosion, which damaged 11 neighboring buildings. Killed were four Concept Sciences employees -- Paul Wanamaker of Northampton, Ruben Soto Sr. of Bethlehem, Anthony Mondello Sr. of Pen Argyl and his son Paul F. Mondello of Palmer Township. Terry R. Bowers of Hanover Township, Lehigh County, was working in a nearby building and also was killed. Fourteen people, including five firefighters, were hospitalized with injuries.

**Conklin** said the blast made officials aware of the need for a county "technical rescue team" with special expertise to help people trapped in buildings, trenches and confined spaces and to do rope rescues. For the Concept Sciences blast, **Conklin** said, he had to rely on a federal rescue team whose members had to travel from Harrisburg and Philadelphia. A year and a half ago, the county team, funded by the county and by state training grants, was established with about 60 career and volunteer emergency officials, he said. Their training has paid off. In December, the team freed a cemetery worker who was pinned to the bottom of a grave by an 800-pound burial vault lid. "You just never know when something is going to happen," said **Conklin**, who left Lehigh County in September to take an emergency management position in Florida. "Otherwise, you're waiting for Harrisburg and Philadelphia to save you." In addition, **Conklin** said he improved coordination among emergency agencies within the county. For instance, Allentown and Bethlehem both had haz-mat teams that could have helped in the explosion. But **Conklin** did not have the authority to request their assistance, he said.

Instead, a Berks County haz-mat team responded. Since then, the organizational structure has changed, and the Allentown, Bethlehem and county haz-mat teams have practiced together, **Conklin** said. The county is still working on improving communications. After the explosion, **Conklin** said, he streamlined procedures so there would be less congestion on radio transmissions. The FEMA report, released in October, noted there was no common radio frequency for all agencies that responded. Lehigh County is looking into a system that would enable all radios to be keyed into the same frequency, said Carl Held, deputy director of the county emergency agency. For the time being, emergency personnel from outside jurisdictions are handed radios with the county frequency, ensuring that everyone can communicate with one another, he said. In its report, FEMA also suggested that local jurisdictions should evaluate their resources. More than 400 people responded to the blast, but the county haz-mat team had fewer

than 40 protective suits. **Conklin** said more suits were purchased after the blast. But even now, the county continues to evaluate its equipment.

Officials plan to outfit every police cruiser in the county with a "go kit," which includes protective suits in four sizes, protective booties and gas masks. Cruisers may start getting them this year, Held said. In addition, 65 percent of ambulances now have battery-powered air respirators. The plan is to have all ambulances equipped with them this year, he said.
Local oversight

Hanover Township took a look at its policies after the release of the report by the U.S. Chemical Safety and Hazard Investigation Board, a federal investigative agency that has no regulatory authority. The February 2002 report noted that at the time of its writing, no local planning or zoning authorities had ever consulted with the county's emergency planning committee about the safety of locating any proposed chemical manufacturer within their municipalities. The state established these county committees to help municipalities review the safety of chemical plants. Hanover Township solicitor J. Jackson Eaton said code officials then developed a new approach to inspecting new companies with hazardous chemicals. After reviewing the building and the list of materials on site, the building inspector will contact the county emergency planning committee if the chemicals are outside his scope of expertise.

If the township isn't satisfied with the county review, it will hire its own experts, Eaton said. No chemical plants have moved into Hanover Township since 1999, he said. Eaton said municipalities could use more help, perhaps from federal agencies, to determine if chemicals and manufacturing processes are safe. "Townships have to search out help in a case-by-case basis," he said. Stricter state reporting requirements don't necessarily help municipalities, because municipalities still are not equipped to understand the information they receive, he said. Before the explosion, Concept Sciences had given the local fire company a list of the chemicals it stored, Eaton said. But the company did not alert it to the dangers of hydroxylamine, and the fire company didn't have the expertise to suspect any danger. One step Hanover Township didn't take was to bar chemical manufacturers from industrial parks. Concept Sciences was within 900 feet of a day-care center, which the explosion damaged slightly. No children were present when the plant exploded shortly after 8 p.m. on a Friday.

The chemical safety board's report noted that Concept Sciences tried to set up shop in Hanover Township, Northampton County, but couldn't because a zoning ordinance banned chemical manufacturing in industrial parks. But Concept Sciences was able to move into the industrial park in neighboring Hanover Township, Lehigh County, because it has no such zoning restrictions. In its conclusion, the report said, "The existing system of siting approval by local authorities allowed a highly hazardous facility to be inappropriately located in a light industrial park." But Eaton said there may be no better place for such a plant in the small township, which covers 4.3 square miles. As long as companies are following proper safety procedures, Eaton said, township officials shouldn't try to keep them out of industrial zones. Though Hanover Township tightened its review of chemical plants, its neighbors apparently didn't follow suit. "There wasn't any great response at the municipality level," said Michael N. Kaiser, executive

director of the Lehigh Valley Planning Commission, which provides planning services to 62 municipalities. Likewise, the status quo extends to OSHA, which hasn't changed its safety regulations regarding hydroxylamine.

A federal judge in September 2001 dismissed criminal charges against Irl Ward, president of Concept Sciences, who was accused of knowingly violating the rules on hydroxylamine. The judge said the rules were confusing and ambiguous. Still, the Concept Sciences explosion created an increased awareness of the dangers of chemical manufacturing. Muth, of the county emergency planning committee, said she continues to field calls from companies inquiring about safety requirements.

Companies share information

After the blast, Air Products and Chemicals Inc., a large industrial gas and chemical producer based in Trexlertown, developed the Lehigh Valley Industrial Safety Network in partnership with OSHA. The explosion made it clear that large companies should help smaller companies, which don't have the resources to keep track of regulations and safety tips, said founder Kevin Snyder, an Air Products environmental specialist. Concept Sciences, like many small companies, didn't realize the importance of informing the community about the chemical process it was trying to develop, he said. The nonprofit group has met about six times a year since February 2000, drawing about 20 to 25 employees of various companies, Snyder said. They learn about new regulations and ways to make chemical processes safer. They also learn about resources, such as a free OSHA safety and health audit of their companies. Snyder said he opens each session with an update of new regulations issued by the state. Some of the small companies don't know how to access that information or don't have the resources to note changes themselves, he said. "They're all starving for information," he said.

Morning Call, The (Allentown, PA)
December 12, 2003

**Lehigh County picks retiree as new EMS chief ** Lower Macungie resident has years in emergency response.**
Author: Dan Hartzell

A 58-year-old Lower Macungie Township resident has been chosen as Lehigh County's Emergency Management Services director. Robert Edwards Jr. of Lamb Terrace will replace **John R. Conklin**, who resigned in September to take an emergency services job in Florida. Edwards, a veteran emergency response specialist and former fire chief in Bloomsbury, N.J., will assume his new position Dec. 22, said county General Services Director Thomas C. Gorr. He worked for Johnson & Johnson of New Brunswick, N.J., for 34 years, chiefly in computer services and communications, before retiring in 2001. Edwards volunteered as a firefighter for the Bloomsbury Fire Department in 1975, moving up through the ranks and serving as chief from 1987-92 and 1996-2001. He also has served as emergency management coordinator in Bloomsbury and in Bethlehem Township, N.J.

Edwards is a member of the Lower Macungie Township Fire Company and is a training instructor at Command School Inc., Lancaster, officials said. An Air Force veteran, Edwards and his wife moved to the Lehigh Valley in August. Edwards said it's a little daunting to jump back into the full-time work force after a couple of years of retirement, but he's looking forward to the challenge. "It's an important role, I know that," he said. While having his home built earlier this year, Edwards had the opportunity to talk to **Conklin** while scouting around for ways to use his EMS experience by pitching in as a volunteer in the Valley.

"I was in sync with some of the things [**Conklin**] was trying to do," Edwards said Thursday. He said he hopes to continue them, including plans to upgrade the emergency 911 communications systems. He was chosen from 66 applicants for the job. Edwards will earn $41,330 as EMS director, overseeing a staff of 36 full-time workers and departments with a combined annual budget of $3.5 million.

Express-Times, The (Easton, PA)
October 24, 2003

**Responders to fatal chemical plant explosion ill-prepared**
Author: MICHAEL P. BUFFER

Emergency responders to the deadly 1999 explosion at the Concept Sciences Inc. chemical plant lacked significant training in handling hazardous materials, according to a federal report released Thursday. The report, compiled by the U.S. Fire Administration and released by the Federal Emergency Management Agency, represents a mixed bag for the response to the explosion in Hanover Township, Lehigh County, that killed five people and caused $5 million in damages. The report notes that some responders went to the scene without protective clothing and respiratory devices needed to work safely, but credits a unified incident command system and emergency management plan that enabled officials to successfully manage the disaster. "This report offers valuable insights into response to possible hazardous materials incidents that will help prevent deaths and injuries in the future," Michael D. Brown, undersecretary of homeland security for emergency preparedness and response, said in a news release on the report. On Feb. 19, 1999, CSI employees were distilling hydroxylamine at an industrial park near Lehigh Valley International Airport when an explosion ripped through the plant. The blast leveled the building, killing four workers and a fifth man at a business next door. Brown said the federal report shows initial responders did not know what materials were involved and were not aware of the potential for subsequent explosions during the rescue process. Lehigh County's hazardous materials team did not become fully operational until 60 to 80 minutes after the explosion, the news release on the report said.

More than 400 responders from three counties went to the scene, but they lacked a common set radio frequency, the report said. Lehigh County Emergency Management Director **John Conklin** was in charge at the scene. **Conklin** resigned last month to take an emergency management job in Broward County, Fla. Lehigh County Public Affairs Manager Valerie Hildabeitel said county officials would not comment on the federal report until they read the full report. She said the county has not received the report. Northampton County Emergency Management Coordinator Nick Tylenda said, "I would like to see the report before making a comment. I think Lehigh should take the lead." Emergency responders from Northampton County went to the scene, Tylenda said. The explosion could be seen for seven miles, created a 4-foot-deep crater and damaged 11 nearby buildings, the federal report said. In August, Lehigh County officials announced they agreed to a $78,000 settlement with Concept Sciences Inc. for cleanup costs. The settlement covered about 65 percent of hazardous-materials expenses the county sought reimbursement for in a civil lawsuit filed in July 2002. According to a U.S. Occupational Safety and Health Administration report, CSI committed 20 violations - 11 of which were deemed "willful" for failing to protect employees from the explosive potential of hazardous materials - that contributed to the explosion. In 2001, OSHA agreed to a $250,000 settlement with CSI. The agency originally sought $641,200 in fines for safety infractions. The state Department of Environmental Protection is working to finalize a settlement agreement with CSI, DEP spokesman Mark Carmon said Thursday. Pennsylvania spent $691,000 for cleanup

and filed a lawsuit in May 2002. Killed in the blast were: Anthony Mondello Sr., 55, of Pen Argyl; Paul Mondello, 25, of Palmer Township, son of Anthony; Paul Wanamaker, 43, of Northampton; Rubin Soto Sr., 52, of Bethlehem; and Terry Bowers, 48, of Allentown.

**Internet – Newspaper Archives Search**
**John Conklin**
*(Articles are in reverse chronological order)*

Morning Call, The (Allentown, PA)
August 22, 2003

**Emergency Management ** A cool head during emergencies**
Author: The Morning Call

**John R. Conklin**, Lehigh County's emergency management director since 1998, will leave Sept. 5 for similar work in Florida. Two dates in particular stand out from his time here because of the challenges they presented for emergency personnel: Feb. 19, 1999 and Sept. 11, 2001. On a February night in 1999, the Lehigh Valley literally was shaken by a huge explosion. A chemical explosion at the Concept Sciences Inc. plant near the heavily traveled Route 22 in Hanover Township, Lehigh County, left five dead and prompted the biggest local emergency-response efforts ever seen in the Valley.

Employees were distilling hydroxylamine, an industrial chemical component, at Concept Sciences, the first U.S. manufacturer and supplier of free-base hydroxylamine. The explosion was among the biggest and costliest disasters in Lehigh Valley history. But Mr. **Conklin** was up to the challenge of coordinating responders and getting a handle on what had happened. His assurances were valuable, because initial reports that chemicals were involved frightened many. His calm assessment and leadership earned the respect of firefighters, emergency medical personnel and police. His insight that once professionals and volunteers were properly dispatched that the public needed information won our admiration, too.

Then, when terrorists attacked on Sept. 11, Mr. **Conklin** spent eight days helping to coordinate rescue and recovery efforts in New York City as part of the federal Urban Search and Rescue Team from Pennsylvania. Lehigh County will advertise for candidates to fill Mr. **Conklin**'s position. He will be hard to replace, but, given the times, it is an important job search. Now that the words "homeland security" are part of Americans' vocabularies, local emergency management is a far more critical responsibility than it was before.

Morning Call, The (Allentown, PA)
May 1, 2003

**Region isn't well-prepared for terrorism, officials say ** Lafayette survey finds police, fire chiefs are uncertain of readiness.**
Author: Steve Esack

A new survey by Lafayette College says some police and fire chiefs and emergency medical service directors think the Lehigh Valley region is not well prepared for a terrorist attack, especially a biological one. "We sent the survey to every publicly listed police, fire, EMS and other units so I think we covered the universe in sending out this survey," said John Kincaid, director of Lafayette's Robert B. and Helen S. Meyner Center for the Study of State and Local Government. "We had a 34 percent response rate, and that's pretty good for a survey like this." But an independent pollster, looking at the total number of organizations polled, which was 302, and the percentage of respondents, said such surveys should not be used to draw conclusions or form policy. Michael Young of Madonna Young Opinion Research said the sampling error would be close to 10 to 12 percent, not the 4 percent the Meyner Center study says. "All of this is not to say the findings are invalid or wrong," Young said. "The response rate of 34 percent is not uncommon for a survey of this type, but prudent readers would be very careful of drawing conclusions -- and even more careful of making policy decisions."

Kincaid agreed, saying the intent was to find the region's preparedness level, which he said appears low because answers were relatively the same. The Meyner Center released the report as it gets ready to hold a public forum, "Bioterrorism: Preparation, Finance & Regional Cooperation," Friday and Saturday in Lafayette's Kirby Hall in Easton. The survey was conducted via mail, fax and in person in January and February. It was sent to "first-responder" organizations, hospital managers and emergency management coordinators in Lehigh, Northampton, Berks and Warren counties. Although the researchers got a total response rate of 34 percent, 40 percent replied in Lehigh and 44 in Northampton.

No local hospitals responded, Kincaid said. Only a small number of first responders in New Jersey replied; nearly all told pollsters to contact the Warren County Office of Emergency Management for comment. But the results of the Warren County organizations that replied were added to the report's final totals. According to the report, 15 percent of those who responded to the survey thought they were highly prepared for a terrorist attack involving 200 or more victims. About 12 percent said the same thing about a bioterrorism attack or the fallout from people fleeing New York City or Philadelphia. Based on those who responded, the survey found that bioterrorism has not become a new or high budgetary priority since the Sept. 11 terrorist attacks. But it points out that, because few perceive the possibility of such an attack happening locally, terrorism preparedness is placed on budgetary back burners.

**John R. Conklin**, director of Lehigh County Emergency Management Services, said he had not seen the survey, but he did not dispute its findings. "What Lafayette is doing is a good effort," **Conklin** said, adding that area medical and health organizations are the most prepared. "It's a

snapshot in time, and I'd like to think as we progress in this, whatever is in the report we will be improving upon or have been improved upon." Nick Tylenda, Northampton County Emergency Management director, declined to comment on specifics of the report, saying he has not had a chance to review it. "You're never going to be completely prepared for an event," Tylenda said. Moore Township Police Chief Joe Keglovits called the study a "factual report" because it highlights the lack of cooperation among emergency organizations. "The problem is everyone wants to be king, but you can't be because you have to be a team player," he said. "There's no one entity that can control weapons of mass destruction. Fire can't do it, EMS can't do it, police can't do it."

Morning Call, The (Allentown, PA)
October 24, 2002

**Being ready is key if there's another attack ** That's what terrorism experts say at hospital symposium.**
Author: Sara Wells

The question of whether the United States, and more specifically the Lehigh Valley, is prepared should another terrorist attack occur on home soil was the focus of a terrorism symposium for health care professionals Wednesday at Lehigh Valley Hospital, Salisbury Township.

"Terrorism: Are We Ready?" -- sponsored by LVH's Department of Psychiatry -- focused on how ready the Valley's emergency response system is to deal with mental health issues brought on by disaster. **John Conklin**, director of Lehigh County Emergency Management, opened the symposium by giving an overview of efforts the county is making to ensure it's ready for another attack. **Conklin** said a coordinated local emergency response team is important because, for rescue to be most effective, it must begin within the first six hours of a disaster. He said that while Pennsylvania could have a team at a Lehigh County scene in four hours, it might take up to seven hours for all emergency workers to arrive. "At the local level we must a create a local response that can last for at least four hours to up to eight," **Conklin** said. "We must be fully and seamlessly integrated and everyone has to work together. We need a unified command to bring about a timely conclusion." Pennsylvania has nine local emergency response systems, broken down by county. The systems were the first of their kind in the nation, **Conklin** said, and were created to operate individually, but also with each other, the state and the federal government.

**Conklin** stressed that Lehigh County is "very well-prepared," especially for a smaller disaster, but a large disaster would require more help. Also speaking was Dori Reissman, a medical epidemiologist with the Centers for Disease Control and Prevention in Atlanta. Reissman emphasized that preparedness is key if there are to be enough resources to help people suffering from mental health issues brought on by a terrorist attack. "If we plan to panic, we will panic," Reissman said. "But if we plan to prepare, we will be prepared." Reissman said mental health is a dimension of emergency response that is underserved in many states. She said mental disorders often carry a stigma because people associate them with individuals considered "crazy" or those who are hospitalized. But Reissman, citing the sarin nerve gas attack in a Tokyo subway in 1995, said mental health problems affect everyday people and often psychological damage brings a larger number of individuals to hospitals than do physical injuries. "Often victims suffering from psychological injuries get themselves to the hospital ER," Reissman said. "The question becomes how do you handle those patients who don't need triage? How do you handle those who are psychologically damaged?" Reissman said the goal for emergency response systems should be to recognize that psychological injuries require individual, tailored responses and that these injuries need to be handled separately from physical injuries.

First responders to a disaster, including medical, fire and police officials as well as the media,

might also suffer psychological injuries, Reissman said, and should not be forgotten. Mary Courtney, director of school programs for the New York University School Partnership; Lt. Cmdr. John Kennedy, a physician; and John Weaver, co-founder of Eye of the Storm, an organization dealing with disaster mental health, also spoke at the symposium.

Morning Call, The (Allentown, PA)
November 21, 2001

**Lehigh County to get machine that screens for biological agents ** It will expedite results, help find out what substances need more testing.**
Author: ANN WLAZELEK

Lehigh County will buy equipment that can speed up or eliminate steps in the testing of suspicious substances for anthrax. **John Conklin**, director of the county's emergency management agency, said he is ordering an $8,000 machine and test strips that can screen for biological agents, such as anthrax, botulism and plague, within 15 minutes. The equipment, made by Alexeter Technologies of Wheeling, Ill., will not take the place of more sophisticated and accurate tests performed by the State Health Laboratory in Lionville or the U.S. Centers for Disease Control and Prevention in Atlanta. But as a screening tool the machine can help emergency response teams quickly determine which samples need to be sent for additional testing, **Conklin** said. "We need a quicker turn-around," he said of test results that can take days or weeks to receive, based on the level of priority assigned.

**Conklin** heard about the rapid-result screening system from his counterparts in Bucks and Philadelphia counties, who purchased the machines and strips. He hopes to receive the machine and strips by the end of December. **Conklin** said police, hazardous material handlers and local FBI officials have gotten better at assessing the risk of suspicious substances since the first local specimen was sent to an FBI office in Philadelphia Oct. 12. However, law enforcement officials in Lehigh and Northampton counties have sent hundreds of samples to Philadelphia that probably didn't need to leave the Lehigh Valley, he said.

Of the 300 to 400 packages sent, only a small percentage went on to the state health lab for confirmatory tests and none of them tested positive, **Conklin** said. In trained hands, the new equipment should be able to screen out things like powdered cream or sugar, **Conklin** said. Only substances that test positive using the screening equipment or those that otherwise represent a credible threat would continue on to the FBI or to the State Health Laboratory. Asking the right questions can screen out 99 percent of the suspicion, **Conklin** said. The equipment just adds another tool, he said.

Express-Times, The (Easton, PA)
September 26, 2001

**Officials heap praise on 'hero' -- Lehigh County worker aids efforts.**
Author: MICHAEL BUFFER

ALLENTOWN - **John Conklin** stood before a crowd of admiring listeners Tuesday and later talked about falling debris and the smell of death as he worked with rescue workers at the collapsed twin towers of New York City. Shortly after the Sept. 11 attack on the World Trade Center, Lehigh County's emergency management coordinator was called to help. **Conklin** spent eight days in New York on the search and rescue mission. "The first few days we were constantly in danger of falling debris," **Conklin** recalled. "A couple more buildings collapsed on (Sept. 12 and 13). Later on, the smell of the deaths started and were becoming more apparent. I can only imagine what it's like now." Lehigh County Executive Jane R. Ervin and more than 100 county employees honored **Conklin** during a Tuesday afternoon ceremony in the lobby of the county government center.

"**John**, we're very proud of you," Ervin said. "You're our hero." For seven years, **Conklin** has been a member of the Pennsylvania Urban Search and Rescue Task Force 1, one of 27 such teams in the nation. At noon Sept. 11, the federal government decided to use the team for the New York rescue effort, **Conklin** said. The 41-year-old resident of Upper Macungie Township said he approached New York late at night on Sept. 11. "On the way in, when we finally got past Hoboken, (N.J.), we just met hundreds of ambulances, heading in the opposite direction with their lights on, and all we could think of is they were transporting injured people," **Conklin** recalled. **Conklin** said he was initially deployed as a hazardous materials specialist but ended up working as a planning manager. "Everyone was giving 200 percent," he said. "They were like bees in a swarm over that rubble. Somebody would yell 'somebody's alive.' That happened a couple times, and by the time they started digging, all they located was a body. An hour or two later, there is still activity about where they had yelled. But the feverish pitch wasn't there anymore, and they realized it was a body recovered."

**Conklin** said he'll never forget the face of one firefighter working in the rubble. "This one guy and I made eye contact quite a few times," **Conklin** said. "One day we pulled a couple rescue firefighters out of the Tower One rubble. I thought the guy was going to have a heart attack, as fast as he was working. He was all over the pile doing all sorts of things. Every time we looked at each other he would give me a thumbs up, like keep moving, thanks for being here, that type of thing." **Conklin** said the man's "face is etched" in his mind. "He was just real square-jawed, with a determined type of look," **Conklin** said.

**Conklin** said he usually worked 12-hour shifts, but on three days, the shifts stretched to 16 hours. "When we got home at night after our shift, there would be at every intersection four and five people deep, just cheering and signs, thanks for helping and waving flags," **Conklin** said. "That made it all worthwhile." **Conklin** said he called home every night to let his wife and daughter know he was OK. "By the time you ate and had a shower, or tried to have a shower, it

was already midnight and you had to be up again at 5 o'clock the next morning," **Conklin** said. "You learn to work on three to four hours' sleep. It was a real physical, demanding type of work, and you had to be careful what you were doing." During Tuesday's ceremony at the government center, Lehigh County Commissioner Roger Reis made an emotional speech. "Real heroes are walking among us," Reis said. "They're people like **John Conklin**. ... They're not millionaires, but they have made a very great difference in our lives, a greater difference than any baseball player or movie star will ever make. To all of them, I would like to say thank you for your heroic efforts. Thank you for representing Lehigh County at such a momentous and honorable hour, and thank you to your service to our wounded nation."

The crowd at the government center burst into applause as **Conklin** and Reis hugged. **Conklin** told the crowd he just did his job. "I really don't feel like a hero," he said. "I just went to New York to do what I've been trained to do. I've been in the firefighting/EMS business for 27 years now. ... It's in our blood to do this thing. It's sort of like our calling. Whenever you have the big event happen, everyone wants to go." **Conklin** said "real heroes" are people who led "invalid people down the stairwells to safety" and "everyone flying a flag and showing the unity of the nation."

Morning Call, The (Allentown, PA)
September 20, 1999

**PERFECT TIMING**
Author: DAN HARTZELL

The timing was perfect for the ceremony honoring Lehigh County Emergency Management Services Coordinator **John R. Conklin** for attaining state certification. The event was held Thursday at the county Government Center in Allentown -- in the middle of Floyd. "I've been here ... about nine months now," **Conklin** said as dozens of county workers gathered at 11 a.m., with wind-blown rain pelting the lobby's glass doors and windows, and flooding already becoming a problem in the region. "It seems like forever," **Conklin** said in jest. He recounted some of the emergencies the county EMS department has encountered since he arrived from the Harrisburg area in November: a train derailment and hazardous materials spills and the Concept Sciences explosion three months after **Conklin** started work. "And a hurricane," **Conklin** said. "What else is there?" The storm knocked out power to the Government Center for a few before the ceremony. It was restored about 10 a.m.

**Conklin** was cited for completing the requirements for basic certification as an EMS manager. They included both classroom work and simulated drills. He intends to go on to obtain advanced certification. **Conklin**'s wife, Barbara, and the youngest of their three daughters, Kathryn, 2 months, looked on as the director was lauded by county officials and John F. Nau Jr., eastern area director of the Pennsylvania Emergency Management Agency. "He certainly demonstrated all the capabilities" of an EMS coordinator, Nau said.

Morning Call, The (Allentown, PA)
November 24, 1998

**COUNTY EMS DIRECTOR SETTLES INTO JOB**
*** HE COMES TO LEHIGH AFTER STINTS AS VOLUNTEER FIREFIGHTER, EMT AND DAUPHIN HAZMAT TEAM MEMBER.**
Author: DAN HARTZELL

**John R. Conklin** has some big shoes to fill, following 34-year veteran Jerry Duckett as Lehigh County director of Emergency Management Services. But he figures he's up to the challenge. After two weeks on the job, "What I've found is, Jerry (Duckett) not only was very capable, but he had a lot of contacts" with police and fire officials, ambulance-service directors, hazardous-materials team members and state and regional emergency-services personnel, **Conklin** said Monday. "That's probably my biggest challenge, to develop the contacts and the working relationships" to become an effective director, said **Conklin**, 38, of Lower Swatara Township, Dauphin County. **Conklin** is commuting to his new job until he can find a home for his wife and two girls in the Allentown area. His office is in the basement of the county courthouse. **Conklin** left a job as facility manufacturing engineer at Mack Trucks' remanufacturing plant in Middletown, Dauphin County, to take the $34,500 county job, parlaying a longtime interest and volunteer activity into his profession.

With an associate's degree from Pittsburgh Technical Institute, he previously worked as a production supervisor for Hershey Foods and as a manager at Pfaltzgraff stonewear near York. But while his professional career primarily has been in industrial engineering, **Conklin** has had an interest in emergency services since 1974, when he became a junior firefighter. A native of Johnstown, Cambria County, he was an emergency medical technician for nine years into the late 1980s, mostly in Johnstown and the Pittsburgh area. In his new job, **Conklin** is responsible for helping to get state and federal grants for regional emergency preparedness programs, and for planning and administering such programs.

In case of floods, storms, chemical and radioactive spills and other emergencies, his office is the nerve center for coordinating communications and the activities of the various emergency service units involved. He also will administer the county Hazmat team. **Conklin** is a member of the Lower Swatara Volunteer Fire Company and the Dauphin County Hazmat team, and is a water-rescue instructor for the state Fish and Boat Commission. He also is a member of the Pennsylvania Urban Search and Rescue Team but gave up his post as emergency management coordinator for Lower Swatara when he took the Lehigh County job. **Conklin** said he will be working closely with county officials on the year 2000 computer problem, and on counterterrorism, which he said "is a hot emergency management issue." He said the county hopes to do some regional planning with the Philadelphia office of the FBI on terrorism.

Patriot-News, The (Harrisburg, PA)
May 28, 1996

**Emergency chief says he's not being notified**
Author: Terry McPhillips

They've got the training and the credentials, but Lower Swatara Twp.'s Emergency Management Agency is not being notified of potentially dangerous incidents until well after the fact, Director **John Conklin** claims. In three separate incidents since February, each involving hazardous spills, the township's EMA wasn't notified for several hours after the events were reported, **Conklin** said, and he's asking the township's board of commissioners to establish a policy changing that. "I'd like a policy in place that keeps us up to date," said **Conklin**, who has been the township's EMA director since 1993. "I should be the one who knows what's going on at the front end before it gets out of hand." The EMA is responsible for handling the community end of accidents and disasters that threaten the health or safety of residents. Among its duties, the agency makes plans for attacking potentially hazardous materials incidents and evacuations and coordinates shelters in the event of natural or other disasters.

**Conklin** said he responds to the scene of an accident to determine how many people it will affect and whether county or state officials should get involved. He cited the following accidents as ones he did not learn about until several hours had passed: - A heating oil spill in February at the Turnpike Industrial Park in the township. - An overturned tractor-trailer that spilled diesel fuel, also in February, near Middletown Area High School. - Another tractor-trailer accident in April at Eisenhower Boulevard and Interstate 83, resulting in the dumping of 90 gallons of diesel fuel. The lack of communication may be due to the absence of a policy for officials who respond to accidents "as opposed to neglect," **Conklin** said.

"I would like a sure-fire system put in place so that, if I'm not available, then someone who is in charge can be notified," **Conklin** said. "I don't want someone like the commissioners calling me about an incident and I don't know anything about it." For their part, the commissioners agreed that some policy has to be established. "When he talks about hours, it gives me cause for concern," said Commissioner Ronald A. McAlpine. The township's EMA has been recognized by the state and federal emergency management agencies for its expertise in dealing with hazardous situations two train derailments in the last several years, for example and for its performance handling emergency drills involving Three Mile Island Nuclear Generating Station in nearby Londonderry Twp., **Conklin** said.

In addition, **Conklin** received special recognition from Dauphin County Emergency Management Director Michael Wertz last month for being one of only three people in the county who has received advanced certification in emergency management training and practices. Lower Swatara's EMA staff was the only group from Dauphin County, along with the City of Harrisburg's EMA, chosen to participate next month in a statewide telephone and video conference training program for dealing with large-scale disasters.

**Internet – Newspaper Archives Search**
**John Conklin**
*(Articles are in reverse chronological order)*

Patriot-News, The (Harrisburg, PA)
May 25, 1993

**After last winter? Drill was no problem**
Author: Elin Marcel

After facing a spate of real-life emergencies, Lower Swatara officials had no problem dealing with last week's Three Mile Island disaster drill. **John Conklin**, Lower Swatara emergency management coordinator, said events such as the TMI intruder in February and the blizzard in March provided excellent practice for the drill. "We know what we're doing," **Conklin** said, adding that he also spent nearly four months preparing for the drill. He attended training sessions, updated evacuation routes, reviewed emergency management plans and assembled a volunteer staff. The volunteers manned phones, read faxes, logged radio reports from Dauphin County emergency officials, and responded accordingly. Township personnel included volunteers from fire, police, medical, public works and transportation departments. "It's amazing what comes out of a volunteer effort," said Carl Bebrich of the Federal Emergency Management Agency, which evaluated township response to the mock disaster. "They're basically a volunteer organization." It's crucial for workers to know what they're doing, Bebrich said.

Lower Swatara may not know for quite some time maybe even a couple of years how they did in the drill. As a matter of fact, the township has yet to hear how it did in a drill two years ago, said Frank D. Linn, president of the board of commissioners. "That's a disappointment to me," Linn said. "Why does it take two years for FEMA to get back to the local government?" Linn said the lack of communication from FEMA poses a problem because officials need to know which areas need improvement.

"We don't know what we did wrong or what we did right," Linn said. Linn was on hand to observe emergency management personnel. In the past, he said, emergencies were few and far between but that has changed. "Too many things popped up here in the past couple of months," Linn said. "We can no longer afford to overlook emergency management funding."

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Research Compiled by: Amanda Kuhl
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 7*

# *Robert "Rob" DiSpirito*

# *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

August 25, 2016

Dear Mayor and City Council,

I respectfully submit my application for City Manager. It would be a great privilege to serve your organization, to help you improve and preserve all that makes Port St. Lucie special.

**I served as City Manager in two, dynamic full-service cities during the past 20 years.** I managed eleven departments in each, as well as supporting resident boards, committees and community stakeholders. For eight years, I served two other cities as Assistant City Manager. I have experience as a Municipal Management Consultant, Labor Negotiator, and managed city budgets of $100 million. I began my career working for the Council & Manager of Dallas, Texas.

**For nine years, I served successfully as City Manager of Dunedin, Florida.** I created the Economic & Housing Development Dept., and was much involved with Dunedin's award-winning downtown and redevelopment citywide. We overhauled our entire development process and customer service. I negotiated the relocation to Dunedin of two corporate headquarters, and managed Dunedin's relationship with the Toronto Blue Jays Major League Baseball Club. Navigated the recession, emerging in solid financial shape through re-organization, streamlining and achieving sustainable revenues. Quality of Life and efficiency improvements drove everything we did. Dunedin won "City of Excellence Award" by Florida League of Cities as best in our size category. I was named "2013 Public Official of the Year" by the Florida Association of Museums.

**Port St. Lucie shares many similarities with Dunedin, Florida.** Both are stunning and historic waterfront, tourist-destination communities with well-established, safe residential neighborhoods. Each have incredible recreation facilities, libraries, beautiful parks and trails, eclectic and popular downtowns, Major League Spring Training baseball, Marinas, protected natural habitats, beaches, arts and cultural attractions, history museums, historic golf courses, and an engaged citizenry.

**For eleven years, I was City Manager of Oberlin, Ohio,** home of historic Oberlin College. Oberlin is an economically and racially diverse community, where I enjoyed a wonderful tenure featuring numerous city-college collaborations for downtown & industry, parks & recreational facilities, and hosting dialogue with residents. I managed two industrial parks, a full-range of public utilities including municipal electric, a CRA downtown TIF district, built a public sports complex, forged entrepreneurial partnerships, and created Main Street / Town-Gown programs.

**Presently, I am serving Sarasota County full-time as interim Senior Manager of their Planning & Development Services Department.** This includes Planning, Zoning, Building, Code Enforcement and Environmental Services. Sarasota County has 380,000 residents and 2,300 employees. From January to April, I served as Senior Consultant to the City of Dunedin. From April to July, I performed General Manager duties for Clearwater-based Cervello Technologies.

Working with the Dunedin City Commission, we accomplished the following:

**Partnerships**

- Created a new 7-acre oceanfront public park at no expense to the City by securing $7 million in outside grants, and ten years' revenue commitment from a local corporation for the annual maintenance, construction of pavilions and sponsoring concert series.
- Dunedin hosted a first-ever, "Regional Public Works Summit" to share inventories of essential tools, equipment and rolling stock; improve on mutual aid pacts, and to create a joint website. The intent was to save money and identify resources during emergencies.
- "Quality of Life Initiative." Financial partnership offered by the City as a catalyst for the Dunedin Fine Art Center and the Dunedin Historical Museum, to obtain grants and to ignite private fundraising for major expansions to their facilities and programming. Presented as an economic development initiative by the City, intended to enhance the Quality of Life for our residents.
- Host regular "Customer Task Force" meetings and post-project interviews to receive feedback and new ideas from developers, property owners, contractors, architects, engineers and others who do business with the City. Purpose is to streamline the process to provide timely, understandable and less costly customer experience with the City.
- Negotiated inter-local agreements with nearby cities for: joint Employee Health Clinic with City of Clearwater, multi-city recreational facility cross-use by residents, Fire emergency mutual-aid response, and Public Works vehicle/equipment share agreement.
- Dunedin conceived of and hosted a regional conference on Arts, Culture & Heritage, titled "Combining Forces," to explore ways to jointly promote these assets for economic and Quality of Life purposes. From this initiative was born the new "North Pinellas Arts Coalition," to market the arts scene in all north county cities.
- Partnered with Dunedin Elementary School by initiating a "call to action," drawing on our board & committee volunteers and other interested residents to become classroom aides to teachers. Also helped procure computers and other resources. Strong support of high school, middle and charter schools by aiding music and youth sports programs.
- Recruited fun "Jolley Trolley" transit service to Dunedin, linking five nearby coastal communities. Proposed and negotiated agreements with these cities and County transit.

**Finance**

- Navigated the Great Recession, emerging in solid financial shape by re-organizing and streamlining the organization, achieving sustainable revenues, and adopting efficiencies wherever possible. We did so without closing any City facilities nor eliminating services to the public. Only two millage rate increases in 14 years, and one reduction. Dunedin enjoys one of the lowest millage rates of all full-service cities in Pinellas County.
- Professionalized Finance Department and Utility Billing by hiring qualified experienced professionals, creating better documentation and redundancies, establishing investment policies, providing greater support to the citizen Board of Finance, and improving accounting procedures. Secured millions of dollars of new on-going revenue by auditing thousands of City utility customer accounts for correctness, to ensure accurate billing.
- Dunedin wins budget & CAFR (auditor's) awards year after year for high-quality reports.
- City's bond ratings all upgraded significantly in 2012 following a presentation I made in New York City to rating agencies Moody's, Standard & Poor's, and Fitch.

**Planning & Development**

- Reinvented the entire development and permitting process (planning, zoning, building, engineering & permits), turning a bad reputation around to one of efficiency, easy access and customer friendliness. Created independent "ombudsman" position to monitor all.
- Doubled the size of our Property Maintenance Code Enforcement Division to assist neighborhoods to end nuisances, especially absentee landlords and bank foreclosures.
- Created "Team Dunedin," a Development Review Committee made up of representatives of every City department with a role in reviewing and approving development proposals. Purpose is early, expedited and coordinated feedback from staff to benefit applicants, who thereby save time and money, and avoid undue frustration.
- Completed master plans and beautification of five city corridors and the downtown.

**Public Safety**

- New award-winning, hardened Fire/Rescue Station was designed, funded and built.
- Acquired, at request of firefighters, first Fire/Rescue Boat, based at the Dunedin Marina.
- New Community-Oriented Policing program begun, with direct outreach to residents.
- Successful relationship with IAFF, no history of impasse with collective bargaining, including new 3-year contract that began in 2015. Initiated Labor/Management meetings and regular city manager visitations with all crews and other Fire Department employees.

**Economic Development**

- Recruited Achieva Credit Union, a regional bank, for their new corporate headquarters.
- Lead Negotiator for Dunedin with the Toronto Blue Jays Club for new stadium and lease.
- Obtained from County a 15-year extension of the Tax Incremental Financing (TIF) District for downtown, to allow debt financing for major capital improvements.
- Created new Department of Economic & Housing Development. Focused on downtown improvements, business recruitment and retention, and better stakeholder relationships.
- Coordinated community-wide "Branding" exercise resulting in new City logo and insights regarding how to best position Dunedin in the market for promoting tourism.
- New Parking Management System approved for downtown, including a Public-Private-Partnership (P-3) for a new parking garage with façade, way-finding & public education.
- City partnered with High School, History Museum and merchants to renovate an historic structure for re-use as a new downtown independent retail bookstore.
- New "Arts District" and industrial "Artisan Incubator" project approved for downtown.
- Actively recruiting St. Petersburg College to site a new branch campus in Dunedin.
- Economic Development Master Plan for the city was produced in-house and adopted.
- Gained approval for tens of millions worth of new mixed-use, residential-retail projects.

**Public Works & Parks**

- Dunedin's Reverse Osmosis Water Plant has won "Best Tasting Drinking Water" in the Tampa Bay Region (multi-county) three times in the last five years. Opened nine (9) new public parks, including a skate park and splash park for children.
- As a "Green Local Government," we achieved highest rating possible from Florida Green Energy Coalition for energy efficiency, as first city in Florida to win "Platinum" status.
- Millions of dollars' worth of storm sewer and other utility line repairs made citywide.
- Master Plan for Water/Wastewater plants, citywide Parks & Recreation Strategic Plan.

**CITY MANAGER**, Oberlin, Ohio April, 1996 to January, 2007

Oberlin is a progressive, historic and full-service city, home to world-renowned Oberlin College and the Oberlin Conservatory of Music. Oberlin was named "Ohio's Best College Town" by Ohio Magazine (1996 to 2007), deemed "One of America's Best Retirement Communities" by Inc. Magazine, and named "One of America's Dozen Distinctive Destinations" by the National Trust for Historic Preservation.

- Attracted major employers to City's existing Industrial Park, acquired land for and established a new industrial park, and obtained State grants for infrastructure.
- Recruited County MetroParks to construct in Oberlin their only indoor/outdoor family aquatics facility ($7 million). Negotiated $500k gifts from Oberlin College & county.
- Established City's first Tax Increment Financing (TIF) district and Community Reinvestment Act (CRA) district, as tools for downtown revitalization. Created City's first Main Street Program and served as the City's liaison to the downtown.
- Saved city's only hospital from closing, in cooperation with Oberlin College with whom the City recruited and negotiated a new health care provider as a partner.
- Constructed new $6 million Public Works Department "Service Center."
- Brought all of Oberlin's many privately-owned student rooming houses up to current Fire & Life Safety Code via education and enforcement efforts that led to change in State law.
- Created Oberlin Recreation Complex (soccer, baseball, softball, trails & picnic facilities).
- Started regular Community Oriented Policing meetings and block watches with neighborhoods; created Bike Patrol Unit, Drug Unit, School and Community Resource Officer positions, and a youth "Police Cadet" program.
- "Joint Economic Development Agreement" negotiated with an adjacent community for revenue sharing and compatible land use planning.
- Initiated an "Underground Railroad Museum" project to recognize Oberlin's heritage, by acquiring an 1889 historic railroad building at no expense to the City, then lobbied for $400k in funding from the state and federal government. Grassroots citizen participation.
- Founded a "Citizen Advisory Committee" to help guide our annual City budget process.
- Managed the City's full-scale Municipal Electric Generating Plant & Distribution system, as well as its own water and waste water treatment facilities.
- No millage increase proposed during my eleven-year tenure.

## OTHER PROFESSIONAL EXPERIENCE

**Assistant City Manager / Director of Human Resources** for **Delaware, Ohio**, the home of Ohio Wesleyan College, (1991 to 1996). Assisted the City Manager in all areas, served as Chief Labor Negotiator (seven collective bargaining units), managed the City's airport, was responsible for all Personnel functions, and served as liaison to the historic downtown.

**Assistant City Manager / Director of Planning and Development** for **Meadville, Pennsylvania**, the home of Allegheny College, (1989 to 1991). Appointed by Council as Interim City Manager in 1989. Assisted two City Managers in all areas, led labor negotiations, managed City's airport, created a Main Street Program, and did partnerships with the college.

**Municipal Management Consultant** with **The LWFW Group, Inc., Dallas, Texas** (1988 & 1989). Hands-on management consulting to cities & counties of all sizes in nationwide practice.

**Dallas, Texas** (population 1,210,400) Served as **Assistant to the Mayor & City Council,** and **Assistant to the Director of Planning & Development,** (1986 to 1988). Aided the Planning Director, Mayor and Council with Planning Commission and daily operations. One of three post-graduate candidates selected nationwide by Dallas for this city management training program.

From 1981 to 1985, served as a **State Auditor** doing local government audits for the Pennsylvania Department of the Auditor General, as the **Legislative Assistant** to a Pennsylvania State Representative, and as **Director of Energy Education** for Butler County, Pennsylvania.

## EDUCATION

**Master of Public Administration with Honors, University of Pittsburgh.** 1986
Graduate School of Public and International Affairs (GSPIA)
Emphasis: *Financial Management and Municipal Service Delivery*
Internships: Allegheny County, cities of Monroeville and Upper St. Clair

**Bachelor of Arts with Honors, Slippery Rock State University.** 1981
Double Major: *Public Administration and Journalism*
Internship: U.S. Congress (Washington, D.C.)

## MEMBERSHIPS & ACTIVITIES

International City / County Management Association (ICMA), since 1986
Florida City / County Management Association (FCCMA), since 2007
City's advisor to Dunedin Area Chamber of Commerce
NAACP member, Pinellas County
Dunedin's Citizen Board of Finance, staff representative
Staff Liaison to the Dunedin Historic Museum and Dunedin Fine Art Center
Frequently attended sessions of citizen advisory boards & committees
JayCees and numerous civic and youth sports organizations

## RECOGNITION

**"2013 Florida Public Official of the Year"** by the Florida Association of Museums

**"City of Excellence Award"** bestowed upon Dunedin by the Florida League of Cities, 2009

# *Candidate Introduction*

# Robert DiSpirito

## EDUCATION

Master of Public Administration (MPA) with honors, University of Pittsburgh, Pennsylvania, Graduate School of Public and International Affairs.
*Emphasis: Financial Management and Municipal Service Delivery.*
Bachelor of Arts (BA) with honors, Slippery Rock State University, Pennsylvania.
*Double major: Public Administration and Journalism.*

## EXPERIENCE

| | |
|---|---|
| **City Manager, Senior Consultant**, Dunedin, Florida | 2007 – 2016 |
| **City Manager**, Oberlin, Ohio | 1996 – 2007 |
| **Assistant City Manager / Director of Human Resources**, Delaware, Ohio | 1991– 1996 |
| **Assistant City Manager / Director, Planning & Development**, Meadville, PA | 1989– 1991 |
| **Municipal Management Consultant**, The LWFW Group, Inc., Dallas, Texas | 1988 – 1989 |
| **Assistant to the Mayor & City Council, Planning Director**, Dallas, Texas | 1986 – 1988 |
| **Graduate School** (University of Pittsburgh), MPA degree, Honors | 1985 – 1986 |
| **State Auditor**, Pennsylvania Department of the Auditor General | 1984 |
| **Legislative Assistant** to a Pennsylvania State Representative, Harrisburg, PA | 1983 |
| **Director of Energy Education** for Butler County, Pennsylvania | 1981 – 1982 |

## BACKGROUND

The City of Dunedin has a permanent population of about 40,000 residents. We are a coastal city and tourist destination, featuring two barrier island State parks, beaches, marinas, festivals and prominent art, music and heritage attractions. We entertain tens of thousands of visitors every year. Honeymoon Island State Park in Dunedin is Florida's most visited State Park, last year topping 2 million guests. Caladesi Island State Park was named the "Best Beach in the United States" a few years ago. Dunedin is also the Spring Training home to the Toronto Blue Jays Major League Club, attracting thousands more visitors yearly from Canada and nationwide.

Dunedin had 405 municipal employees in January, 2007, when I began as City Manager. During the course of the long years of economic recession, I streamlined the organization and reduced the employee count to about 350 now. I directly supervised eleven department heads and a number of other positions, my Deputy Manager, and the office staff for Commission / Manager.

The City of Dunedin is a full-service organization, including stand-alone water and waste water treatment plants, solid waste and recycling, libraries, parks, award-winning beaches, a marina, causeway, and a broad range of other municipal services. Our total budget is $74 million, and our General Fund is $27 million. The budget includes utility and other enterprise funds, as well as a Tax Increment Financing (TIF) district in our award-winning, historic downtown.

# Robert DiSpirito

**The three issues attracting most of Dunedin's attention now are:**

- **Balanced development.** As the economy has improved and development activity has returned, Dunedin is using the planning tools that we created during the downturn to incentivize more balanced growth than has occurred in the past. This means more sensitivity to residential neighborhoods and aesthetics, while at the same time not discouraging investment in mixed-use and other projects. Our goal is a smooth and constructive interface with City staff, more flexibility for project designers and investors, and finished projects that are both attractive and acceptable to residents.

- **Sustainable revenues and infrastructure.** We are growing revenue by facilitating high-value redevelopment and infill endeavors in order to expand the tax base and increase property values. The goal is to achieve sustainable revenues without having to increase the millage rate or hike fees to our residents. We also wish to avoid cutting services to the public in reaction to the rising costs of providing those services. This requires us to continuously find efficiencies and reduce expenses where we can. Overall, we can then better afford the infrastructure improvements that we have prioritized.

- **Identifying opportunities for strategic partnerships.** Dunedin has, by virtue of strategic partnerships, acquired major attractions such as two ocean-front parks, an art teaching college/gallery and a history museum, as well as assisted our schools to succeed, marketed our community internationally, established a multi-city trolley service, and negotiated agreements with neighboring communities. Seeking partnerships helps us improve our Quality of Life, increase revenues, spread costs, and enhance our schools.

## GENERAL. MANAGEMENT STYLE and EXPERIENCE

The types of challenges and opportunities that confront Port St. Lucie are very familiar to me professionally. This includes appropriate redevelopment and land use planning, achieving financial sustainability, assuring needed infrastructure and services for our residents and many visitors, protection of beaches and natural areas, replacing aging and obsolete facilities, managing a relationship with a Major League Baseball Club, creating Main Street programs and CRA/TIF districts, leading a community Branding and marketing project, protecting neighborhoods, hosting forums for our residents and elected officials, and identifying new collaborations with community partners and stakeholders.

Port St. Lucie shares many similarities with Dunedin. Both are walkable, historic coastal communities with eclectic and popular commercial areas, numerous visitors annually, multi-purpose libraries, prominent arts and cultural attractions, history museums, beautiful parks, trails and recreation amenities, plus an engaged citizenry. I have managed complex services including municipal, water and waste water treatment plants, electric generation and distribution plant,

solid waste and recycling. I have thirty years' direct participation with Main Street programs and CRA/TIF districts. I have led the design and construction of new and replacement municipal buildings, including a new Fire Station two years ago. I have managed a city electric generation & distribution plant. That Port St. Lucie is so dynamic and multi-faceted is highly attractive.

In leading the City workforce, I have several guiding principles. First, I have great respect for the talents and experience of employees, and value them as people, be they a department head, part-time or front-line worker. My obligation is to give them room to do their jobs, to offer training, enthusiastic support, material resources and sincere appreciation. Second, I lead through clear communication of Commission goals and objectives, regularly meeting with employees, listening closely, being fair. Each day I know that if I pay attention, I can learn something from any employee. Likewise, I share what I've learned, mentoring and preparing employees to excel and step up to more challenging roles, especially as succession is planned.

My senior staff would likely share that I tried to take a real interest in them both as people and as professionals. We developed deep respect of one another, born of truly open communication, shared experiences, learning from each other, maintaining a sense of humor, and my giving them the chance to take risks without fear of consequences. From the start, I gave them permission to disagree with me and to provide constructive criticism, which I welcome. This collaborative approach resulted in us proudly referring to ourselves as "Team Dunedin."

I have served 29 different elected officials in my 20 years as a city manager in two cities. They would say that I was very accessible to them and the residents, that I care about my senior staff and employees, don't take myself too seriously, and that I tried to create new relationships to achieve the Commission's goals. They would share that I can manage multiple complex priorities well, that I proceed with a sense of urgency to accomplish their goals, that I adhere to high ethical standards at all times, that I reach out to the community, that I kept the Commission and public well informed, and that in the end, marshalling our team . . . *I get things done.*

My best work trait might be the degree to which I *commit myself* to the goals and objectives of the City Commission and residents. I enjoy thinking creatively and applying fresh approaches to pressing needs or problems. I like to identify new partners for City ventures, finding stakeholders like schools, corporate and social agencies, with whom the City can work to strengthen our community. Then I design ways for collaborations to happen. What has served me well is *my capacity to build highly effective teams*, lead them, and work hard by their side.

There are times when I could be a better delegator, as I have a tendency to take too much on personally. This is no lack of confidence in staff, but rather my sensitivity to the work load that they are already carrying. I now know to prioritize, design and delegate work more strategically. While my workload did not diminish much, I learned to spend more time on higher order goals.

I facilitated strategic planning sessions with my Commission to establish for my staff and me the Commission's priorities for the coming year and beyond. Their goals and objectives were

documented, which become a blueprint going forward, and a metric to measure progress. Departments also devised internal performance benchmarks, for finances and operations.

The best team achievement during my nine-year tenure was to not just maintain, but to actually *enhance*, Dunedin's Quality of Life even during the long economic downturn. We tried a combination of things. We emerged in solid financial shape without having to close facilities or otherwise reduce services to the public by re-aligning and streamlining the organization. We created a 7-acre ocean-front park by assembling public sector partners who contributed all $7 million. We also recruited a corporate partner who pledged ten years of maintenance revenue, built picnic pavilions, and sponsors a concert series there. Thus, we provided a wonderful, new waterfront park to our residents during the depth of the recession, without impacting our budget.

A matter that I could have certainly handled better occurred earlier in my career, as City Manager of Oberlin, Ohio. Shortly after I was hired, I learned that the City for years had not been enforcing its own Life/Safety Housing Code for the numerous Oberlin College student rooming houses that were privately-owned and scattered throughout the city. Although the City Council and I ultimately partnered with the College administration to successfully compel the owners to retrofit their houses for safety, it unfortunately came with a harsh debate by some of the owners, resulting in hard feelings. What I learned was the importance of proactive education and better communication with interest groups, a lesson I have long since put into practice.

I have had to release employees, unfortunately, due to performance problems or violation of law. Dismissing an employee for cause should normally be a process involving ample notice to the employee of performance concerns by a supervisor, and a real opportunity for corrective action. Discipline should be progressive, documented and well-discussed with the employee. My five years of prior experience as a Human Resource Director proved to be good preparation for twenty years as a city manager. Even if the termination is fully merited, *releasing someone from their job has never been an easy or enjoyable task for me.* Quite the contrary. But my taking assertive action is important to the organization, so that performance expectations are preserved.

**The challenges before the next City Manager, as I understand them, are as follows:**

- Successfully implement the objectives of Port St. Lucie's Strategic Plan. This includes working closely with the Council, City employees and our residents with action steps to advance the objectives of Vision for 2030. We should explore creative ways to make this plan relevant and exciting to citizens, young people, the business community and others.

- Securing financial sustainability to provide the same level of desired, quality public services, in the face of existing city debt and fiscal realities. Alternatives to raising taxes and fees should be aggressively pursued beginning with finding new efficiencies. We should diversify our economy where possible, and balance our growth. This comes by applying strategies for high-value redevelopment and infill, as well as pursuing

collaborations for cost-sharing with our community's stakeholders and other governments. Finally, we should aggressively research Best Practices found nationwide.

- Attention to neighborhoods. Strengthen and improve the small town feel, Quality of Life in neighborhoods through greater two-way dialogue, outreach, community policing, pedestrian & bike safety, environmental sensitivity, and engagement in city-wide issues.

- Continue to strengthen our schools by forging a higher level of relationship with the School District and their staff at individual schools. Marshal community volunteers as teacher's aids, help locate funds for classroom upgrades, tie into economic development.

**My first six months in Port St. Lucie would include the following:**

- Reach out and listen intently to the City Council members, staff, employees, community stakeholders, civic groups, the Chamber of Commerce and other business advocates, Charter Officials, County officials, citizen boards/committees, union reps, neighborhood groups, and anyone else whom the Commission would like me to meet and partner.

- Recommend an early strategic planning session ("retreat") with the City Council to better understand your consensus on broad-based goals that you wish to accomplish. I would follow this retreat with a focused gathering of City staff for me to seek feedback and ideas to implement Council's desires, and to build a close working relationship for us.

- Immediately begin work on implementing the objectives of the Port St. Lucie Strategic Plan. I would take a leadership role and personally commit much of my time and effort to helping achieve these goals. I would work closely with City employees to do this.

- Quickly assess both the financial status and economic development landscape of the City. I would take a hard look at revenue sources and projections, expenditure trends, debt load and capital project needs. I would also acquaint myself with Council policies and preferences for land use, balanced growth, mixed-use redevelopment, mobility, economic incentives, aesthetics and impact fees. Meet with business & community representatives.

I build a relationship of trust with members of the media. I meet monthly with assigned reporters, for us to get to know one another as people and professionals. I spend time discussing complex or difficult issues, provide background detail, and give them a "heads up" on news. I offer ideas for positive, helpful stories. I provide them with my cell phone number for 24/7 access to me, and I make myself available just prior to and following Commission meetings and workshops. I compliment reporters on stories well done, but don't criticize lesser efforts. And I always share that I was once a Journalism major in school who went astray into government work! There is nothing in my professional or personal background embarrassing to your City.

# Robert DiSpirito

Dunedin, years ago, adopted Social Media tools as an avenue of learning what our residents and guests think about our services and community. It is a modern way to educate the public about matters of importance that Dunedin is doing, or is about to do. We created City Facebook and Twitter accounts, in addition to an interactive City website. We have used these tools to broadcast short-notice public meetings, weather alerts, public works emergencies, and to address high-interest policy decisions that the Commission is considering, supplying information in digestible portions. We can also answer questions and try to address incorrect information in real time. I would continue this proactive approach in Port St. Lucie, and assure a key role for Social Media in implementing the Council's goals, such as your Strategic Plan's recommendations.

I work hard to maintain respectful working and personal relationships with even those persons in the community with whom I might sometimes disagree on issues from time to time. Thus, I do not expect anyone in particular to contact you with negative comments.

My wife Evangelina, daughter Sophia (13) and son Nicholas (11) are the focus of my non-work life. We enjoy running, biking, art, music, reading, history, kids' sports and exploring Florida.

## SIX ADJECTIVES OR PHRASES THAT I WOULD USE TO DESCRIBE MYSELF

- Creative problem-solver
- Professionally knowledgeable
- Out-reaching and accessible
- Interested listener / life-long learner
- Energetic, hard worker / lead by example
- Relationship & consensus builder

## REASON FOR CONSIDERING DEPARTING CURRENT POSITION

I have enjoyed nine years of successful service to the City of Dunedin, including nine rounds of very positive professional performance evaluations. There has now been a change in the majority of the five-member elected City Commission, and some of the newer wish to select their own manager going forward. In light of that, I chose to offer my resignation this year. However, the Commission retained me to serve as their full-time Senior Consultant at my normal rate of pay. I performed high-level duties for Dunedin, including leading on-going negotiations with the Toronto Blue Jays major league baseball club, was Dunedin's staff Liaison with the Pinellas County Board of County Commissioners, and other key assignments. I am currently serving Sarasota County government (population 380,000 and 2,300 employees) as Interim Senior Manager of Planning & Development Services. I oversee Land Development, Zoning, Permitting & Customer Service, Building, Code Enforcement and Environmental Protection.

# Robert DiSpirito

My goal is to join another full-service, progressive city as manager, applying leadership experience and creativity as I have done successfully during my nearly thirty-year career. Port St. Lucie's goal to promote a safe, family-friendly community with a high Quality of Life, distinctive neighborhoods, balanced economic growth, and quality public services (as described so well in your Vision 2030 Strategic Plan), is truly inspired. I have done much work like this, am excited by it, and know that I can help the Council to accomplish these and other objectives.

## CURRENT / MOST RECENT SALARY

City of Dunedin: $153,000 per year base, $6,000 automobile allowance.

# *CB&A Background Checks*

## Background Check Summary for
## ROBERT "ROB" DiSPIRITO

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Pinellas County, FL | No Records Found |
| Lorain County, OH | No Records Found |
| State | |
| Florida | No Records Found |
| Ohio | Records maintained by county of residence |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Pinellas County, FL | No Records Found |
| Lorain County, OH | No Records Found |
| Federal | |
| Florida | No Records Found |
| Ohio | No Records Found |

| | |
|---|---|
| **Motor Vehicle** | |
| Florida | No Records Found |
| **Credit** | Very Good |
| **Bankruptcy** | No Records Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

# Background Check Summary for
## ROBERT "ROB" DiSPIRITO
### Personal Disclosure

Personal Disclosure Questionnaire

Name of Applicant: Robert DiSpirito

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No ☑
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No ☑
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes ☐ No ☑
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No ☑
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No ☑
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No ☑
7. Have you ever sued a current or former employer?
   Yes ☐ No ☑
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes ☑ No ☐
9. Do you have a personal Twitter Account?
   Yes ☐ No ☑
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
    Yes ☐ No ☑
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: Robert DiSpirito
Signature of Applicant

**Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/06/16.**
**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

Property of Colin Baenziger & Associates

# *CB&A Reference Notes*

# Reference Notes
# Robert DiSpirito

**Ron Barnette – Former Commissioner, Dunedin, FL**

Mr. Barnette met Mr. DiSpirito in 2007. Mr. Barnette was on the Commission from 2009 to 2014. Dunedin has a strong mayor form of government, the City Manager is the CEO of the town, and the Commissioners set policy. They had a great working relationship, Mr. DiSpirito did many wonderful things as the manager.

Mr. DiSpirito is bright and has had a wonderful career. He came to Dunedin having been in a similar situation in Overland, Ohio. He brought various experiences with different conflicts and was very imaginative and creative in dealing with issues.

The communication between Mr. DiSpirito and the elected officials when Mr. Barnette was on the Commission was wonderful. He also had a good relationship with the department heads. He was ultimately responsible for hiring decisions but he worked in tandem with the department heads. He implemented the various legislative policies in a wonderful way.

Mr. DiSpirito implements change that reflects the vision of the community in a very responsible way. They had several different town meetings to learn what the residents wanted the City to become. He took their comments and led the City through the process. He reflected their goals in the budget and his planning, and he set priorities with department heads. He is not a status quo type manager.

With housing communities and economic development Mr. DiSpirito was often in the community. He helped sponsor meetings at the community center, senior center, and library. He was always ready to address any questions. He was the spokesperson for the City, and was very responsible and articulate in his communications. He was honest with the citizenry and attentive to their concerns. He was never a one-man show; he listened to input and addressed misunderstandings. As the Commission approves certain goals, the way it is translated to the operations of the City is very important; Mr. DiSpirito always did a great job. As a manager, he was refreshing and trustworthy.

One problem that Mr. DiSpirito resolved was updating the code of ordinances related to building codes and regulations. He introduced a whole new approach to developing codes that reflect the goals and aims of the community. They divided the town into districts and conducted studies of what the residents wanted their community to look like in ten to fifteen years. Hundreds of residents participated in the process over the course of two years. For example, one district is zoned as an art district where people can have their residence and business in the same building. He worked in concert with the existing staff and hired employees who could bring this type of creativity to the table. He was very instrumental in making the City pedestrian friendly, creating bike paths, outdoor art, and other items that have helped tourism thrive. He built many of the things that the City prides itself on and receives awards for.

Mr. DiSpirito presented the budget and led the City through a series of budget workshops. He always did a wonderful job leading a transparent process. The workshops take place during the

summer and the process is wrapped up by the end of August. He has many years of experience, both in Dunedin and elsewhere, in formulating and presenting a balanced budget that reflects the priorities of the City.

When Mr. Barnette was on the Commission there was never a question about Mr. Dispirito's timeliness. He met on a regular and weekly basis with the staff to review priorities, timelines, progress, and keep the employees on track. He then reported his findings to the Commission. He published a monthly City Manager report to the residents. The report detailed City business regarding the work at hand from infrastructure to more exotic items, and his reports were always very impressive. He understands how important it is to keep the public informed.

The only controversy related to Mr. Dispirito was his departure from the City which was unfortunate as he was a wonderful manager and had a great deal of support in the community. He has a sterling background and did so many great things for Dunedin.

Mr. Barnette would hire Mr. DiSpirito. When he was interviewing for the position the residents had a chance to visit with the candidates. He is soft spoken but his clarity with the public is second to none. The decision to hire him in 2007 was an easy one. If a community needs someone to complete long range goals, Mr. DiSpirito is your man.

**Words or phrases used to describe Robert DiSpirito:**

- Innovative,
- Personable,
- Energetic,
- Charming,
- Savvy when it comes to people intelligence, and
- Good sense of working with others.

**Strengths:** Bright, experienced, imaginative, creative.

**Weaknesses:** Mr. Barnette was not on the Commission when Mr. DiSpirito left. However, Mr. Barnette believes that it had more to do with politics than performance, and Mr. DiSpirito found himself in the middle. Some of the Commissioners at the end of his tenure felt that he did not communicate with them enough, or they did not receive the same information as other Commissioners. However, Mr. Barnette always felt well and equally informed when he served on the Commission.

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**Bob Hackworth – Former Mayor, Dunedin, FL**

Mr. Hackworth, as Mayor of Dunedin, hired Robert DiSpirito in 2006 as City Manager. He was pleased with his job performance and he met expectations set for him.

# Reference Notes
# Robert DiSpirito

Mr. DiSpirito makes good decisions. When Dunedin was trying to acquire some very valuable waterfront parkland, he stayed focused on the vision and sought out ways to complete the goal. Realizing that there were objections to a multimillion dollar purchase by a small city, he went through a three year process to overcome opposition, put details together and finance the project with non-taxpayer revenue.

Mr. DiSpirito is a person who has a big picture perspective but also recognizes the essence of the day-to-day operations. He thinks outside the box and can find solutions that may not be readily apparent. He hires good quality people who are an asset to communities. He is able to encourage economic development in difficult situations and maintain current infrastructure.

Mr. DiSpirito has a very focused understanding of the vision and priorities of the Commissioners and then gets employees and the community on board. He accomplishes whatever he is asked to do. Mr. Hackworth's first assignment to Mr. DiSpirito was to work out unacceptable concerns in the Building Department in order to make the building process more user friendly. Mr. DiSpirito asked users and staff what would make a better process so as to benefit zoning and building. He refined and reorganized the department and the processes so it was an easier, more responsive system while still following the ordinances and regulations.

Mr. DiSpirito is fantastic in dealing with the public. He always has time to hear someone out regardless how miniscule the issue may be. He makes himself accessible to everyone. He fosters good relationships with service organizations and downtown businesses. He has good financial skills. He was good about balancing the budget and reserve requirements.

Three Commissioners lost confidence in Mr. DiSpirito. He was dismissed as City Manager and later resigned. Mr. Hackworth felt that this decision was due to petty politics and competing agendas because a good explanation of the situation was never provided. Mr. DiSpirito was not treated with fairness or allowed due process.

**Words or phrases used to describe Robert DiSpirito:**

- Committed,
- Compassionate,
- Good communicator,
- Capable,
- Honest, and
- Hard working.

**Strengths:** He is good at problem solving by working collaboratively with competing interests, works well with elected officials.

**Weaknesses:** He tries to make everyone happy, too nice.

# Reference Notes
# Robert DiSpirito

**Doug Hutchens – Deputy City Manager, Dunedin, FL**

Mr. Hutchens has known Mr. DiSpirito since about 2007 when he was hired as Dunedin's City Manager, Mr. Hutchens was already serving as Director of Public Works and Utilities. He was a direct report to Mr. DiSpirito and was promoted to Deputy City Manager. Currently Mr. Hutchens is Interim City Manager while a replacement is found for Mr. DiSpirito.

Mr. DiSpirito's job performance is excellent. He is willing to work late or take work home in order to get the job done. He has many impressive accomplishments as Dunedin City Manager.

Mr. DiSpirito's interactions are good with personnel and the public. He is not a micromanager of those that do their work well, but those who do not do quality work will be managed more closely. He sees himself as a gatekeeper to make sure information is timely and accurate. He likes to be out in the community to network with the public. He gives out his personal cell phone number to members of the community, even to difficult persons, in an effort to break down barriers and diffuse situations.

Mr. DiSpirito is a problem solver. He led a team including Mr. Hutchens and the Economic Development and Planning Director to study parking concerns in downtown Dunedin. Researchers were hired and studies were done as well as public town hall meetings and Commission Meetings to find solutions. He was also instrumental in negotiating a lease and rezoning an industrial area as an artisan district. Artists now have an affordable site to work and exhibit pieces in a studio setting. Recently, he has brokered a project to install a brick and mortar bookstore in the downtown area that did not have a bookstore. He talked to the property owner and secured a historic structure for recondition and expansion on city-owned property. He solicited the local high school trade's class to help with renovation and found a store owner to take over when the building is ready. He planned to use the profits to help reduce the amount Dunedin pays to subsidize the local museum.

Mr. DiSpirito has good financial skills. He recognizes that the finance staff are trained professionals and allows them to do their job, but has them walk him through budgets and proposals. He likes economic development and sees value in both development and redevelopment. He enjoys negotiating complex deals and finding incentives to encourage and jumpstart development.

Two City Commissioners said they wanted a new voice and new direction and thus needed new leadership. Perhaps they felt they were not getting equal consideration for their initiatives in an election year. They asked for Mr. DiSpirito's resignation near midnight in a long Commission meeting. Currently Sunshine Law violations are being investigated.

# Reference Notes
# Robert DiSpirito

**Words or phrases used to describe Robert DiSpirito:**

- Hardworking,
- Detail-oriented,
- Creative,
- Flexible,
- Quick thinker, and
- Open-minded.

**Strengths:** He can put together abstract concepts in simple terms and convey ideas to others at whatever level is needed.

**Weaknesses:** Answering to multiple bosses can be a challenge.

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**Julie Ward Bujalski - Mayor, Dunedin, FL**

Ms. Bujalski, as a City Commissioner, participated in hiring Robert DiSpirito in 2007. As Mayor and City Manager, they met weekly to discuss projects and strategize. They often spoke between meetings.

Dunedin had a long history of problems with the planning and development process because it was very arduous, time consuming and not well-defined. When Mr. DiSpirito came on board, a new Planning and Development Director was also brought on board. Together they had monthly lunches with contractors and architects to talk about issues and gain input. As time went on, the codes were redeveloped and the processes made clearer. A committee was created with representatives from engineering, fire, code, water and the community to work with an appointed liaison. The liaison reports directly to the City Manager. The City has not received any complaints since the simplification of the processes and the implementation of suggested ideas. Mr. DiSpirito is an effective problem solver.

Mr. DiSpirito seeks input for his decisions from the Mayor, the community and the Directors. He deals well with the public and is very involved in many of the boards in the City.

When Mr. DiSpirito was first hired, a new reporter tried to make it look like he was frivolously spending the City's money by his using a credit card for lunches and meetings. Commissioners stated that he was spending properly. The other controversial item is his dismissal as City Manager. The three Commissioners that made the motion are being investigated for Sunshine Law violations. In his review a few weeks later, one hundred people spoke on his behalf.

is currently investigating the situation as a violation of the Sunshine Law. Mr. Carson felt there was no reason to ask for his resignation.

**Words or phrases used to describe Robert DiSpirito:**

- Hardworking,
- Dependable,
- Available,
- Personable,
- Educated, and
- Honorable.

**Strengths:** Wealth of experience in city government.

**Weaknesses:** He is too stubborn and direct from a City Commissioner's standpoint.

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**Lynn Wargo - President, Dunedin Area Chamber of Commerce, FL**

Ms. Wargo met Mr. DiSpirito shortly before he started working in Dunedin in 2006. She enjoyed working with him because he was accessible and responsive to the needs of her organization.

A large and expensive plot of land was available in Dunedin. Mr. DiSpirito negotiated the price and then secured grant funding, enabling the City's purchase of the land. It was developed into a beautiful park with a dock, children's toys and a pavilion. He is a skilled, creative problem solver.

Mr. DiSpirito juggles the many responsibilities and is able to accomplish much. Many of his ideas were not well accepted at first but then he demonstrated their value. He does well when working with the community, both in groups and in one-on-one interactions.

Mr. DiSpirito's performance and the new City Commission's expectations may not have matched and he was let go as City Manager. However, he stayed on with the City as a consultant for a time.

**Words or phrases used to describe Robert DiSpirito:**

- Creative thinker,
- Problem solver,
- Compassionate,
- Hard working,
- Committed to community, and
- Great sense of humor.

# Reference Notes
# Robert DiSpirito

**Strengths:** Creative problem solving, calm demeanor, responsive.

**Weaknesses:** He takes too much on, and sometimes works long hours.

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**Sharon Soucy – Former Vice President of City Council, Oberlin, OH**

Ms. Soucy and Mr. DiSpirito worked together from 2001 to 2005. She was Vice President of the City Council and he was the City Manager in Oberlin. He is a spectacular City Manager with outstanding management skills. He handled all the department heads well and maintained discipline and morale. Any community should be thrilled to have him as their Manager.

Mr. DiSpirito makes good decisions on his own and also when he brings other's perspectives into the process. He hired an Economic Development Officer although many disagreed with the decision. He felt strongly that it would bring and keep business and industry in Oberlin. He worked with the local college to help pay the Officer's salary. The decision was profitable for the city based on the income generated through economic development.

Mr. DiSpirito is an outstanding communicator. He is able to deal with active, diverse groups. He develops strong relationships and works well with all different ages. He commits to whatever community he is a part of. He spends time in the community and makes various community groups feel that they are important to the functioning of the city.

Mr. DiSpirito is able to manage the day-to-day tasks but also looks to the future. He looks to meet as many needs as possible. He has good financial skills and is excellent with budgets. He worked closely with Oberlin's Finance Director to achieve the highest bond ratings and high quality audits.

**Words or phrases used to describe Robert DiSpirito:**

- Professional,
- Listener,
- Coordinator,
- Manager,
- Overseer,
- Appealing, and
- Energetic.

**Strengths:** General openness and appeal, makes a clear path to strengthen a city moving forward.

**Weaknesses:** He tries to please many constituents and therefore may not be considered a strong leader.

**William Blend – Auditor, Moore, Stephen & Lovelace P. A., Dunedin, FL**

Mr. Blend has known Mr. DiSpirito since 2012 and has done the audits for Dunedin every year since. The first audit had a number of findings. Mr. DiSpirito was open to discussion, and he and his staff were instrumental in quickly resolving the issues.

Mr. Blend noted that there was much turnover in the City's Finance Department through the first audit. Mr. DiSpirito hired two individuals who were able to get the finances back on track.

**Words or phrases used to describe Robert DiSpirito:**

- Personable,
- Communicator,
- Listener, and
- Works well with others.

**Strengths:** Good on day-to-day tasks.

**Weaknesses:** Hands off management.

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**Theresa Smalling – Human Resource Director, Dunedin, FL**

Ms. Smalling has known Mr. DiSpirito since July 2013. He hired her as Human Resource Director in September 2013 and mentored her in her new position. They met once per week to address any questions or concerns she had. He trusted her as a Human Resource professional.

Mr. DiSpirito is good at dealing with public. He prefers small groups so that others can have opportunities to speak.

Ms. Smalling and he met with employees in different departments to apprise them of what was happening in the City and to listen to their concerns. When the employees had concerns, he took very detailed notes and then talked to Directors about possible solutions to the issues.

Mr. DiSpirito has a good handle on budgetary issues and city policies.

**Words or phrases used to describe Robert DiSpirito:**

- Thoughtful,
- Creative,
- Attentive,
- Industrious,
- Caring

- Dedicated, and
- Passionate.

**Strengths:** Good administrator, listens to both sides before making decision, patient.

**Weaknesses:** He was stretched too thin with five bosses. Instead of allowing someone to fail he may protect them by taking on some of their tasks.

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**Vince Gizzi – Driector of Parks & Recreation, Dunedin, FL**

Mr. DiSpirito interviewed Mr. Guzzi in 2007 and then hired him in February 2008 as Director of Parks and Recreation.

Mr. DiSpirito makes good decisions and is a problem solver. He is adept at dealing with and resolving issues. Through eight years of recession, he had to let employees go but as he did, he increased efficiencies to maintain the same level of service. He worked through securing an agreement for the Toronto Blue Jays to spring train in Dunedin. Part of the process included a very tedious site selection that he led, ultimately selecting the right location to meet their needs but is not too disruptive to the citizens. He helped to develop the downtown area by giving credits to developers.

Mr. DiSpirito takes the vision of the elected officials and works to please them while also meeting the needs of the residents. He is very personable with groups and committees. He is a good communicator. He communicates by phone and in person with the Mayor and Commissioners. He reviews agendas and plans with the city leadership team. He manages and leads the City through input from the Mayor, Commission and the public.

**Words or phrases used to describe Robert DiSpirito:**

- Very efficient,
- Hard working,
- Listener,
- Good communicator,
- Problem solver, and
- Thorough thinker.

**Strengths:** Leadership, attention to detail, bringing people together to solve problems.

**Weaknesses:** He may pay too much attention to detail and perhaps should delegate more.

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# Reference Notes
# Robert DiSpirito

**Vinnie Luisi – Director, Dunedin Historical Museum, Dunedin, FL**

Vinnie Luisi has known Robert DiSpirito since 2006.

Mr. DiSpirito is a problem solver that has an eye on the future and not just the present. He kept a level head and controlled construction so Dunedin could keep its quaint community identity, which draws visitors. He worked to improve the City's downtown core and to redevelop unused properties. Through his planning, he has improved the culture by adding parks, statues, a water spray park and expanding the Fine Art Museum.

Mr. DiSpirito communicates well. He has an open door policy and makes himself available to talk to employees. He attends community meetings and apprises the elected officials regularly of happenings in the community. He works with all levels of government with ease.

Mr. DiSpirito works hard to accomplish what needs to be done. He is always on the job and it is not unusual for him to work late into the night when nearing a deadline. He is community minded and spends time with the public. He and his family become part of where they live, and he loves the community he serves.

**Words or phrases used to describe Robert DiSpirito:**

- Smart,
- Dedicated,
- Energetic,
- Easy to work with,
- Easy to talk to, and
- Family man.

**Strengths:** Politically astute, always on the job.

**Weaknesses:** Sometimes he will not quit, he wants to make sure everyone has had attention.

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**Prepared by:** Lynelle Klein and Rosemary Daines
Colin Baenziger & Associates

# Reference Notes
# Robert DiSpirito

**Words or phrases used to describe Robert DiSpirito:**

- Inclusive,
- Consensus builder,
- Creative thinker,
- Thorough,
- Detail-oriented, and
- Hands on.

**Strengths:** Problem solving, thinking outside the box.

**Weaknesses:** He is very detailed and hands on, which may not be appreciated by some employees.

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**GeorgeAnn Bissett – President & CEO, Dunedin Fine Arts Center, FL**

Ms. Bissett met Mr. DiSpirito in 2006 at an informal reception the City held to introduce him as the new City Manager. She sees him at many Art Center events and City events.

Ms. Bissett feels that the Arts Center would not be where it is today without Mr. DiSpirito's leadership, vision and hard work. He wrote a Quality of Life Initiative to convince the public and the City Commission how important arts and parks are to the community. Over a nine month period of time, he secured $500,000 from both the City Commission and the State of Florida to increase development for the Fine Arts Center's facilities and programs. He made sure that when people visit Dunedin they can visit museums, art centers, parks and other beautiful places.

Mr. DiSpirito started an artisans' incubator in an area that had old manufacturing buildings. The City refurbished the buildings and streets, and now rents space to artists for both creating and displaying their work.

Economic development in downtown Dunedin has changed dramatically since Mr. DiSpirito became City Manager. He helped with a new fire station and has been instrumental in maintaining roads and neighborhoods. Dunedin has many festivals and celebrations through the year and he and his staff makes sure that they are set up beautifully and cleaned up properly.

Mr. DiSpirito listens to everyone to ensure he has all the facts and information to make an intelligent decision. He thinks rationally and logically and looks at the big picture. He can talk intelligently about many subjects. At times, he is a bit soft-spoken.

# Reference Notes
# Robert DiSpirito

**Words or phrases used to describe Robert DiSpirito:**

- Fair,
- Intelligent,
- Creative thinker,
- Very reasonable,
- Always approachable, and
- Good leader.

**Strengths:** Intelligence, writing ability, forward thinking, good mediator.

**Weaknesses:** He listens to everybody and hears all input.

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**David Carson – Former City Commissioner, Dunedin, FL**

Mr. Carson was a City Commissioner of Dunedin when Robert DiSpirito was brought on as City Manager in 2006.

Mr. DiSpirito is a problem solver. He can even fix a failing city and does better when there are challenges to overcome. Through an economic downturn, Dunedin was lacking funds and needed to downsize from 404 to 340 employees over the span of a few years. Mr. DiSpirito made this adjustment easier by not replacing those who retired and other creative means. He has more than adequate financial skills. He grasps the finances and balance sheet.

Mr. DiSpirito is very personable and a good speaker. He is available all hours and they regularly talked business late at night. At times they had disagreements but always worked through them. Mr. Carson has always felt well-informed but believes the new Commissioners may not feel the same way.

Mr. DiSpirito has an ability to hire top notch, talented people. He then empowers them to do their jobs. When a water line to Honeymoon Island broke, he resolved it quickly with few complaints by bringing the necessary parties together and allowing them to work.

The employee in charge of the billing department improperly charged for water and storm water which cost the City $3,000,000. Mr. DiSpirito had just been hired when the mistake was discovered. He and the finance director decided they would keep her on until the end of the fiscal year and then have her retire. Mr. Carson disagreed with this decision and wanted her to retire immediately. Mr. DiSpirito took Mr. Carson's advice and cut her loose immediately with a severance package to avoid any further errors.

Mr. DiSpirito always received good reviews in Dunedin. However, two Commissioners asked for his resignation unexpectedly. The Mayor voted against his resignation. The Sheriff's Office

# *CB&A Internet Research*

Tampa Bay Times: Blogs (FL)
May 20, 2016

**Former Dunedin Mayor Bob Hackworth tweets "dysfunction within City Hall is astounding"**
Author: Megan Reeves, Times Staff Writer

For the past several months, former Dunedin Mayor Bob Hackworth has flirted with the idea of getting back into local politics to put a stop to what he calls "dysfunction" in City Hall. He brought it up in 2012, again in January and now in a tweet:

Hackworth was responding to a posting of a Times article about the recent closing of a Sunshine Law investigation of Commissioner Heather Gracy and Vice Mayor Bruce Livingston that opened following the forced resignation of **Rob DiSpirito** in January. He said although the investigation didn't yield any evidence of wrongdoing, he doesn't believe the commissioners' actions were fair. "I understand the evidence of criminal activity was not there, but I think that there was plenty of evidence to indicate that people were acting in inappropriate ways that didn't serve the best interest of the city of Dunedin," he said in a later interview with the Times. "Our residents are looking for good government -- it's what they deserve -- and I don't think they're getting that."

Hackworth served on the commission from 2002-2009, including one term as mayor, then challenged then-Mayor David Eggers in 2012 and lost. Although he still isn't sure whether or not he will run for the top spot again this November, he says he's considering it because he knows something has to change. "I am concerned... and I am not pointing the finger at anybody in particular, but there is a lot of dysfunction there that isn't resulting in any good decision making," he said. "It is clear (the dysfunction) has been going on for years, and I think it runs deep."

Hackworth said he thinks there is a solution, but it would take leaders who are "willing to step forward, do their jobs and hold the integrity of their positions" to find it. "It's across the board, everybody is guilty, and it's a mess," he said. "But I don't think that means I necessarily have to be the guy to clean it up either."

He said the decision about whether or not he will run is so difficult because he has already experienced serving as an elected official and knows what a toll it can take on someone's personal life. "I know how much time it can consume, and I have a business to run and a family to raise," he said. "It's a big decision, something I have to consider heavily."

Tampa Bay Times: Blogs (FL)
May 13, 2016

**Pinellas Sheriff closes investigation, calls Sunshine Law violation accusations against Dunedin officials "unfounded"**
Author: Megan Reeves, Times Staff Writer

Pinellas Sheriff Bob Gualtieri has closed the investigation of two Dunedin commissioners accused of Sunshine Law violation following the unconventional resignation of former City Manager **Rob DiSpirito** in January.

A report, which includes interviews with 27 people, says the allegations against Commissioner Heather Gracy and Vice Mayor Bruce Livingston were "unfounded." "There has been no evidence provided which supports a criminal violation of the Sunshine Law," the report concludes. The complaint was originally filed in January by former Mayor Manny Koutsourais, who said the "appearance and timing" of the motion Gracy made to fire **DiSpirito** near midnight at a Jan. 7 meeting was "suspicious" and "had to be" a Sunshine Law violation, but could provide no hard evidence to investigators.

On Feb. 25, former Commissioner Dave Carson contacted the sheriff saying he had evidence to support Koutsourais' claims, the report says. Carson said he had received information earlier in the week of the Jan. 7 meeting that Gracy's husband, local attorney Andrew Gracy, had met with local accountants Kevin and Patrick Donoghue to tell them to watch the meeting because there would be "fireworks." When the sheriff interviewed the men on March 9, they denied Carson's claims, but Kevin Donoghue said Andrew Gracy had approached him at a Christmas party saying "something big was going to happen." He said there was no further conversation between him and Andrew Gracy and said he didn't think the comment had anything to do with **DiSpirito** or his eventual termination.

Carson also told Gualtieri that Livingston gave similar information to former Mayor Tom Anderson around the same time, telling him the commission would terminate **DiSpirito** at the Jan. 7 meeting. Anderson was interviewed by deputies on March 9 and verified Carson's claims. He told investigators that Livingston asked to meet with him days before the commission meeting and told him there was going to be a motion to fire **DiSpirito**. According to the report, Anderson "immediately corrected himself (when talking to deputies) by saying Livingston said a 'move' and not a 'motion.'"

The report details investigators' he said, she said interviews with more residents, local business owners, former and current city officials, which went on until the investigation closed Tuesday. It concludes by saying that Gracy and Livingston's phone records "provided no evidentiary value to this investigation." "I have determined that the complaint of criminal wrongdoing...is unfounded," the sheriff wrote in a letter sent to Gracy and Livingston on Tuesday. "This matter is closed and no further action will be taken."

Gracy said she is is "relieved" the investigation is over, but "not surprised" by its results. "The motion was as transparent as one could make it," she said Friday. "I went to City Attorney Tom (Trask) and we talked about the course of action. That is why I knew, and still know, there was no violation."

Livingston says he is glad the citizens of Dunedin can "rest assured the truth has prevailed." "There is not a positive benefit to anyone by making allegations of city officials that are not based upon fact," he said in an email that called the ordeal an "unnecessary distraction" to citizens. "I am glad this unfortunate event is behind us and that we can now focus on moving forward in a positive manner."

Tampa Bay Times
February 18, 2016

**Guest column: Dunedin residents deserved to be heard at meeting**
Author: Manny Koutsourais, Guest Columnist

As the late Paul Harvey used to say, "and now, the rest of the story." For that reason I find it necessary to respond to the recent statements made by Peter Kreuziger in the Feb. 12 guest column. It is true that on the night of Jan. 21 at the Dunedin City Commission meeting many of those in attendance were vocal and showed disagreement with the statements made and the actions taken by certain members of the commission.

Those people were citizens of the city and were looking for answers to the many questions that surfaced because of the unexpected motion to terminate City Manager **Rob DiSpirito** immediately. The motion was made by Commissioner Heather Gracy, seconded by Vice Mayor Bruce Livingston and endorsed by Commissioner John Tornga at the Jan. 7 meeting. This motion followed a five-hour meeting after most residents had gone home. The time was almost midnight.

The motion was made soon after **Mr. DiSpirito** had just thanked the City Commission for the flowers they had sent for his father's funeral. **Mr. DiSpirito** had just returned from attending the funeral the day before. Undoubtedly, those members of the City Commission showed poor judgment, lack of compassion, and the question of collusion and distrust surfaced almost immediately.

**Mr. DiSpirito's** yearly evaluation was scheduled for a meeting in March. He had served the city for nine years. The city has been well run and survived the recent Great Recession. Dunedin has been the envy of many visitors and the downtown area has not only survived but enjoyed a great amount of prosperity. City services have improved in all areas. The biggest concern about downtown has been generating more parking. Isn't that a great problem to have?

According to the City Charter, the city manager works at the pleasure of the City Commission. In the past, the evaluations praised him and gave him high marks for performance. He maintained a professional demeanor and never has there been any controversy or severe reason for termination. He is honest, professional, ethical, and responsive to not only his employers, but to the citizens themselves. There has never been any controversy surrounding his administration. He has been a good leader for Dunedin and he will be difficult to replace. Many citizens who attended the Jan. 21 meeting were frustrated simply because the reasons given for termination could have been easily corrected.

Mr. Kreuziger questioned the procedures during the discussion of the evaluation, which was placed on the agenda of the Jan. 21 meeting. The procedures were approved by the city attorney, who also acts as Parliamentarian. At the Jan. 7 meeting, the motion to terminate was never properly placed as a starred item on the agenda, which occurred during Commission Discussion.

Commission Discussion is defined this way: "Bring forward items to add to a future agenda or items that require simple consensus direction." Any emergency item, or a starred item, requires a majority vote before any discussion is allowed, or any motion is made, and any action takes place. The motion to terminate was never properly placed on the agenda, although the city attorney allowed the motion to take place. Ultimately after failure of the motion, the item was properly placed on the agenda for the Jan. 21 meeting.

The citizens who attended that meeting wanted to know the reasons for termination and that the evaluation be made public. Until then, the only person who wanted to publicly discuss the evaluation was the mayor. The commissioners who voted for dismissal had no intention of evaluating publicly. As parliamentarian, the city attorney ruled in favor of the citizens in attendance, who were given the right to speak first before any action of the elected officials took place. The mayor followed the proper guidelines and handled the meeting professionally.

If the city manager was a problem, he should have been told during the yearly evaluation period in March and given an opportunity to correct any errors. This man had just buried his father. He is a father and husband, and has been a good employee for nine years and previous evaluations prove it. Every citizen who spoke that evening did so in favor of retaining the city manager and questioned the credibility of the commission. They did so with a great deal of passion and concern. They were vocal and had they not been, the evaluation and the reasons for termination would have never taken place. It wasn't about being hostile or disrespectful as much as it was about democracy at work. This is what democracy is all about. If the commissioners were on the receiving end of those voices they deserved it, because they were the ones who created the problem. The insinuation by Mr. Kreuziger that the citizens were or are uncivilized is a slap in the face to those who believe in the democratic process and who are respected, hard-working members of this community.

Before the meeting started, **Mr. DiSpirito** offered two options. The first was to continue employment and be given the opportunity to correct his faults for a period of six months. At that point another evaluation would take place, and if termination was necessary, he would receive his severance pay and benefits and resign immediately or be terminated. The second was that he resign immediately, receive his six-month severance package and be retained for 13 weeks as a consultant, in order to tie up loose ends such as negotiating the Blue Jays contract and downtown parking issue at a cost of $195/hour for 40 hours a week. This comes to $101,400 plus severance and benefits. Instead of choosing option one, the commission, except for the mayor, voted for option two and the total cost of the package is $254,495 of taxpayer money.

The damage done by members of the city commission cannot be measured at this point. A nationwide search is underway for a new city manager. There will be an additional expense in trying to find the right person to fill **Mr. DiSpirito's** shoes. In the meantime the credibility, insensitivity, poor judgment and lack of compassion that has been shown by the elected officials is an issue and will remain one until they can work toward mending the broken fences and clearing the air. The city has been wounded, but is far from dead. The healing of those wounds won't happen overnight and as time passes people may forgive, but it will be difficult to forget.

Tampa Bay Times
January 22, 2016

**Dunedin city manager resigns amid sharply different appraisals of his performance**
Author: Tracey McManus

DUNEDIN — Two weeks after he was surprised by the Dunedin City Commission's failed motion to fire him on the spot with no explanation, City Manager **Rob DiSpirito** came to Thursday night's meeting prepared. The city manager of nine years offered commissioners two proposals: place him on a six-month probation period for a chance to address their concerns or accept his immediate resignation with a comfortable severance package.

The commission voted 4-1, with Mayor Julie Ward Buljalski against, to accept his resignation — but not before about two dozen residents took turns at the microphone to scold the commission for what many said was an unfounded attack on the city manager crafted behind closed doors. "I think there's an undercurrent in this town right now that says those of you on the commission are above the Sunshine Law, and I'm here to tell you you're not. We will hold you accountable," said resident David Thomas. "We are the citizens. We own this town. There is no clique that owns this town … and right now, ladies and gentlemen, I am disgusted in this town."

Residents criticized the motion made close to midnight on Jan. 7 by Commissioner Heather Gracy to fire **DiSpirito** without providing reasons why. The motion needed a supermajority and failed 3-2 with Mayor Julie Ward Bujalski and Commissioner Deborah Kynes in opposition. It came after **DiSpirito's** positive evaluation and salary increase last year. After hearing from residents who praised **DiSpirito's** work ethic and called the commission's actions "disgraceful," "shady" and "despicable," commissioners each read their evaluations of the city manager before voting to accept his resignation.

Vice Mayor Bruce Livingston apologized to **DiSpirito**, his family and the public for the way the talk of firing came up and spiraled over the past two weeks, but then delivered a scathing review. Livingston said his relationship with **DiSpirito** "has eroded to the point where I doubt he and I can effectively work together." He said **DiSpirito** does not provide consistent information to all commissioners, has fostered high turnover in the finance department, micromanages staff and plays favorites with the mayor.

Gracy said she knows her motion to fire **DiSpirito** "unleashed a tornado," but that "as time moved on, he became less of a leader and more of a keeper of the status quo." While Livingston read his prepared remarks, many of the roughly 50 in the audience mocked him and threw insults at the commission. Most of the complaints from Livingston, Gracy and Commissioner John Tornga focused on **DiSpirito's** handling of the city's long-debated parking plan; his ability to negotiate with the Toronto Blue Jays franchise, which has a spring training facility in Dunedin; and his management style. The comments clashed with glowing praise from nearly two dozen residents who spoke during the meeting about **DiSpirito's** passion and competence, and with the mostly positive comments from Buljalski and Kynes.

**DiSpirito's** exit package includes six months of severance pay equal to $76,997; health and dental coverage for six months; $4,738 in unused vacation leave; $54,187 in unused sick leave; $17,173 in retirement contributions and an agreement to work as a city consultant for 13 weeks, for up to 40 hours a week, at $195 an hour beginning immediately. After the meeting, **DiSpirito** said he was in disbelief over the commissioners' complaints. He said he had received mostly positive evaluations over his nine years and the parking plan was discussed in public and followed the commission's direction. "Ninety-five percent of what was mentioned were concerns I've never heard before," he said. "I love this community. I just thank the employees and department heads for their talent and efforts."

Tampa Bay Times
January 13, 2016

**DiSpirito Considers His Possibilities for the Future**
Author: Tom Germond

DUNEDIN – Dunedin City Manager **Rob DiSpirito**, who said he had no inkling that a city commissioner would move to fire him Jan. 7, is looking at options for his future. "Having a family, young children, wife, myself, I obviously have to consider all possibilities," **DiSpirito** said. No commissioner said anything to him in advance, **DiSpirito** said Jan. 12, referring to the 3-2 commission vote that failed because four votes are needed under the city charter to terminate the city manager. "It wasn't agendized, it wasn't advertised. It wasn't my evaluation time that was coming a month later," **DiSpirito** said.

Commissioner Heather Gracy made the motion, backed by Commissioners Bruce Livingston and John Tornga, to fire **DiSpirito**, who has been city manager for about nine years. Mayor Julie Ward Bujalski and Commissioner Deborah Kynes voted against the motion, saying they were "thrown for a loop by the move." Commissioners moved his annual evaluation forward to Thursday, Jan. 21. **DiSpirito** said no commissioners have expressed concerns of any significance either in writing or verbally, adding that he has had nine years of great or good evaluations. "It doesn't mean they don't have a right to have a fresh evaluation in any given year," he said. "I respect that. I respect them in their roles. It's just quite a departure from the past; without exception that kind of goes to the surprise element I guess." **DiSpirito** said he has been a city manager for 20 years, serving in two cities. Those are Oberlin, Ohio, and Dunedin. "It's been the honor of my career to be city manager in Dunedin. This is one of the most special cities in America. I say that sincerely. The city has a great deal of accomplishments to be proud of over the years. The commission has done a phenomenal job and have a lot to share for their work."

He said that many projects came to fruition in 2015, particularly at the end of the year, such as Gateway mixed-use development project on the east end of downtown, an arts incubator and the mixed-use Dunedin Commons development on Patricia Avenue. He also is proud of the acquisition of a fire-rescue boat that was put into service in July. "That's going to save lives. It already has saved lives since July 4 when it was put in the water," **DiSpirito** said. "It's long overdue to have one of those things down there." Other accomplishments on a list of 31 City Commission achievements in 2015 in his annual report were the approval of a parking management system, a hotel and restaurant along the Dunedin Causeway, working with the Taoist Tai Chi organization on the Fenway project and a new recycling program. **DiSpirito** said he alone accomplished nothing, referring to the work of his staff. "This is the best department head crew I have ever worked with in my career, what we have right now. And the employees here are just outstanding," he said. **DiSpirito** said he has taken nothing for granted as city manager and strives to lead by example. "This is a special place. Regardless of how long my tenure has been and will be it's nothing but an honor and a pleasure to be in Dunedin," **DiSpirito** said.

The Tampa Tribune
April 9, 2015

**Dunedin city manager praised as a 'workaholic' who needs to connect with community**
Author: Mark Schantz

DUNEDIN — Commissioners told City Manager **Rob DiSpirito** in his eighth yearly review that while it's great to be an "overachiever," workaholic" and "perfectionist," he should get out of city hall more to connect with the community and with regional officials, concentrate on tackling the big issues and delegate smaller projects to staff. Mayor Julie Ward Bujalski described **DiSpirito** as a "man who never stops," working late hours and calling commissioners with updates into the night. "**Rob** accomplishes an enormous amount of work. ... He's like the Energizer bunny. ... However, he is stretched too thin," she said.

The mayor advised **DiSpirito** to delegate more responsibilities to the deputy city manager and to department heads. "I want you focused on big issues," such as downtown parking and the city's contract negotiations with the Blue Jays, she told **DiSpirito** at a recent commission meeting. The mayor added that several years ago, the city had a staffer who tracked legislative issues. She wants to have someone monitor the legislative process once again. "**Rob** should stay on top of this sort of thing" to understand how it will affect Dunedin and "bring new ideas to the table," she added.

Commissioner Heather Gracy said "nobody is perfect and **Rob** strives to be darn near close." Gracy said she's proud of the way the manager recognizes a need and sticks to his guns, bringing essential items to the board, such as the recent procurement of a fire boat. She added she would like **DiSpirito** to use his assets as a writer and communicator to provide more direct public information, explaining commission and city actions through social media. Gracy agreed with other commissioners that it would be a good idea for the city manager to increase his profile within the city and regionally. "We want to show you around externally," she said.

Commissioner Bruce Livingston, another commission newcomer, said he's very concerned about the number of employees retiring or leaving, with the city "backfilling with less-experienced employees." The city has to offer more training and encourage retention through an evaluation process that encourages and rewards them. Livingston also said Dunedin should focus on the importance of being part of a region, with the city manager getting out into the community more often to meet decision-makers. **DiSpirito** thanked commissioners for their time and thoughtfulness in doing his review. He gave full credit to his department heads and employees for all the things commissioners liked and that went well. For the things that didn't, he said he'll "address them and do better next time."

Tampa Bay News
March 27, 2014

**Dunedin moves toward municipal annex**
Author: Alexandra Lundahl

DUNEDIN – After many years of waiting, the city of Dunedin is moving forward with plans for a new municipal services building. About a decade ago, the city had purchased the First Baptist Church site downtown to build a new municipal services annex, said City Manager **Rob DiSpirito**. However, that was when the economy was still booming and the Penny for Pinellas funds were growing each year. Now, the site is still vacant and is being used as additional parking for the downtown.

"It was purchased for an envisioned entirely new governmental center for the city," **DiSpirito** said. "I think with the current economic situation and with other capital priorities that we have as a city and the estimation of what it would cost to build a brand new facility for all city employees and offices that are now located here in City Hall and the Municipal Services Building and the Technical Services Building, including the sheriff would be a very cost-prohibitive challenge. So the thought was, let's look at something a little more modest."

City staff assessed the current Technical Services Building, located at 737 Louden Ave. This building currently houses Pinellas County Sheriff's Office workers for the area, and staff determined that the building could be rehabilitated in order to relocate the City Commission chambers and offices as well as the employees who work at the Municipal Services Building on Milwaukee Avenue. **DiSpirito** said the latter is the most important, as the Municipal Services building is "in the most dire condition." The city would therefore demolish that building and could try to incorporate as much as possible into the Technical Services Building and annex. "The other goal involved in this is … thus freeing up the opportunity to put the former Baptist Church site, which the city purchased, back into the private sector to generate tax revenue to support basic services for this city," **DiSpirito** said. "Particularly, general fund services like police, fire, library and recreation."

Staff took time to research and talk with numerous experts to figure out all the various possibilities for this collection of sites. Karen Feeney, the city's finance director, said that the RFP leaves the option open for a developer to buy the former church site – which is in a prime location downtown – and also have a plan of how to turn the current Technical Services Building into a functional municipal annex. "They could come up and say we're not interested in (the municipal annex project) and say we're only interested in buying the Baptist site, and we're not prohibiting any other response," Feeney said. "Although the (ideal) response would be, 'We're interested in the Baptist site, we're interested in the municipal services annex and we can help you with parking.' That would be the ultimate. But we're not necessarily going to get that. We'll see what we get. I think if there's a developer out there who's pretty sophisticated and can figure out how to make it work for them, then that would (be great.)"

Also in the city's perfect scenario would be if a developer wanted to turn the church site into a mixed-use development, incorporating residential housing and commercial offices, **DiSpirito** said. Either way, if the city sells the church site, not only would it be generating tax revenue again, the city also could use the money from the sale to subsidize the cost of the annex project. The whole commission expressed excitement about the possibilities that this RFP provides. "I'm excited about what we're doing, even though it took us a long time to get here," said Commissioner Julie Ward Bujalski. "But I think we're being very creative. The P-3 idea is very hot right now. They're trying to do it all over the country – which is public-private partnerships – and that's what we're trying to do here. We're trying to obtain what we need while creatively using the public's money to the least extent, and that's really important." Commissioner Heather Gracy agreed and said she likes the flexibility of this proposal and being able to consolidate the local government center into a modified existing building.

Tampa Bay Times
September 29, 2013

**North Pinellas news briefs for Sunday, Sept. 29**
**Group honors city manager for his work**

The Florida Association of Museums has named Dunedin City Manager **Rob DiSpirito** its 2013 Outstanding Public Official. The honor is awarded annually to a public official whose work is a model of government support of the museum field. **DiSpirito** was nominated by the Dunedin Historical Museum, which lauded his commitment to Dunedin's culture and history as demonstrated by his:

• Ongoing donations of historical items from his personal collection for museum displays.

• Quest to preserve waterfront land now known as Weaver Park and the former Fenway Hotel and other buildings that have been placed on the National Register of Historic Places.

• Support of the city's citizen-led Arts & Culture Committee.

• Push for city funding of "quality of life" expansion projects at the museum and the Dunedin Fine Art Center.

**DiSpirito** was recognized Thursday night by the City Commission while his wife, son and daughter looked on. He said the award truly belongs to the commissioners, city staffers and residents who supported the measures.

Tampa Bay Times
July 16, 2013

**Dunedin staff proposes 12 percent tax rate hike**
Author: Keyonna Summers

DUNEDIN — A proposal that Dunedin raise its property tax rate next year sharply split city commissioners and led to a testy exchange during a workshop Monday. The squabble centered around City Manager **Rob DiSpirito** and finance director Karen Feeney's revelation that commissioners would either have to raise the tax millage rate by 12 percent to offset a roughly $1.3 million budget shortfall, cut services or draw general fund reserves below policy level. **DiSpirito** and Feeney recommended raising the millage. The increase would generate $595,000 more a year and provide a steady income stream to fund public services. "We've used our reserves," Feeney said. "We have very few reserves left with which to operate and we do not have a plan to replace them."

However, at commissioners' request, she presented an alternative Monday that would allow commissioners to hold off on the tax rate increase next year and instead fill the budget gap by using healthy risk safety fund reserves. The move, she said, would give her time to study the issue, but she warned that an increase might still be necessary in 2015. Mayor Dave Eggers embraced the alternative plan. Vice Mayor Julie Ward Bujalski, who objects to using risk safety reserves for expenses outside that department, wanted to schedule an August workshop to give the staff time to research additional options.

But Commissioners Ron Barnette, Heather Gracy and Julie Scales disagreed, saying either move would only be putting off the inevitable. They noted that even with the increase — to $3.73 per $1,000 of taxable assessed property value — the city's tax rate would still be among the lowest in Pinellas County. And, according to Scales, it would still be roughly 15 percent lower than Dunedin's millage rate 15 years ago. "We've reached the point of no return," said Barnette, adding that there's a public misconception that the city is flush with cash. "I, for one, want to look square in the eyes of the residents and say the services you expect are going to be maintained but there's going to be a cost to that."

For several minutes Monday, he and Eggers went back and forth as Barnette vehemently advocated his point. However, Eggers refused to budge, saying "every dollar makes a difference" for residents. He acknowledged that it was his "wishful thinking" that the economic picture will improve enough by 2015 to not warrant a millage increase. "I'm looking for a reason not to do it, avoid it," Eggers said. A subsequent 3-2 vote gave city staffers permission to include the rate hike as they continue to crunch budget numbers. Among the highlights:

•Commissioners unanimously endorsed 2 percent raises for city employees who receive satisfactory evaluations.

•Public Works director Doug Hutchens would be promoted to assistant city manager, reinstating a position that had been eliminated after the previous one, Harry Gross, retired in 2009. **DiSpirito** says having an assistant manager would allow him to focus on solidifying partnerships and seeking grants for the city.

•An extra $10,000 added to the law enforcement budget so the city can reinstate providing security at special events. Staffers said that $4 million departmental budget is still more than $1 million under what Dunedin paid before eliminating its police force and contracting with the Pinellas County Sheriff's Office in 1995.

At several commissioners' request, city staff will continue researching whether it's possible to finance replacement of Fire Station 61, as well as make donations to the Dunedin Fine Art Center and Dunedin Historical Museum with cash or a 30-year loan rather than a high annual payout spread over only 15 to 20 years. At their meeting Thursday, commissioners will set a maximum tax rate that will go on Truth in Millage notices to taxpayers. The public gets to weigh in on the proposed $73.5 million budget at the commission's Sept. 12 and 26 meetings. The final budget will be adopted Sept. 26 and the new fiscal year starts Oct. 1.

Dunedin Patch
July 7, 2013

**City Manager on $1.3M Shortfall: Increase Taxes**
**Dunedin's city manager wants leaders to consider raising taxes for the first time in a decade, at the same time, increasing pay for employees.**
Author: Katie Dolac

Should Dunedin leaders consider raising taxes for the first time in a decade or cut public services? Just two years after lowering taxes, City Manager **Rob DiSpirito** is posing that question to leaders, while at the same time requesting a pay increase for Dunedin employees. **DiSpirito** believes city leaders should approve the city's first tax increase since 2003, saying it would help alleviate a $1.3 million shortfall in the proposed budget for fiscal year 2014 to 2015, he wrote in a June 20 memo to the finance board. The increase would mean an average $55 a year contribution from each Dunedin household that would generate $595,000 annually, he says.

If city leaders opt not to raise taxes (in the form of a millage rate increase from 3.38 percent to 3.73), the next option is cutting $500,000 in public services or dipping into reserves, **DiSpirito** says. "My staff and I do not recommend either of these approaches," he writes. "The first option reduces value to the public and ratchets down potential future rates. The second option is not sustainable, and will result in even larger fiscal problems in FY2015." **DiSpirito** is also asking leaders for a 2 percent raise for city employees. Last year, employees received a 1 percent pay increase.

Here is a snapshot of some other changes **DiSpirito** is proposing this year:

- Contributing financially to partnerships with Visit Dunedin, Chamber of Commerce and Dunedin Downtown Merchants Association to assist them in promoting and marketing Dunedin.
- Adding a parks service worker to help maintain Dunedin parks and facilities (budget neutral).
- Designating Dunedin TV as an actual city department (budget neutral).
- Re-activating the assistant city manager position (budget neutral).
- Keeping aid amounts to organizations the same (Dunedin Fine Art Center, Dunedin Historical Museum and Neighborly Care Network).
- Keeping water, wastewater, solid waste and storm water rates the same.
- Lifting the moratorium on replacing city vehicles.
- A reduction in rent for Pinellas County Sheriff's Office's use at North District Station.

Budget discussions are ongoing in three commission workshops starting Monday, July 8 with a brief overview from most of the department heads, to Monday, July 15. Workshops are open to the public and typically run from 9 a.m. to noon at City Hall.

Tampa Bay Times
February 22, 2013

**Dunedin okays $800,000 for the arts**
Author: Keyonna Summers

DUNEDIN — A controversial $800,000 donation package that City Manager **Rob DiSpirito** says will enhance taxpayers' quality of life by generating revenue via increased tourism received the green light from city commissioners Thursday. In a 4-1 vote, elected leaders directed staff to draft letters committing $500,000 to the Dunedin Fine Art Center and $200,000 to the Dunedin Historical Museum. There was confusion Thursday night, but City Attorney Tom Trask said Friday that the vote will also steer $100,000 toward the city-owned Blatchley House at Weaver Park.

The money will help each organization fund expansion projects that officials say will draw in both outside visitors and residents, who rated Dunedin's arts and culture as the top reasons they visit or live there. Officials say this will put the city on par to compete with the entertainment offerings of neighboring cities. Increased tourism equals increased revenues for city roads, police and fire service, buildings and other infrastructure, **DiSpirito** said.

But first, city staff will spend the coming months figuring out how to pay for the donations. "I certainly see this as a good investment on the part of the city," said Commissioner Julie Scales. "A long line of commissions have supported these institutions." "There's clear evidence that it's a sound economic driver, but it's more than that," added Commissioner Ron Barnette, eliciting applause from about 50 supporters who filled City Hall chambers. "It speaks directly to who we are as a city and why so many of us moved here." The city contribution will supplement the art center's rare chance for a 2-to-1 state matching grant to be used to add a new wing. To be eligible, the center must raise $1 million by July.

Officials said Thursday's commitment would help leverage additional funds from contributors who were awaiting the city's decision. The art center originally sought the grant when planning a different wing, but it wasn't awarded until last June, after the project was complete. Since the early 1970s, board member Charlie Klein said, the art center has privately funded nearly $4.4 million worth of improvements to a city-owned building that has made Dunedin "the jewel" it is today. "We're not looking for a handout. We're asking for a continuation of that partnership we've had with the city for the last 44 years," said Charlie Klein, chairman of the art center's board.

The historical society plans to use its donation for a new Main Street entrance that officials expect will lead to increased foot traffic, higher-quality exhibits, accreditation and ultimately increased eligibility for grants and self-sustainability. The Blatchley House money would augment grants to build an environmental education center. In casting the lone "no" vote, Mayor Dave Eggers said he admires each organization. But, with so many other more urgent or delayed expenses to consider, like roads and increased law enforcement in some neighborhoods, he

couldn't support making such a large donation on top of the city's annual cash and in-kind donations to each group. "I don't see the economy going anywhere fast," Eggers said.

Bujalski, too, initially hesitated, saying she first wanted more information on options for funding the arts projects along with other potential expenses, such as a new government annex and the Dunedin Golf Club's recent request that the city purchase its clubhouse. However, she voted "yes" after **DiSpirito** said he and finance director Karen Feeney have already begun exploring community center debt refinancing and other ways to fund the quality-of-life package, which they believe will cost the city $38,000 annually for the next 30 years.

The vote followed controversy last fall, in which former city commissioner David Carson accused the art center of handpicking political newcomer Heather Gracy to unseat him during the November election and funding her campaign. Gracy told the Times she had long supported quality-of-life projects, and art center members said they supported her either because of her views or longtime friendships.

In other news
• Attorneys have filed a claim seeking more than $8.8 million that accountants estimate Dunedin lost in tourism dollars, property taxes and other revenues following bad publicity surrounding the 2010 Deepwater Horizon oil spill in the Gulf of Mexico. According to the settlement demand, the city has already lost nearly $1.7 million and will lose another $7.1 million through 2015. If BP refuses to settle, attorneys will come back before commissioners for permission to take the case to court.

• Commissioners unanimously supported adding late City Manager John Lawrence's name to Pioneer Park. They will read an official proclamation at their April 4 meeting, and planners expect to hold a dedication ceremony at the park that weekend. Lawrence, Dunedin's longest-serving city manager, was 66 when he died Aug. 26.

Tampa Bay Times
January 17, 2013

**Dunedin mulling over creative financing options for a new city hall**
Author: Keyonna Summers

DUNEDIN — City officials are exploring options they believe could lower or even eliminate the $5.1 million price a consultant is estimating for a new city hall. City commissioners last year hired a Dunedin architectural firm, Inside Out Group, to do a space needs analysis and determine how much it would cost to merge the deteriorating current City Hall with two other government administration buildings. The official answer: roughly $5.1 million for 19,000 square feet of space.

City Manager **Rob DiSpirito** and finance director Karen Feeney say they are hopeful, though, that the city could get the new government annex built for as little as $2.5 million or even zero dollars up front. That could be accomplished, they said, by selling two city-owned properties and using the proceeds to lower borrowing costs. Or even better, they said, commissioners could contract with a developer who would build the annex for the city then lease it back as part of a mixed-use development akin to the downtown gateway project. "I really feel, given its location in this city, there'd be a great deal of interest to follow whatever vision we have versus a private developer's," **DiSpirito** told commissioners during a Tuesday workshop. "It could be a win-win."

The annex would allow Dunedin to consolidate City Hall, at 542 Main St., and the Municipal Services Building, at 750 Milwaukee Ave., into a two-story structure to be built on an existing parking lot beside a third city-owned building at 737 Louden Ave. The new structure would be attached to the Louden building, which currently houses Pinellas County sheriff's deputies and the city's Economic Development and Planning departments. The Municipal Services Building would be torn down and the site converted to a parking lot. The buildings have been targeted for replacement since 2000, when the first of two space needs reports deemed City Hall and the Municipal Services Building "functionally obsolete." In both buildings, officials say, there are roof leaks, faulty ventilation systems, bathrooms or other spaces that can't accommodate wheelchairs, insufficient security, vermin, and inability to withstand a Category 5 hurricane.

Officials say city staffers have documents stuffed into "every nook and cranny" in those buildings and the reports recommended that the city upgrade its administrative space from 16,415 square feet to 22,300 — a number Inside Out Group retooled to 19,000 in light of staff reductions. But perhaps most important, officials say, the new annex would improve customer service and even aid in employee retention by eliminating a confusing maze of buildings and creating a safer, cleaner one-stop-shop. "We've reached the point where tinkering isn't going to solve it," Commissioner Ron Barnette said, referring to roof patches and other temporary fixes over the years. The $5.1 million price includes costs for building materials, architectural design, renovations to the existing Louden building and a contingency fund.

Staff said financing the project through traditional means wouldn't work: There's not enough money in Dunedin's general fund to pay off a $5.1 million loan at a rate of about $300,000 annually for the next 30 years. And dipping into the Penny for Pinellas, a local-option sales tax that might not be renewed by voters after 2020, would "seriously impact and delay" other capital projects on the list. Instead, staff is recommending that commissioners either:

• Sell two city-owned properties — the Jernigan tract (on the west side of the gateway project, on Milwaukee Avenue) and a public parking lot (the former First Baptist Church site, across the street from the Louden building) — for a combined $2.575 million. Both sites were purchased years ago as potential City Hall sites. "Now that we know we don't need those parcels, why not try and use the land as a tool and extract that money back out and apply it toward construction costs?" **DiSpirito** said.

• Put out bids for developers interested in the parking lot site (or possibly the combined Jernigan and gateway sites, if ongoing negotiations for the gateway site fall through). On the parking lot site, the city would draw up a contract requiring a mixed-use project that preserves public parking and also puts the site back in tax-generating status. That same contract would also state the developer would build the nearby government annex for the city, lease it back to city officials at a rate that equals the difference between the land and the cost of construction, then relinquish ownership of the depreciated building to the city at the end of a roughly 40-year lease.

In essence, **DiSpirito** said, the city, managing lease payments through either the Penny or general fund, would be able to avoid interest fees and pay off the new city hall at a lower price and longer length of time than a bank would allow. And the developer would get a stable, long-term tenant as well as generate revenue from a business built over the parking site.

As bank lending has dried up, "this kind of lease-back arrangement isn't unusual," **DiSpirito** said of the preferred second option. "It's taking a progressive approach that's been tried and true across the country." Vice Mayor Julie Ward Bujalski said she doesn't "necessarily like to be in the real estate business as a city," but called it "a creative approach ... if you can accomplish it." She and her colleagues agreed that it was past time that they upgrade their administration buildings, especially in light of the more than $20 million the city has already spent remodeling or replacing obsolete buildings based on the earlier space needs studies. "If we get a Cat 2 or Cat 3 storm through here ... you've got to be responsive. We don't want to be out of business, so to speak, if a building's not there," Mayor Dave Eggers said.

Commissioner Julie Scales said she believed **DiSpirito's** proposed lease-back approach might balance the community's needs and desires better than the other funding options. She cautioned, though, that the city should have something that fits "21st century standards and codes" but also isn't a palace. "When you look at the things we've done over the last 10 or 12 years, the facilities we've invested in have been investments for our general public. And I think that's paramount," she said. "That's what we're here for." At commissioners' request, staff will pursue a long-term lease with the Sheriff's Office and gather figures from other cities that have recently built new city halls for construction cost comparisons.

Tampa Bay Times
January 3, 2013

**North Pinellas nonprofit faces closure without help**
Author: Keyonna Summers

DUNEDIN — Nonprofits need at least three things to run smoothly: money, volunteers and leaders to coordinate them. Faith in Action of Upper Pinellas has none of those now. Since 1995, the group has provided North Pinellas seniors and disabled people with the transportation, exercise programs, housecleaning, repair assistance, emergency cellphones and other services they need to remain independent. But former executive director Carmen Wilson says a series of calamities is threatening to shut down those services for more than 200 clients.

When the economy soured, local governments, churches and other agencies cut or halted their funding of Faith in Action. And the organization's volunteer base has dwindled over the last two and a half years from about 70 to six, as people returned to work or moved away. The board of directors, Wilson says, had grown "lax" in its efforts to meet or plan fundraisers. The board fired its program manager after she failed to submit grant applications in a timely manner or at all, according to Wilson. The manager could not be reached for comment. In September, board members voted to dissolve the nonprofit.

While Wilson, now a volunteer, says she has used her own money and other means to keep a portion of Faith in Action's services afloat, she will notify clients Monday that the group faces collapse if no one steps up to help by Jan. 31. "We need volunteers, board members, money," said Wilson, who estimates it would take $75,000 to $100,000 to extend operations for a year. Wilson, a Faith in Action board member for two years before being promoted to executive director in 2007, says the group's financial decline started during her tenure. But the real snowball, she said, began in 2011. Wilson, who left her director job in May 2010 to become program director at Citizens Alliance for Progress in Tarpon Springs, stayed on as a Faith in Action volunteer, assisting her replacement with grant writing, payroll and other accounting duties.

Meanwhile, the board of directors has decreased over the years from seven members to three in 2011. After her departure, Wilson says, members appeared to accomplish little during their monthly meetings. Two board members who spoke briefly with the Tampa Bay Times seconded Wilson's analysis. "After Carmen left, we didn't have the right person in place" to guide the organization, said board member Ricardo Guice. He added that it was also hard to find and hold onto board members able or willing to balance work and volunteer commitments. Said president Sandra Kociolek: "We kept losing grants and we've been losing volunteers over the years. And I firmly believe it's due to the economy."

Right now, Wilson said, Faith in Action's bank account contains $800. Shiloh Missionary Baptist Church in Dunedin continues to bear the cost of shuttling seniors to the grocery store and other appointments in its church van. And a monthly $580 reimbursement from the Area Agency on

Aging of Pasco-Pinellas is funding the aerobics classes Faith in Action volunteers conduct at nine assisted living facilities. Wilson expects she will have to pull another $1,500 out of her pocket to assist with tax filings and other January bills.

The minimum $75,000 she says is needed to stop Faith in Action's downward spiral would cover a year's worth of costs for four staffers, volunteers' mileage reimbursements, rent and supplies for an office within First Presbyterian Church in Dunedin, exercise equipment, holiday gifts and food for clients, fundraisers, newsletters for clients without computers and more. "With that, I'm sure I could get some grants coming through to help out a little more," Wilson said. Dunedin city officials, who received a letter from Wilson in November seeking help, are not convinced. City Manager **Rob DiSpirito** said the city, which in the past has donated sums between $12,000 and $15,000 to Faith in Action, declined Wilson's request because the group's problems appear to extend far beyond money.

Staff research determined there are other local groups that offer similar transportation services, sometimes for a nominal fee. "Even if (Faith in Action) had the money, it would be a long rebuilding process beating the bushes to find people to volunteer, with no guarantee it would work," **DiSpirito** said. "They weren't going to be able to pull it off with help from Dunedin alone." Wilson hasn't given up hope. If Faith in Action does shut down, she said she is committed to eventually reinstituting the program with a new name, location and "serious" board and staff members. "It's my baby, it's my heart," she said. "I live and breathe trying to help senior citizens remain at home."

Tampa Bay Times
September 20, 2012

**Idea of giving more money to private groups causes dispute among Dunedin commissioners**
Author: Keyonna Summers

DUNEDIN — A staff recommendation that the city find another $700,000 in next year's budget to give to private organizations led to a squabble among city commissioners Thursday about political game-playing, favoritism and the use of reserves. The discussion was sparked by a plan City Manager **Rob DiSpirito** unveiled during a morning workshop. He recommended that the city give $500,000 to the Dunedin Fine Art Center to supplement a state matching grant and $200,000 to the Dunedin Historical Museum for renovations. That money would expand the facilities and programming, which **DiSpirito** said would bolster the city tax base by providing unique amenities to attract residents, merchants and tourists. "By strategically investing in the future of these providers now," **DiSpirito** said, "we help them to become more financially sustainable over the long run, lowering the risk that the city of Dunedin will need to become involved."

Vice Mayor Ron Barnette and Commissioner Julie Scales called the donations a good investment in economic development. However, **DiSpirito** did not convince Mayor Dave Eggers, who said the public should have a chance to weigh in, or Commissioner Dave Carson, who asked why the proposal wasn't brought up during summer budget talks. With a city election six weeks away, Carson said the next commission should be allowed to debate the issue or the item should be sent to voter referendum. He and Eggers are running for re-election Nov. 6.

**DiSpirito's** recommendation is part of a larger initiative he says would help spur economic growth by enhancing "quality of life" amenities at a time when construction costs and loan interest rates are at historic lows. In addition to the art and history buildings, **DiSpirito** wants to set aside another $100,000 to build classrooms inside the Blatchley House at Weaver Park. **DiSpirito** also suggested pouring a percentage of code enforcement fines into an expanded "residential facade" program, aimed at improving distressed neighborhoods or properties. Among **DiSpirito's** arguments for funding to the art center and museum:

•The city has partnered for 40 years with the art center, which has a rare chance at a $500,000, 2-to-1 state matching grant. To be eligible, the center has to raise $1 million by July. The center would use the funds to build the first floor of a new west wing.

•The art center is an "economic driver" that generates revenue for the city — $588,000 over the past two years alone. The center also offers discounts to city residents and employees.

•An 800-square-foot addition to the history museum would provide a Main Street entrance, increasing visibility 35 to 45 percent among passersby.

•Expansion would allow the museum to obtain national accreditation and incorporate environmentally friendly features, leading to lowered operating costs.

•Nearby cities have contributed large sums to arts and entertainment, including St. Petersburg and Safety Harbor, which recently absorbed its struggling historical museum into the city parks department.

**DiSpirito** said the two facilities, as well as the Blatchley House renovations, could be funded one of three ways: through savings on a bond refinancing; a 20-year bank note, which the city would pay off at a rate of $60,000 to $70,000 a year with Penny for Pinellas funds; or bundling the debt with a larger capital project. None would impact operations or require raising taxes or cutting public services, he said. Capital funds can't be used for most operational expenses. Eggers said he hesitated to spend the money when, like the city, other private groups are downsizing and might approach the city for help.

Carson ticked off a list of questions for **DiSpirito**. According to Carson, **DiSpirito's** earlier "behind the scenes" conversations about the proposal focused on loans rather than giving away city money. **DiSpirito's** current recommendation is "lacking in transparency," he said. Carson said he's not in favor of borrowing money that will generate long-term debt. "It's about needs versus wants. We are still very much in the need phase," he said. **DiSpirito** said his staff would continue exploring funding options and come back before the commission within 30 days.

Tampa Bay Times
May 31, 2012

**Dunedin lays off fire marshal, proposes other staff reductions**
Author: Keyonna Summers

DUNEDIN — The city has laid off one employee this week — the city's fire marshal — and five more staffers could lose their jobs if budget cuts in City Manager **Rob DiSpirito's** budget proposal are approved. **DiSpirito** says the layoffs — most of them administrative positions made obsolete by technological advances — are being recommended as part of a larger plan to ward off a projected $1.2 million shortfall next year. The City Commission, which will get its first glimpse of the proposed budget today, will have final say over whether to retain four of the employees through financial maneuvering during summer budget talks.

However, the most visible layoff — of Dunedin Fire Marshal Bill McElligott — was effective immediately upon being handed down Tuesday. **DiSpirito** and Fire Chief Bud Meyer said that's because one of McElligott's former job duties, fire inspection, will be absorbed by a civilian, and Meyer wanted at least six months to hire and train the new fire inspector before he retires in January. The layoff will save an estimated $50,000, plus eliminate pension contributions.

The move has drawn fire from residents, who laud McElligott's nearly six years of service to the city. Some have questioned the sudden need for layoffs, when last year the city reduced the property tax rate and spoke of having healthy reserves. But **DiSpirito** called the cut a last resort, necessary because of declining property values and a commission directive that supervisors working to balance the budget lead with "efficiencies" in lieu of raising property taxes and reducing services. **DiSpirito** said this was the third year that Meyer offered the fire marshal position as a potential cut. The city manager has discretion to make midyear operational decisions, so McElligott was laid off immediately. "I held off until I ran out of alternatives," **DiSpirito** said, adding that this was the first major fire department cut in at least five years. "We just got to the point when we couldn't take it out of other departments. ... We really didn't want to take a firefighter off the front lines."

The city has already notified the other employees of the potential layoffs. If approved by the commission, each would keep his or her job through Sept. 30, the last day of the fiscal year. Depending on length of employment, they would receive three or six months of pay and benefits beyond the termination date. McElligott, who was fire marshal for the city of Margate in south Florida before Dunedin hired him in 2006, also will receive salary and benefits through the end of the fiscal year. But that's little consolation for the 38-year fire veteran, who said the termination appeared to come "out of the blue."

McElligott said he worked an on-call Memorial Day weekend shift, only to be pulled into Meyer's office Tuesday morning, where a human resources manager handed him a termination package. In addition to serving on several fire-related county and regional boards, McElligott acted as Dunedin's fire marshal, media spokesman and disaster preparedness coordinator; headed

a team of three fire inspectors; oversaw hazardous materials and the juvenile arson intervention program; and gave public presentations about hurricane and fire safety. Over six years, he claims he worked "in excess of 450 to 500 hours" of flex overtime that the city won't pay out.

A review of his personnel file shows six "satisfactory" evaluations lauding him for his enthusiasm and skills. The file contains three disciplinary incidents, from 2010, 2011 and 2012. One was for failing to offer input as requested on a stadium handrail purchase that later had to be changed, and two were for disseminating inaccurate information to the public or staff. He disputed the 2011 inaccuracy claims. In 2010, the Florida Association of Homes and Services for the Aged named McElligott the state's public servant of the year. "It's odd because I've never received a bad evaluation," McElligott said, adding that it was a privilege to work in Dunedin, where he's also a resident. "It's unfortunate that (city supervisors) think so little of the job that I did."

However, **DiSpirito** said the cut had been proposed before so it shouldn't have come as a complete surprise. He said city officials discussed revenue declines during an April workshop. "It wasn't a secret," **DiSpirito** said. "We knew we had a shortfall for some time. It was just a question of how much and how to address it." In a memo to **DiSpirito** last week, Meyer noted that the chiefs in most cities Dunedin's size double as the fire marshal. McElligott's salary was $76,210. The civilian fire inspector, to be hired by August, will make $36,143. Officials expect greater productivity from the civilian, who won't be distracted by managerial or other duties. Meyer and on-scene division chiefs will share McElligott's former spokesman duties.

The other employees facing layoff are:

• One of three permit clerks in the department of planning and development.

• One administrative assistant each in the solid waste division, parks division, city manager's office and city clerk's office.

The city has also proposed nixing a warehouse inventory position with the city's water department and an accounting position within the city's finance department, which are already vacant. As has happened in the past, there's a "decent chance," **DiSpirito** said, that a few of the workers might be retained in positions that come available through staff restructuring, retirement or other means. Mayor Dave Eggers, when asked whether he was disappointed that the City Commission didn't get to weigh in on McElligott's termination along with those proposed for other employees, also noted that the fire marshal cut was not a new recommendation.

Layoffs are "awful." Eggers said. "This isn't just numbers on a piece of paper. These are lives. So, of course, you wish you could do things differently," he said. "But at the end of the day, we have to be true to the mission of the city, which is to deliver services effectively and at the same time be watchful stewards of the taxpayers' dollars."

Tampa Bay Times
February 17, 2012

**Dunedin commissioners give City Manager Rob DiSpirito a thumbs-up**
Author: Keyonna Summers

DUNEDIN — City Manager **Rob DiSpirito** scored a largely glowing review and a raise from the Dunedin City Commission during his fifth annual employee evaluation Thursday. However, his bosses did toss out a few pointers for the upcoming year. Their biggest criticism of **DiSpirito**? He's sometimes "too nice" of a guy. Under a 5-0 vote, **DiSpirito** will receive the same 1 percent raise and $1,000 one-time bonus extended to other employees this fall.

Commissioners complimented **DiSpirito**, 52, on establishing a good working relationship with them, other city employees and residents. Also, for freely speaking his mind, accepting criticism with grace and maintaining his sense of humor. The group praised **DiSpirito's** strategic planning and analytical skills, which they credit with saving Dunedin millions of dollars over the last several years. It was **DiSpirito**, they said, who led the grueling task of reorganizing and eliminating dozens of staff positions while managing to maintain Dunedin's service levels.

"You see how this city has been able to handle these interesting financial times. Other cities in the county seem to be wringing their hands over financial decisions, and we seem to be doing quite well, and that falls mainly on your shoulders," Commissioner David Carson told the city manager Thursday. "I hope no one around the county or state finds out about **Rob DiSpirito**," he added, "because they'll whisk you away from us in a heartbeat."

In a year-end report, **DiSpirito** listed his staff's 2011 accomplishments, including the opening of Weaver Park, savings gained through ratification of a new fire contract, and Dunedin's status as the only Pinellas County city to lower its tax rate.
For 2012, commissioners urged **DiSpirito** to:

• Reduce his work hours and use his accumulated vacation time. Commissioners said they frequently receive 3 a.m. emails from **DiSpirito** and worry he'll burn out.

• Get tougher on employee discipline and annual reviews, which Carson said hadn't been done consistently or sometimes lacked vital information, such as reprimands, until last year. "These reviews are supposed to be constructive, they're supposed to be educational, and yep, they're supposed to call people on the carpet," Mayor Dave Eggers said.

• Spend less time trying to sway commissioners to consensus following split votes. "I believe too much time is spent trying to convince that last person to come along with the program," Carson said. "With me, once I say I've heard enough, I would stop and just count me as a lost cause."
Eggers also wants **DiSpirito** and his staff to continue their efforts to prevent future utility billing problems. In 2009, Dunedin discovered it had been undercharging commercial users of

stormwater, water and sewer lines, costing the city $2.2 million over seven years. "We've made great progress, but we're not there yet," Eggers said.

**DiSpirito** thanked the commission, accepted responsibility for their criticisms and deflected praise to his staff. He's proud to have hit the five-year mark, the average length of service for city managers in Florida. "I will redouble my efforts to make 2012 the best year yet," he said. The jury's still out on how much his salary might rise. Carson pushed for a larger bonus or raise than the one approved for **DiSpirito** on Thursday. He noted that, "In the business world, had an individual like Rob come in and done the things that he's done, there'd be a sizeable bonus waiting for him." **DiSpirito** last year earned a base salary of $143,691 and another $20,492 worth of benefits, according to city records. He also receives an annual $6,000 car allowance.

Other commissioners agreed that **DiSpirito** is extremely valuable. But Eggers wants to review what other cities are doing. And Commissioner Julie Ward Bujalski wants to look at 2013 budget projections before discussing extra compensation for **DiSpirito**. The commission agreed to schedule that conversation for a workshop. On Friday, **DiSpirito** said he appreciated the sentiment, but called it a moot point: "I would not accept anything above what the general employees got. It's a team effort."

Tampa Bay Times
December 12, 2011

**Dunedin explores $3.1 million plan for new government services annex**
Author: Keyonna Summers

DUNEDIN - The city is exploring plans to replace its aging Municipal Services Building and City Hall with a new $3.1 million government services annex. Under the proposal, Dunedin would consolidate City Hall, at 542 Main St., and the Municipal Services Building, at 750 Milwaukee Ave., into a two-story structure to be built on an existing parking lot beside a third city-owned building, at 737 Louden Ave. The new structure might be attached to the Louden building, which currently houses the city's law enforcement, economic development and planning departments.

The Municipal Services Building would be torn down and the site converted to a parking lot. In merging the three city buildings, officials aim to create a "one-stop shop" for citizens seeking permitting, utility billing and other services. The proposal also would address decade-old concerns about deterioration, capacity, handicapped access, security, weather resistance and storage at the Milwaukee building and at City Hall. The City Commission gave staff the green light this week to bring in a consultant to evaluate the city's building needs. City Manager **Rob DiSpirito** stressed to commissioners during a workshop Tuesday that plans are "very preliminary" and can be halted at any time. "We have some buildings that are, to put it kindly, challenged," he said. "By retaining a design professional, it really will help bring some more form to the conversation."

The proposal stems from space needs reports done in 2000 and 2009 that deemed City Hall and the Municipal Services Building among Dunedin's "functionally obsolete" structures. Both documents recommended merging the Municipal Services Building - which houses Dunedin's city clerk, utility billing, city finance and human resources offices - with City Hall. In both buildings, officials say, there are roof leaks, faulty ventilation systems, bathrooms or other spaces that can't accommodate wheelchairs, insufficient security, and documents stuffed into "every nook and cranny" because of a lack of storage space. Neither could withstand a Category 5 hurricane.

The circular, 80-person-capacity commission chamber in City Hall - built in the 1970s as a library - is too small, forcing some residents to sit outside when controversial topics draw a large crowd. Pillars block audience members' view. There's no sprinkler system, but there are vermin, including rats and bugs. Even worse off is the Milwaukee building, which officials describe as being "on its last leg." Furthermore, the current configuration forces staffers and residents who are doing business in both the Louden and Milwaukee buildings, which back up to each other, to walk outside and around the corner, or to walk several blocks to City Hall. This isn't the first time commissioners have tried to tackle the problem.

Roughly two years ago, commissioners decided against a new City Hall. Employees were being laid off, so the timing didn't seem right. One benefit of moving forward now is that with low construction costs and interest rates, the bill for the project would be only about $3.1 million, compared with an estimated cost of $15 million to $18 million five to 10 years ago, officials said. The city also hopes to funnel proceeds from the sale of two properties once envisioned for city government buildings into the new annex's construction.

Most commissioners on Tuesday supported staff spending $500,000 set aside in the 2012 budget to bring in a space planning consultant. Among the things they want analyzed is whether to remain in the current City Hall, to include space in the proposed annex or to seek a new building altogether, and - if City Hall operations moved - whether to retain or sell the building to get it back on the city tax rolls. **DiSpirito** said he'd been in touch with the original architect, whose suggested uses included a library, a community theater performance venue, gallery space for the Dunedin Fine Arts Center, multi-purpose space for the historical society, or even the city's first movie theater.

Vice Mayor Ron Barnette called the possibilities "exciting." With building problems dating back to at least 2000, he said, action is necessary, especially at the Milwaukee building. "We're working out a plan that, over the long haul, is going to be saving some money," he said. "We're in great financial shape," said Commissioner David Carson, referencing the city's healthy reserves and budget, "and I don't think there's a better time to build than now."

The proposal met resistance, however, from Commissioner Julie Scales, who said her review of meeting minutes regarding the 2009 space needs analysis showed that just replacing the roof on the Municipal Services Building would be sufficient. "I think there's a lot of uncertainty as to what the needs are going to be for the city," Scales said. "We are in the worst economy we've been in for years. This is not the time to be building new edifices. I support making the fixes to Municipal Services now, with the idea that in 10 years, the dust will settle, and we can see where we are." **DiSpirito** countered that the city has been patching problems at its government buildings for years. A new roof, he said, wouldn't address the Milwaukee building's security, handicapped accessibility, plumbing and electrical problems. "It goes back to the public," he said. "They're not well-served by these buildings."

Dunedin Patch
September 23, 2011

**City Officials Squabble Over Civility**
**Dunedin leaders upset over perceived character attacks, call for respect and civil discussion.**
Author: Katie Dolac

The mayor and a city commissioner squared off over civility Thursday night. Mayor Dave Eggers said he would make no apologies for defending city staffers against Julie Scales' "insinuations" that they violated state law. The issue boiled over, causing the commission to revisit a longstanding civility issue. Scales raised suspicion during a Sept. 8 commission meeting for one-on-one commissioner meetings that the city finance director used to explain the complex wastewater rate models in advance of an Aug. 29 budget workshop.

The one-on-one meetings, Scales said, were used to circumvent public discussion, a direct violation of Florida Sunshine Law. "It was essentially late afternoon the day before the workshop, I was given the presentation of the modeling and during the course of the presentation, it was, you know, 'We decided this and we decided that, and I thought, 'who's we? This is the first time I'm hearing this,'" Scales, also a lawyer, said on Sept. 8. "I feel that decisions are not being made up here on the dias after full discussion and explanation."

Eggers said Thursday that those comments attacked the character and integrity of the staffers. He said the comment "throws out the impression that we are doing things in a sneaky fashion, and that's the last thing anyone on this city staff would put up with. ... I personally resent any kind of comments that insinuate we aren't doing the job that we're supposed to be doing." The comment sparked an investigation, but Tom Trask, interim city attorney, said Thursday that he did not find any violations.

Scales defended her view. "In the past, discussions have happened up here on the dias," she said and then, called for more public workshops and an end to one-on-one meetings, which cause confusion. "I think staff is essentially reading tea leaves regarding what a decision is," she said, and then, called for more civility. This led officials into another civility discussion, a chronic issue that City Manager **Rob DiSpirito** attempted to squash during an April 14 commission retreat. He wrote in a retreat letter:

"Let us agree to avoid making innuendos and suggestions of non-professional behavior... . Whether made in public or privately, references such as 'smoke and mirrors,' 'shell games,' 'back room deals,' intentionally 'jerking' people around, 'favoring' certain commissioners, and 'counting to 3,' have no place in our business dealings because these statements are derogatory, insulting, reflect badly on the organization as a while, and most importantly, are simply not true."

Commissioner Julie Ward Bujalski, although absent from the Sept. 8 meeting, expressed disappointment Thursday. "I think our staff has just been attacked all over again," she said. "We all agreed after the retreat that we would follow what was in that letter. I think it's important to say, this isn't the first time this is happening." The mayor sternly reminded all the commissioners to "be very careful with words that are used up here" and to give staffers "the respect you are demanding in return." Eggers, Scales and Bujalski are each in their third term on the commission. Scales is the only dissenting vote to before being filtered for private information. She failed to appear at a session for reopening public email access because of scheduling conflicts. All commissioners, except Scales, listed civility as a priority topic for the April 14 retreat, according to city records.

Tampa Bay Times
May 12, 2011

**Dunedin commissioners debate how to spend $3.9M surplus**
Author: Keyonna Summers

DUNEDIN -- While many American cities are struggling to avoid slipping into the red, Dunedin has the opposite problem: Its savings account is too fat. Dunedin has about $7.5 million in general fund reserves. That's $3.9 million too much - or double what city policy requires. At a budget workshop Tuesday, city commissioners tossed out ideas on what to do with the extra $3.9 million. Their ideas included using the money to reduce Dunedin's tax rate, giving city employees one-time bonuses, or jump-starting construction to replace outdated buildings. "We have too much money sitting in a savings account. We have more than we'll ever need," said Commissioner David Carson, "and it's partly on the backs of our taxpayers and our employees. Those two groups need to be taken care of in this next budget cycle."

City finance director Jeff Yates said staffers who are planning next year's budget will incorporate the feedback they got Tuesday into their next presentation to commissioners in June. Department heads have already been instructed to continue seeking ways to whittle away at costs. But City Manager **Rob DiSpirito** said the staff wanted commissioners' views on using reserves "as a last resort" to balance the budget. "We'll continue to lead with efficiencies," **DiSpirito** said. "We want to get that number as low as we possibly can before we even think about touching reserves."

Commissioners were hesitant to give their okay to use reserves, because, so far, the city has barely touched services. In addition, they said they're anticipating sales tax revenue to continue on the same pace or even grow next year. Policy requires that Dunedin put a portion equivalent to 15 percent of its operating budget in savings; that would amount to nearly $3.6 million. Dunedin now has about 30 percent in reserves. Documents show Dunedin has had more reserves than policy required since at least 2003. However, the cash level waxed and waned until 2009, when it suddenly skyrocketed. "Frankly, I think our outlook is pretty darned good," said Commissioner Julie Ward Bujalski. "I don't see the need to even discuss reserves at this point, as it relates to balancing the budget, until we get some real numbers" about revenues and expenses incurred over the past year.

Nonetheless, Carson said the extra money came from collecting too much from taxpayers, so he'll be pushing to return it to them in the form of a 10 percent property tax rate decrease. Commissioners also supported the idea of a one-time bonus for city employees, who haven't received raises in three years. In order to do that, Yates said, the commission would have to change its reserves policy. That's because bonuses are considered a one-time expenditure, and current policy restricts reserve use to capital projects or to pay off debts.

The Suncoast News
August 28, 2010

**Dunedin, Tarpon pondering development planning deal**
Author: Mark Schantz

City Manager **Robert DiSpirito** is proposing the city "invest" in another redevelopment specialist who would boost the city's economic agenda to the next level. Dunedin might be able to offset some of the cost of a second specialist by sharing his or her services with its neighbor to the north Tarpon Springs, according to **DiSpirito**. Dunedin Mayor Dave Eggers, however, thinks a second economic development staffer would be a good idea even if no deal with Tarpon Springs can be reached. That specialist would report to Robert Ironsmith, the city's longtime director of economic development.

In response to a question from Commissioner Julie Bujalski, **DiSpirito** revealed during last week's City Commission meeting that Dunedin is in "exploratory talks" with Tarpon Springs to potentially provide economic development services and raise some additional revenue on a contractual basis. Tarpon Springs City Manager Mark LeCouris approached him about the possible deal, **DiSpirito** said, adding he had nothing definitive to announce at this time.

Community Redevelopment Agency and general fund revenues would pay the bulk of the cost of the specialist position, according to **DiSpirito**. Dunedin commissioners will discuss adding the additional position at their Sept. 2 meeting and at the final hearing on the city's fiscal 2011 budget, set for Sept. 23.The Tarpon Springs city commissioners recently told LeCouris they want to hire a full-time specialist who would work to spark redevelopment and attract business and investors. In response, LeCouris told commissioners he was planning to meet with **DiSpirito** and formulate some options.

In an interview Tuesday, LeCouris said he is considering a lot of alternatives when it comes to an economic development specialist. They include: contracting with Dunedin; Tarpon hiring its own in-house specialist; training someone already on staff to handle the extra duties; choosing a firm as a consultant; or a blend of choices. It all depends on how much Tarpon has to spend when the City Commission sets the fiscal 2011 budget and if Dunedin hires a second economic specialist, LeCouris said. In the meantime, he and **DiSpirito** will continue to share ideas.

Last week, Eggers said the creation of a business and revenue development specialist position for Dunedin should not be contingent on a deal with Tarpon Springs. **DiSpirito** said he agreed with Eggers. "Dunedin must continue to expand and diversify its tax base, reducing our dependence on any one sector," **DiSpirito** told commissioners. He will seek an expert who has demonstrated at least five years of experience and accomplishments in the economic-development field. "We need a specialist who will make an impact quickly," **DiSpirito** said, adding, "When the economy sours, cities must invest in job creation and economic development efforts."

The proposed business and revenue development specialist would help create new sources of income for Dunedin as traditional revenue streams, such as property tax revenue, diminish, **DiSpirito** explained. In addition, the specialist would implement master and corridor development plans as well as ideas brought forth during visioning work shops. This person would help create jobs by aggressively marketing commercial sites while helping prevent existing Dunedin businesses from closing or moving elsewhere. This expert would assist with redevelopment outside the Community Redevelopment District, such as along S.R. 580 and Patricia Avenue and in financially struggling shopping centers, **DiSpirito** said.

Tampa Bay Times
October 2, 2009

**Dunedin audit prompted by utility billing error uncovers $1.5 million undercharge**
Author: Drew Harwell

DUNEDIN — Four hours into Thursday's City Commission meeting, after the mayor was applauded for his service to the library and the public had left City Hall, City Manager **Rob DiSpirito** began his biweekly update. It wasn't pretty. An internal audit launched in the aftermath of a $700,000 billing error had discovered a new slip-up. Like the previous error, it started in the commercial utility rate and endured over several years. One big difference: its $1.5 million price tag. Since 2002, city businesses have been charged for only half of what they owed for water and sewer use, an inadvertent steal that deprived the city of $221,000 a year.

As a fraction of Dunedin's $12 million in average annual utility revenues, that's a loss of about 2 percent a year. But in the shadow of layoffs, frozen pay and a tough forecast for next year's budget, the city staff has repeatedly stressed the importance of each taxpayer penny. "The financial impact to the Utility Fund is unmistakable," **DiSpirito** wrote in a memo to the city staff. "This latest commercial account revelation, as disturbing as it is, reaffirms our commitment to ... rebuild public trust in our entire billing system." Both errors, **DiSpirito** said, started in the software, where utility workers now off the city's payroll entered incorrect rates for determining bills.

Before 2002, commercial users within city limits were charged bimonthly for their use. But the City Commission that year approved an ordinance to change that charge to monthly. Like the initial error, that modification was never accounted for, and over seven years neither the utility division, nor the finance department, nor an auditing firm on contract with the city discovered the loss. What kept the error hidden, **DiSpirito** said, were increasing payments from city growth, an 8 percent utility rate bump in 2002 and the fact that residential users, who make up the majority of the city's revenue, were correctly charged.

But where the initial mistake was met with fury from the dais — Commissioner David Carson said he was "thoroughly disgusted" by the mistake — the latest development, though more than the double the loss, was met with a tempered response. "The first time it was somewhat shock," Carson said. "This time you sit back and say, 'oh well, what are you gonna do?' " Local business leaders and one of the city's auditing firms may wonder that as well. As with the first error, city officials could still decide to seek back pay from commercial users for the lost revenue. City Attorney John Hubbard has said it is within the city's legal right to charge for, at most, the last four years of underpaid bills.

Cristini and Associates, the auditing firm that Dunedin has paid for years to review its books, is still under contract to review Fiscal Year 2009's operations. The city has not yet signed a contract to renew the firm for 2010's records. The city staff is looking into filing a claim under an "error of omission" clause in Dunedin's insurance. The utility division director, whose desk it appears

was the origin for both mistakes, retired in 2007, **DiSpirito** said. He said he'd rather not share her name because he didn't have "perfect knowledge who was sitting in the chair when the mistake was made." "Obviously this is bad news. More bad news. And it's especially frustrating that it occurred far back enough in time that … current staff is having to clean up the mess," said Vice Mayor Julie Scales, who called the initial error "embarrassing." Still, with audits ongoing and other errors possibly still hidden, she sounded an optimistic note. "The mistake was found. That's a positive."

St. Petersburg Times: Web Edition Articles (FL)
September 20, 2009

**For Dunedin City Manager Rob DiSpirito, lunch expenses are part of his job**
**City manager's tally: $7,560 story, Sept. 9**

Manager's job warrants tabs

The story about Dunedin City Manager **Rob DiSpirito** ignored important facts when it compared **Mr. DiSpirito's** expenses to other city managers. Ignoring pertinent facts distorts the story. As a resident and business owner in Dunedin, I applaud **Mr. DiSpirito** for the hundreds of extra hours he works. Buying a sensible meal in a local restaurant is a reasonable price for two people giving up their personal time to conduct city of Dunedin business. **Mr. DiSpirito** has demonstrated that he is a top flight city manager who has saved millions of tax dollars. Maybe other city managers should be following his example.

Bill Francisco, Dunedin

**DiSpirito** doing a conscientious job

Is our Dunedin city manager, **Rob DiSpirito**, "out to lunch" with his feeding of the troops? I think not. First of all, **DiSpirito** is an honorable and conscientious city manager. Dunedin is blessed to have such a capable leader. **DiSpirito's** management style is making good decisions on a full belly. Seems the City Commission agrees with this concept. If our president can make business decisions over a beer, **DiSpirito** can do the same over a Philly cheese hoagie. Maybe we can get **DiSpirito** on the Food Network show, Man vs. Food. **Rob**, keep doing all the things that are making Dunedin a better place to live. If it means eating your way though the noon hour, so be it.

Bill Coleman, Dunedin

Lunch expenses a good investment

Regarding the "news" about how much our Dunedin City Manager **Rob DiSpirito** spends on food during the many lunches and dinners he spends working for the citizens of Dunedin, I wanted to echo the comments made by Vice Mayor Julie Scales and Commissioner Dave Carson. Such spending is without a doubt a good investment, and given that it averages less than $12 a day, it's clear **Mr. DiSpirito** isn't ordering steak and lobster for every meal.

It seems to me if the city gets an extra hour (or more) of work every day from **Mr. DiSpirito** for only $12, we should count our blessings. I have personally witnessed his professionalism and dedication to the city and hope the commission continues to support his work ethic. I certainly will.

Jane Baird, Dunedin

Picking up the tab not appropriate

Dunedin City Manager **Rob DiSpirito** spends more on working breakfasts and lunches in a year than city managers from Clearwater, Pinellas Park, Largo, Temple Terrace, Tarpon Springs and Plant City combined! Clearwater City Manager Bill Horne spends $1,600 less than **DiSpirito** with three times the population of Dunedin. There is something terribly wrong with this picture. We are in a major recession, depression, or whatever you want to call it. People are losing their jobs and cannot find other work. Families are finding it harder and harder to pay their bills and put food on the table. Everyone has been called upon to downsize, conserve, or do without. Yet some public servants seem to be above it all when it comes to themselves. Dunedin has followed suit by cutting jobs and trimming expenses such as closing the only city pool we have for the winter. Yet this city manager justifies food and other expenses on the taxpayer's dime like a high roller.

Spending cuts should be made across the board, even at the top. I don't see how you can rationalize this wasteful spending by making lame excuses that these lunches "are a totally common practice," when everyone else has to cut back and sacrifice. Do you mean to tell us that big deals can't be made over a cup of coffee instead of a $90 lunch when some families spend less than that on groceries for a week? This whole scenario is self-serving opportunism and not for the benefit of the entire community.

Karen and Ben Burton, Dunedin

The Suncoast News
September 11, 2009

**Dunedin commission upset over $694,000 utility bill mistake**
Author: Mark Schantz

DUNEDIN - To the shock of the City Commission, a misplaced decimal point resulted in a $694,420 loss to the city in storm-water utility fund revenue. Commissioners are equally dismayed that a host of auditors and consultant reports did not catch the error, in place since a rate increase in 2003. They will decide whether to hire an auditor to review utility rates and other fees when they meet this Thursday, Sept. 17.

While preparing for a proposed storm-water rate increase, interim Finance Director Annette Stahura discovered commercial users have been underbilled for storm-water service since 2003. In 2003, the commission vote to raise the monthly storm-water rate to $4.50 to $3 for both residential and commercial users. The 2003 residential fee increase was implemented. The commercial rate, however, was only raised $0.15, not $1.50. In addition, when rates were increased once again in 2005 to $6, no adjustment was made for commercial users, also a staff error.

The mistakes came to light this month, when city staff was preparing to implement a storm-water fee increase - to $8.25 a month per equivalent residential unit - the commission approved earlier in the year. In effect, commercial customers have been charged just $3.15 since 2003, according to Stahura. The loss has amounted to about $125,000 each year. City Manager **Robert DiSpirito** said storm-water utility fee revenue is used for the city's drainage and treatment programs, which have not been affected by the loss of revenue. Capital projects have not been affected by the loss either. Employees no longer working for the city made the mistake. The error was discovered after they left the city staff, **DiSpirito** said.

"To say that I am upset is a tremendous understatement," said Commissioner Dave Carson. Carson questioned why the city did not run standard tests when implementing new fees. Why were no red flags raised when increases did not produce predicted revenue increases? he asked. Commissioner Julie Ward Bujalski said her confidence in consultants and auditing reports and revenue projections has been shaken. **DiSpirito** called the mistake inexcusable and pledged that safeguards will be implemented to prevent a repeat.

The commercial undercollection per year, he noted, was relatively small in comparison with the total revenue collected, amounting to 5 to 7 percent. It appeared to be within normal fluctuations of yearly revenue, taking into account variations in demand and the declining economy. Most commissioners said they would not ask commercial customers to make up for the city's error, even though the city could seek back revenue for up to four years.

St. Petersburg Times
September 9, 2009

**City Manager's Tally: $7,560**
Author: Drew Harwell

Despite a tightening budget and continuing citywide layoffs, Dunedin City Manager **Rob DiSpirito** charged the city thousands of dollars over the past year for breakfast and lunch meetings with other city leaders. More than a third of **DiSpirito's** $7,500 in expenses, shown in records provided by the city, went toward meals shared between **DiSpirito**, city commissioners and department heads. Nearly $2,000 also was charged for working lunches by City Hall administrative staff. **DiSpirito** said the lunches allow a "tremendous amount of productivity for the nominal expense involved." Projects like the Weaver property purchase, he said, stemmed from meals paid out of the city budget. "They're all work meetings with staff: economic development needs, visiting delegations, working staff retreats, job candidates, negotiations," **DiSpirito** said. "Sometimes those things are best done in that kind of setting."

But when compared with expenses from nearby cities, verified by city clerks, **DiSpirito's** charges stand out. Clearwater City Manager Bill Horne, who manages a city with three times the population of Dunedin, spent $1,600 less than **DiSpirito**. According to records from Largo, Pinellas Park, Plant City, Tarpon Springs and Temple Terrace, **DiSpirito** spent more than all of their city managers combined. **DiSpirito** called charging business lunches to the city "a totally common practice" used in Dunedin since before his hire in 2007, though accounted for in different ways at other cities. "One way or another, they're either turning in receipts or using a P-Card or buying food in the kitchen," he said. "They're still paying money for that."

P-Cards are purchasing cards that can pay for city-related expenses. Dunedin has given P-Cards to department heads, directors and senior administrative assistants. Some of the cards prohibit spending at restaurants. But **DiSpirito's** card, according to city records, provides for a $5,000 monthly credit and allows for any purchase. In the past two years, city officials have spent more than $60,000 with the cards, buying everything from fliers and flowers to books and software. Conferences, seminars and hotel stays also are paid for with P-Cards, as they are with other city officials from across Tampa Bay. **DiSpirito's** expenses include city planning books, a parking ticket, a cell phone case, about $2,000 in dues to professional organizations and $1,800 for storage. As part of his contract, **DiSpirito** also earns $500 a month as a car allowance. His food expenses range from $5 in gas station food for a late presentation meeting to three $90 lunches with other city staff on the city budget and handrails.

Many of the most popular eateries, like Flanagan's Irish Pub and Cafe Alfresco, are within walking distance of Dunedin City Hall. Others, like Country Boy Family Restaurant, Marguerite's Deli and Umberto's of Long Island, are a short drive away. "My daily work habit is to work through lunch. I don't go home, I don't go to the park and read a book, I normally don't take a break," **DiSpirito** said. "It's definitely one of the more productive work hours." Commissioners defended **DiSpirito's** use of city money, calling him a dedicated hard worker

who rarely takes time off. "When I go with him, it's an hour-and-a-half lunch meeting," said Commissioner David Carson. "It's never enough time. I need another hour." Carson admitted he has felt uneasy having taxpayers buy him lunch, but added that paying for the business meetings is a "good investment" compared with what the city gets in return. "If it turned out that was the most convenient time for the people involved, so be it," said Vice Mayor Julie Scales. "If he's bringing revenue to the city and saving money for the city and that involves a sandwich, that's fine by me."
* * *

FAST FACTS

Spending comparisons: City manager expenses over the last year:

- **Rob DiSpirito**, Dunedin: $7,560.56 ($2,843.74 spent on food)
- Bill Horne, Clearwater: $5,919.75 ($79.72 spent on food)
- Michael Gustafson, Pinellas Park: $1,875.65 ($234.27 spent on food)
- Norton Craig, Largo: $1,408.83 (all spent on fuel and maintenance for city-provided vehicle)
- David R. Sollenberger, Plant City: $1,389.05 ($22 spent on food)
- Mark G. LeCouris, Tarpon Springs: $1,364.76 ($65.30 spent on food)
- Kim D. Leinbach, Temple Terrace: $1,337.63 ($157.50 spent on food)

Tampa Bay Times
July 20, 2009

**Dunedin workers: Preserve our jobs, benefits**
Author: Drew Harwell

DUNEDIN — City workers want Dunedin to spend less on park projects, event subsidies and executive pay and more on preserving their jobs and benefits, even at the risk of higher taxes or lower city reserves. More than 150 employees, asked to rank the importance of their existing benefits in an anonymous questionnaire, told of a stressed and strapped work base livid over the budget cuts and extravagant expenditures they say have forced them into overwork. "The fact that we are being asked to rate our benefits causes me to see the handwriting on the wall and totally infuriates me," wrote one employee. And another: "Are you kidding? Are you trying to make slaves out of us?"

Coupled with the dissatisfaction are suggestions on how the city could save money. Some target internal policies like take-home vehicles, random drug testing and the hiring of a fire training chief. Others offer unorthodox ideas, like giving outgoing employees certificates instead of plaques. Among the ideas suggested most often, and the city's response:

Suggestion: Raise the millage rate, used to calculate personal property taxes, or dip into reserves.
City response: The City Commission chose this year to keep the millage rate at its 2008 level, the lowest in more than a decade. That rate pinches the city's finances as taxable property value has dropped 12 percent. But, City Manager **Rob DiSpirito** said, it also helps homeowners save money. As for Dunedin's $15 million in reserves, Mayor Dave Eggers said city officials would prefer to save the "one-time money."

Suggestion: Delay big projects like the Kiwanis Sprayground, which opened this month, and the Josiah Cephus Weaver Park. Response: Most of that capital improvement money, Eggers said, "can't be used to offset operating costs or to save another job." External funding, like the Dunedin Kiwanis Club's contribution to the water park and the state and county grants that paid for the Weaver property, must be used for special projects.

Suggestion: Stop waiving fees for public events held downtown and citywide.
Response: This idea is one the city has just begun to back. Dunedin will no longer pay for things like barricades, cleaning and security at events like Art Harvest and Mardi Gras, **DiSpirito** said. Event coordinators will be asked to reimburse for any services the city provides.

Suggestion: Trim administrators' workweek to four days, decrease their salary or eliminate high-level positions.
Response: Some employees wrote in outrage at the city leaders' "top heavy" pay scale, and **DiSpirito** in particular, who some wrote earned a 13 percent raise in January. That claim was false: Dunedin employees, including **DiSpirito**, were eligible for a maximum 3 percent raise last year, said Human Resources director Nancy Duggan. No new raises will be given for the new

fiscal year starting in October except for union firefighters, who will receive 4 percent increases. **DiSpirito**, who runs the city, earns $143,690.77 a year. Eggers earns $10,000 and commissioners earn $8,000. Salaries for department heads, which top Dunedin's payroll, will not be cut, although the assistant city manager position has been renamed "assistant to the city manager" and its pay decreased from $120,000 to $76,000.

The Employee Action Committee, upon receiving the questionnaires, wrote that a minor increase in taxes or tapping into reserves could eliminate layoffs. The proposed budget calls for 10 layoffs and eight frozen positions, on top of 18 position freezes, layoffs and retirements last year. Committee members also suggested seven initiatives pushed by responding employees, like eliminating free coffee, paper payroll checks and holiday trash pickup. Tiered employee health care and opt-out options should be considered, they added, and minimum travel and overtime spending should continue. Eggers said he appreciated the feedback, no matter how negative. "You get that feeling that employees are frustrated with what's going on, and I can understand that," Eggers said. Dealing with layoffs and lost revenue can be "very stressful. I get it."

Tampa Bay Times
July 3, 2009

**Dunedin Country Club delivers big check to city — with a jab — in sparring match**
Author: Drew Harwell

DUNEDIN — Disappointed with the city's plans for one of its prized assets, Dunedin Country Club board members Wednesday responded with a surprising criticism: a $100,000 check, signed to the city, seemingly out of nowhere. It's a welcome submission to a city that, like the club, has entered tough financial times. But the check comes during a strange stage of the city's negotiations, in which both sides have butted heads over the struggling club's future leadership.

City Manager **Rob DiSpirito** and Assistant City Manager Harry Gross met Wednesday with club president Judy Campbell, general manager Debbie Logerquist and treasurer Jack Norton to discuss the club's reaction to a Request for Proposal, drafted by city leaders and released earlier this week. The request would seek offers from firms interested in managing the Dunedin Isles Golf Club, a consolidated campus that would include the current club and the St. Andrews Links course next door. That's when board members handed over $107,296.15, the total of the club's two-year back rent, and a short letter aimed at Dunedin's top brass. "It was most disappointing when the City decided to issue a Request for Proposals," wrote Logerquist and Campbell, who asked that the city remove the club's name from the request. "We prefer not to be a part of this process, but will cooperate fully with the City in its effort."

The message from the club's leaders is clear: They don't feel they need any outside help. **DiSpirito** said the club's sudden snipes contradict a former accord. "The funny part is that they agreed to that a week ago," **DiSpirito** said. "Jack (Norton) was here at the meeting, we asked him if he was okay with that and he said, 'Yep.' I just think that apparently there was a reconsideration." Campbell, Logerquist and Norton could not be reached for comment Thursday.

The city has owned the 126-acre golf course since 1930 and collects lease payments from the club, which runs the par-72 course and a full-service clubhouse. Citing dwindling membership and revenue, club members have consistently asked the city to draft a new lease that would retain current leadership and lessen their rent obligation, which was cut in half five years ago by the city. It has since been readjusted back to 5 percent of annual gross revenue, meaning this year's rent, due Nov. 30, will likely total about $100,000. Norton said the club, which has lost nearly $750,000 in the past three years, could afford the payment.

His confidence notwithstanding, city officials say the current arrangement, strapped with losses and past lease delinquencies, isn't working. "This whole thing turned on (the club) treasurer's repeated acknowledgement that they didn't think they had the funds to keep up with the licensing agreement," **DiSpirito** said. "That changed everything." The request could bring in an outside investor or management firm to pump money into the club and, consequently, city coffers. Responding proposals are due in early August. The city hopes to begin any new contract by Oct. 19.

The club's financial history, though, may prove the biggest obstacle to finding new business management. The two courses in what would be Dunedin Isles lost nearly $1 million between 2006 and 2008. Although the club had more than twice as many rounds played as the Links during the same period, it lost more than three times the revenue. **DiSpirito** said the campus could still be profitable, though, with the introduction of new "revenue streams" like merchandising, promotion and new fees. "It's not all about the money," **DiSpirito** said, "it's about the energy and ideas and enthusiasm that comes with it."

Negotiations between the club and city have proved, at times, more combative than collaborative. At Thursday's City Commission meeting, club member and former Commissioner Bob Barber called the Request for Proposal pursuit, the most recent step in a 22-month negotiation, "the final slap in the face ... (toward) good stewards of city land." "I'm quite ashamed of this City Commission. I'm glad I'm not on this dais," Barber said. "Slap us once, slap us twice, you really don't care." Commissioners, who unanimously supported pursuing the request, pleaded for peace between the city and club. "This is so much not about us against them, and that's what everyone seems to be making it out to be," said Commissioner Julie Ward Bujalski. "The community is really becoming divided over this. ... The negativity that's spawning out there is not going to help anything." "I have felt all along that we are partners with the club, but somehow it got twisted and turned by whoever out there that somehow we're at odds," said Mayor Dave Eggers. "I don't know what we have to lose with this RFP process."

The Suncoast News
February 28, 2009

**Dunedin Museum Presenting Political 'Relics Of The Moment'**
Author: Cheryl Bentley

The question of who was U.S. President James Garfield's opponent in the presidential election of 1880 is not the most pressing for most people - unless you are Dunedin City Manager **Robert "Rob" DiSpirito** or Dunedin Historical Museum Executive Director Vincent "Vinnie" Luisi. The question recently popped up when **DiSpirito** was giving a tour of the museum's current exhibit of his extensive campaign memorabilia. He realized he had forgotten Garfield's opponent and would not rest until he had consulted fellow history buff Luisi. The two finally settled on Winfield Hancock.

That was not the first time the two put their political heads together. Their first collaborative effort is now at the museum. Inspired by the 2008 election campaign, Luisi wanted a display centering on American politics and turned to **DiSpirito** for help. These days, **DiSpirito** and Luisi are in a political buff's heaven with the museum's exhibit of **DiSpirito's** extensive collection of political memorabilia. **DiSpirito** began the collection in 1972, when he was in the eighth grade in Slippery Rock, Pa. Luisi chipped in a few items, and Dunedin resident Bill Coleman donated an authentic punch-card voting machine from Palm Beach County that was used in the infamous 2000 presidential election. Organizers even managed to find a few chads from somewhere in the machine and put them on display with the machine. Visitors can also watch old campaign commercials - much longer than today's brief sound bites - and 1960's Kennedy-Nixon debate.

The rest of the display consists of **DiSpirito's** election memorabilia. His collection fills the room - and he still has much more left over at home, he notes. One of the oldest items is a pair of molded glass plates from the 1840 campaign of William Henry Harrison. Harrison, of "Tippecanoe and Tyler, Too" fame, was the ninth U.S. president but didn't have long to enjoy his presidency. He died in office of pneumonia on his 32nd day in office and was replaced by Vice President John Tyler. Coins minted by the political parties and medals with candidates' names and pictures were the forerunners of today's campaign pins. **DiSpirito** has a number of samples, beginning with those of Millard Fillmore, president from 1850 to 1853.

Posters have always been popular. The display has samples from former presidents, including an 1848 poster of Zachary Taylor, president from 1849 to1850. Taylor's was another short-lived presidency. The president died of gastroenteritis after having served only 16 months. Taylor was thought to have become sick after eating tainted cherries, **DiSpirito** notes. Without today's modern communication systems, the candidates had to be quick to reach voters. "Lives and Speeches of Abe Lincoln and Hannibal Hamlin," a full-sized book, was published in the few months between the convention and the election. Hamlin was Lincoln's vice president during his first term. "Back in the days when there was not mass media, this was one of the few ways to educate about the candidates," **DiSpirito** notes.

Most of the items in his collection were inexpensive, the city manager says. He has picked up a number of them in sales of old paper, flea markets and junk shops. There, he always checks the jewelry section, where he has found campaign jewelry. Campaign memorabilia deserves a better fate than junk shops, he says. "These things evoke a certain amount of passion," **DiSpirito** says. "They are relics of the moment." The exhibit will run through June at the Dunedin Historical Museum, 349 Main St., Dunedin. The museum is open Tuesday through Saturday, 10 a.m. to 4 p.m.

Tampa Bay Times
February 2, 2009

**Praise all around for Dunedin City Manager Rob DiSpirito**

Dunedin City Manager **Rob DiSpirito** has finished his second year on the job in an enviable position: praised by his bosses, appreciated by his staff and embraced by many in the community. The problem, Mayor Bob Hackworth said recently, will be keeping him. **DiSpirito's** record was achieved through hard work, creativity and a gift for diplomacy. He also has been a calming force in a city government that had been disrupted by a difficult city manager change.

Dunedin city commissioners recently completed **DiSpirito's** annual evaluation, and when they discussed the results publicly Jan. 22, the City Commission meeting turned into a lovefest. **DiSpirito** "rolls up his sleeves and works as hard as anyone else," said Commissioner Dave Eggers. "He's a listener. But he's not afraid to tell you he disagrees with you, which I like," said Vice Mayor Julie Ward Bujalski. "His accessibility is legendary," said Commissioner Deborah Kynes. Even the city clerk and city attorney sang his praises. "Yeah, we got a really good city manager here," summed up Hackworth. Commissioner Julie Scales, also praising **DiSpirito**, made a motion to give him a 3 percent raise, which was approved 5-0 without a moment's hesitation. Hackworth will be leaving the commission in March, but he told the other members of the commission that one of their challenges will be to make sure the city manager doesn't get overwhelmed and is rewarded for the work he does.

**DiSpirito's** performance was particularly impressive in two areas mentioned by the commissioners: paring down the city budget, and acquiring the Weaver property for parkland. Scales noted that **DiSpirito** took the time to search for real efficiencies in developing a budget, intent on preserving as many services and jobs as possible. To obtain the Weaver property for the city, **DiSpirito** and his staff beat the bushes for grant dollars and created partnerships with the state, county and local companies to obtain the land with little impact on city taxpayers.

Not specifically mentioned by commissioners, but certainly worthy of praise, is **DiSpirito's** emphasis on operating a transparent city government. Since he arrived in January 2007, the city's Web site has been improved, streaming video of commission meetings is available, and the city is preparing to begin televising other city meetings as well. No one was surprised when **DiSpirito** responded to all the accolades by saying, "I accomplished nothing by myself," and praising his "terrific" staff. "It's a joy to work with everybody, including the commission and the public," he said. The feeling, clearly, is mutual.

Tampa Bay Times
July 14, 2008

**Dunedin proposes $2.6M in budget cuts**
Author: Theresa Blackwell

DUNEDIN — City Manager **Robert DiSpirito's** 2008-09 budget proposal does exactly what the City Commission has directed: It carves away $2.6-million in spending without dipping into the city's reserves or reducing services. The city's property tax rate as well as its library and recreation center hours would stay the same, but 19 employees would lose their jobs. A draft of the spending plan will be presented to the City Commission at three budget workshops this week, starting today. Commissioners are expected to approve a final budget in September.

As proposed, the city's operating budget would be about $60.3-million, with a capital budget of about $27.8-million, for a total of about $88.15-million. That's down nearly 11 percent from this year. The city's tax rate would remain at 3.5597 mills. A mill equals $1 in property taxes for every $1,000 of assessed, non-exempt property value. So a homeowner whose non-exempt assessment totals $150,000 would pay an estimated $534 in city taxes. That hypothetical tax bill does not include taxes levied by the School Board, County Commission, Southwest Florida Water Management District, Juvenile Welfare Board or other taxing authorities.

**DiSpirito** said the proposed budget reflects recent changes in property tax and taxable values and the downturn in the economy. Among other things, the budget would:

• Eliminate jobs of 18 full-time city employees and one part-time employee.

• Include a 3 percent merit raise for city employees. The firefighters' union contract calls for a 4 percent merit raise.

• Reduce the amount spent on law enforcement by $185,000. City officials were able to reach this cut through negotiations with the Sheriff's Office, which has a contract to provide police service to Dunedin.

• Include rate increases, which already have been approved, of 5.5 percent for utilities and 5.6 percent for solid waste service.

Those rate increases, along with the rest of the budget, will take effect Oct. 1. The job cuts will save the city about $851,000, **DiSpirito** said. Outsourcing the city's custodial operations would eliminate eight jobs and save the city about $400,000. Other job cuts under the proposal are a finance management analyst, a human resources risk manager, the division director for communications in the information services department, a planner in the planning and development department, two full-time and one part-time recreation positions, a streets division employee, a librarian and contract positions for a community policing officer and for a traffic control unit.

The Suncoast News
June 26, 2008

**Dunedin Could Cut 18 Full-Time Positions**
Author: Mark Schantz

DUNEDIN - The city could cut 18 full-time positions from its fiscal 2009 budget to make up for an expected $2.6 million revenue shortfall. In an interview today, City Manager **Robert DiSpirito** said the city has done everything it could to prevent having to lay off any employees. The amount of property tax revenue the city will lose next fiscal year to state-mandated property tax rate cuts is so large, however, he will be forced to recommend staff reductions, he said.

The City Commission would have to go along with **DiSpirito's** staff-reduction plan. "It's very rare to be forced to reduce a budget by this much in a single year," **DiSpirito** said, adding, "It's a terrible position for all of us to be in." The economic slowdown is combining with the tax rate reductions to compound the city's budget problems, **DiSpirito** said.

In drafting the city's budget for the 2009 fiscal year, which begins Oct. 1, city staff also attempted to make up for the revenue shortfall without impacting services. For the current fiscal year the city was able to reduce spending by roughly $1.4 million without having to resort to layoffs. In planning for next year's budget, staff had to reduce spending by an additional $2.6 million. After crunching the numbers staff got to within $600,000 to $800,000 of that goal but ran out of ways to reduce spending and had to resort to layoffs, according to **DiSpirito**. Some people will take early retirement, while other positions have to be eliminated, he said.

The city will do everything it can to help employees who do not want to retire find jobs in the private sector, **DiSpirito** said. For more details on possible Dunedin city government job cuts see the June 28 North Pinellas print edition of The Suncoast News.

Tampa Bay Times
April 3, 2008

**North Pinellas editorial:**

Dunedin City Manager **Rob DiSpirito** has a customer service ethic. It is apparent in many of the changes that he has implemented in his 15 months on the job. Most visible to the public, perhaps, are the improvements to the city's Web site. It has morphed from a site that was awkward to use and contained little useful information into a refreshingly open portal into the city's business. The site constantly seeks feedback from residents, posts up-to-the-minute information, provides numerous ways for residents to contact the city to ask questions or complain, and the city manager even advertises his phone number there. **DiSpirito** believes the site can be improved even more. Perhaps less visible to the public, but just as illustrative of **DiSpirito's** insistence on good customer service, are changes he is making in the city's permitting and development review processes.

**DiSpirito** heard lots of complaints from builders and developers soon after arriving in Dunedin. They told him the city had a well-deserved bad reputation when it came to processing development plans and permit applications. He observed the process, asked lots of questions and came away convinced that the complainers had some valid points. Development plans languished, contractors' calls were not returned and procedures were awkward and inefficient. **DiSpirito** said the departments handling that work had both "structural and cultural" problems.

So late last year **DiSpirito** developed a long list of changes he wanted to make, with the goal of providing better customer service while still protecting the public's interests in the review of development plans and permits. One of those changes was to hire a "traffic cop" — his words — who would be a liaison between the applicant and city departments, making sure plans progressed through the system efficiently and that everyone was kept informed.

**DiSpirito** found that person already working for the city. Lael Giebel was working as a community services analyst. Her new title is development services project coordinator, a job she began in March, and her appointment already has won praise from people who deal with the city. **DiSpirito** emphasizes that Giebel's job is not to be an advocate for developers or the city staff, but to independently monitor the review process and make sure everyone stays on task. She'll report directly to the assistant city manager, and she'll be a primary point of contact for applicants for permits and site plan reviews.

**DiSpirito** also tacked some additional duties onto Giebel's new assignment. He wants her to review the city's permit and development review documents and Web site postings to make them more user friendly. Giebel particularly wants to get rid of the government jargon that makes those materials almost incomprehensible to outsiders. **DiSpirito** understands the difference between giving developers a free pass and giving them good customer service. The city is still free to say no to development plans that don't meet code or don't fit in the community, and it should. But in the future, applicants will get their answer more efficiently and courteously.

The Suncoast News
January 26, 2008

**Dunedin Manager Gets Good First-Year Rating**
Author: Mark Schantz

DUNEDIN, Fla. - It's not often that that five city commissioners voice agreement on an issue up for discussion. During last week's City Commission meeting, however, all members agreed that City Manager **Robert "Rob" DiSpirito** has done an excellent job during his first year at the helm of the city. **DiSpirito** was hired after a lengthy and difficult search for a replacement for longtime City Manager John Lawrence, who stepped down and moved to Georgia.

**DiSpirito**, who was city manager of Oberlin, Ohio, before coming to Dunedin, immediately faced a number of challenging issues. In their evaluation last week, commissioners praised **DiSpirito** for being able to juggle those issues at the same time and see them through to resolution. He was praised for saving the city money, enlisting staff and the public in decision-making processes and consensus building.

During his short tenure, he has also become the butt of good-natured City Hall humor over the appearance of his office, which is strewn with piles of paperwork on his desk, table and floor. Lawrence, by contrast, was known for his orderly office. Commissioner Julie Scales noted **DiSpirito** was able to shine, even in the midst of those early turbulent situations. He deserves a gold star for his excellent efforts.

Commissioner Dave Eggers noted the new manager came into office during a tough time and was able to deliver a balanced budget with minimal impact on city services. **DiSpirito** is a "listener, planner, doer, decision maker, classic leader and worker who rolls up his sleeves, Eggers said. Mayor Bob Hackworth agreed, saying he is "extremely satisfied with the manager's performance." Commissioner Julie Ward Bujalski praised **DiSpirito** for bringing a lot of new ideas to the office. **DiSpirito** thanked everyone for being patient with the new guy on the block and told commissioners he is humbled by their comments and his first year on the job has been "a labor of love."

The Suncoast News
September 15, 2007

**Dunedin Could Privatize City Custodial Work**
Author: Mark Schantz

DUNEDIN, Fla. - Still facing an uncertain property tax revenue future, city officials are trying to get ready now if they need to make major spending cuts. One of the cost-cutting avenues being explored is privatizing custodial services at municipal buildings. According to City Manager **Robert DiSpirito**, hiring an outside janitorial firm could save the city nearly $148,000 a year. At present, 11 municipal employees perform custodial services on 192,000 square feet of city property. Dunedin officials are contemplating spending cuts because on Jan. 29 of next year Florida voters will decide whether to amend the state constitution to create an optional "super" tax exemption on homestead property. The exemption could reduce the taxable property base of Florida cities and counties.

City officials are contemplating the possible fiscal impact of the super exemption even though recent polling suggests the proposal would fall well short of the 60 percent majority needed to amend the state constitution if the referendum were held now. Local officials had to cut planned city spending in the current fiscal year, which began Oct. 1, in response to the local government property tax rate rollback the state Legislature ordered in June. Now, officials here want to offset any future revenue loss by further trimming costs. These savings can be applied to the city unobligated reserve fund, according to **DiSpirito**.

According to a memo from Keith Fogarty, division director of maintenance, bids from vendors willing to provide custodial service were "significantly less than our cost for providing service primarily due to differences in labor and benefit costs." The custodial firms, Fogarty explained, have lower operating overheads because they use part-time employees who receive little or no benefits. Any firm the city might hire to perform janitorial services, however, would have to be bonded and insured and its employees would have to have undergone immigration-status checks, he added. In addition, the firm selected by the city would have to offer employment to any current members of the city custodial staff who do not get other jobs with the city.

Six to seven full-time employees now performing these services could be placed into other full-time positions currently vacant. The three or four remaining would work for the balance of the fiscal year as custodians and the positions evaluated at that time. Some of these workers have been on the city payroll for more than 20 years. Shifting jobs should not be a financial hardship for the workers, **DiSpirito** said. "All the jobs pay more than what custodians now earn," he said. The switch to private janitorial services could be phased-in to permit the city custodians to be absorbed into other municipal positions, find jobs with other employers or retire, according to the city manager. **DiSpirito** has not yet set a date for a City Commission discussion of the privatization proposal.

The city has two other cost-saving plans in the pipeline. The City Commission has already approved hiring an outside contractor to handle utility billing and mailing services. This move is expected to save the city $8,652 a year. The city is also planning to sell its television truck, used during the videotaping of parades and other events that take place outside City Hall. The sale should net the city $23,000. The television equipment would be shifted to a smaller vehicle in the city fleet, according to **DiSpirito**.

Tampa Bay Times
August 14, 2007

**Dunedin warms to its new city manager**
Author: A Times Editorial

No matter how thorough the interview process, hiring a new city manager can be risky business. There are things that officials and residents can't learn until they have worked with that person for a while. After six months, these are some of the things Dunedin officials and residents have learned about their new city manager, **Rob DiSpirito**: He works hard, he believes in open government, and he keeps his word. And he expects the same of the people who work for him. That's a formula for success in any community interested in good government.

Some wondered if **DiSpirito** would be tough enough to do what needed to be done in Dunedin. He is soft-spoken. He does more listening than talking. He does not have a forceful presence. The challenges he faced were significant. Dunedin had operated under the same city manager for more than 20 years. The city staff had become accustomed to working the same way for too long. His bosses on the City Commission didn't get along with each other. And aside from those issues, the state was in the midst of a financial crisis, local tax revenues were being capped, and the morale of the city staff was in the cellar. **DiSpirito**, it turned out, was tough enough. He started his job on Jan. 22, and today his bosses on the City Commission talk about him like he's a hero. At a meeting earlier this month, commissioners praised him for being a great communicator, a good listener, a hands-on manager, a boss who shares the limelight with his staff, and a city manager who seeks advice from the community. **DiSpirito** doesn't just delegate; he gets in the trenches with his staff, though it means working long hours. He does research, asks questions, and seeks out others who have expertise on issues confronting the city. He has made long-needed changes in the city staff, recognized and rewarded employees who have special talents, and begun revamping departments and procedures.

While previous city administrations sometimes seemed unwelcoming to residents, **DiSpirito** invites public opinions. His approach to cutting the city budget is characteristic. He asked city employees to help with cost-cutting ideas, told city department heads to give employees time during the work day to brainstorm ideas, and put out a call to residents to send their cost-trimming ideas to his online hotline. When he heard builders and developers were unhappy with city processes, **DiSpirito** scheduled a public meeting and invited them to bring him their complaints. As usual, **DiSpirito** listened closely to the 40 or so people who came to the meeting and told stories about difficulties getting permits and plan reviews. He checked out how other area cities handled those services and got ideas for ways to improve. **DiSpirito** noticed even before he arrived in Dunedin that the city Web site didn't offer much useful information. Today, www.dunedingov.com is much improved, offering more information, streaming video of commission meetings, the manager's hotline and updates on all city projects. In only six months, **DiSpirito** has figured out some weaknesses in city government and how to address them, and has brought a more open and welcoming tone to City Hall. That's impressive indeed.

The Suncoast News
August 4, 2007

**Dunedin to try again for land grant**
Author: Mark Schantz

DUNEDIN, Fla - The city faces some big hurdles before it can acquire waterfront property north of downtown. Dunedin has received many letters from people eager for the city to purchase the property to keep it out of the hands of developers and turn it into a park. The land lies between the Fred E. Marquis Pinellas Trail and Gulf of Mexico, north of downtown at Pershing Street. The plot straddles both sides of Bayshore Boulevard (Alt. 19). In order to consummate the land deal, however, the city might have to come up with about $6 million to pay its share of the cost of buying the five acres. The current total price tag is $18 million, although City Manager **Robert DiSpirito** thinks that might change in the city's favor.

The city is considering making a second attempt to receive a grant from the Florida Communities Trust to help pay for the land, known as the Weaver property. The owner is Josiah C. Weaver, a businessman. Even if Dunedin were to win the state funding, however, it would have to come up with a financial plan to pay the upkeep and maintenance costs associated with a park on the site.

According to Assistant City Manager Harry Gross, the cost associated with creating the park could include: $167,000 to prepare the site for public use; $15,500 to $31,680 to install a quarter-mile nature trail; $20,000 to $55,000 for a picnic pavilion; $10,000 for an observation deck; $55,000 to $120,000 for restrooms; $65,000 to $131,000 for a 20-space parking lot; and $3,000 to $5,000 to replant vegetation. Under the terms of the state grant the city would have three years to make these improvements. Gross estimates it will cost the city $17,000 to maintain the green space in the park, $2,000 to maintain the pier and deck and $3,500 to maintain restroom facilities.

The price of the property itself may be lower than the $18 million for which it previously was appraised, according to a recent report from **DiSpirito**. The area's real estate market has cooled since that appraisal was made, he notes in the report. Much still hinges, however, on whether the city can acquire the state grant. City commissioners recently agreed to make a second attempt to acquire a Florida Communities Trust grant. Last year the city's application did not earn a high enough ranking to acquire funding. "Keeping the application alive will allow us to preserve the city's options, with no monetary risk," **DiSpirito** said.

This year, however, the trust has received an even higher number of grant applications so Dunedin may fall short of qualifying again, the city manager cautioned. Even if the city were to be deemed eligible for the grant, it would not have to accept the money and move forward with the land purchase and park development, **DiSpirito** noted. **DiSpirito** said city staff, including City Attorney John Hubbard, "are still working to clarify questions concerning ownership of several smaller parcels in or adjacent to city, county and state rights of way within the general area of the Weaver property," with no firm conclusions.

The Suncoast News
July 7, 2007

**Dunedin employees could go to balance budget**
Author: Mark Schantz

DUNEDIN, Fla. - Before final touches are placed on next year's budget, Dunedin officials are burning the midnight oil to come up with an estimated $1.4 million in cost-cutting measures. That figure is how much the city expects to lose in property taxes collected, as a result of tax rate rollbacks the Legislature ordered last month. The tax breaks mandated from Tallahassee find the city facing a 13.3 percent reduction in the amount of revenue it can expect to derive from property taxes in 2008, said City Manager **Robert DiSpirito**. "Property tax reforms initiated by the state Legislature has required municipalities to drastically reduce millage rates," said **DiSpirito**, who took the city manager's job early this year and is in the process of putting together his first municipal budget proposal for Dunedin.

The city is complementing a property tax rate that is 33.7 percent less than it was in 1995, he explained. This year's millage rate was 4.093 while next fiscal year's rate is 3.5491. A mill represents one dollar of property tax revenue for every $1,000 in assessed, taxable property value. The city has to offset revenue reductions, but it also has to plan for expected increases in its utility and fuel costs and property insurance rates and the general cost of doing business over the year, **DiSpirito** said. The city's proposed budget for fiscal 2008 reflects a reduction of nine regular staff positions that will be achieved through a hiring freeze and attrition. The city's 2008 fiscal year starts Oct. 1.

**DiSpirito** said staff is contemplating additional reorganization and other measures to further reduce costs. One planned reduction in personnel expenses involved merit pay increases for city workers. **DiSpirito** is looking at reducing them from 4 percent to 3 percent. Even with the property tax rate reductions the city will still have about $5.5 in its nonobligated cash reserves, or 20.9 percent of operating revenue. City policy is to have reserves equivalent to at least 15 percent of annual recurring expenditures. **DiSpirito** said maintaining the financial cushion is a wise move in light of proposed future property tax reductions.

The city also likes to have a nest egg to handle emergencies. The city's operating budget is $62,632,402 and capital budget $33, 028,710. The total, $95,661,112, is a 7.7 percent increase over fiscal 2007. On the revenue side, the proposed FY 2008 budget includes a previously approved 7.5 percent increase in utility fees and 5.6 percent hike in solid waste collection fees. Budget work sessions will take place July 10 and 11, 6:30 p.m. both days, and July 13. 9 a.m. The City Commission will hold budget hearings Sept. 6 and Sept. 20, at 6:30 p.m. on both days.

The Suncoast News
June 16, 2007

**Dunedin permit system under review**
Author: Mark Schantz

DUNEDIN, Fla. - People who have been dealing with the city's permitting division can now let their voice be heard. City Manager **Robert DiSpirito** is creating a task force that will seek ways to make obtaining a building permit and other permits from the city, easier and quicker. The task forces members will include business people, developers and residents and nonresidents alike. The task force will not be holding public gripe sessions at which the faults of the city's current permit setup will be endlessly rehashed, **DiSpirito** said. Rather the panel's main task is identifying glitches in the permitting process and coming up with solutions, he said.

For example, some developers and residents planning home remodeling or tree removal have complained about the time it takes to secure a permit and bureaucratic red tape involved. The panel's mandate won't end after coming up with ways to make the permitting process more user friendly, **DiSpirito** said. Instead, it will monitor how any changes to the system are working, he said. People interested in joining the task force should call the City Manager's office at 727-298-3007.

**DiSpirito** said his earlier request for comments from residents and nonresidents on how to streamline government and reduce the budget has met with very good success. He has received many good suggestions via the city's Web site, www.dunedingov.com, **DiSpirito** said. He is hoping to receive even more comments, the city manager said.

The Suncoast News
May 26, 2007

**Dunedin freezes positions, prevents suitors from wooing CRA director**
Author: Mark Schantz

DUNEDIN, Fla. - City Manager **Robert DiSpirito**, who assumed office just a few months ago, is already overhauling the municipal government staff structure in a drive to save money. **DiSpirito** is also taking steps to ensure a city official who over the years has garnered a lot of praise for his direction of the downtown redevelopment effort doesn't look for employment elsewhere. As part of his cost-cutting drive, **DiSpirito** said he deleted plans to hire a special events coordinator, at a cost of $52,600. Instead, the city manager has given the job of overseeing downtown celebrations and other local special events to David White, the city's coordinator of volunteers. White now works for the city Leisure Services Department.

Consolidating the coordination of volunteerism and special events makes sense because the tasks are related, according to **DiSpirito**. The city manager has also decided to leave eight staff positions - a library assistant and temporary library aide, an account clerk, firefighter-paramedic, recreation supervisor, city code inspector, storm-water supervisor and parks worker - unfilled for the city's 2008 fiscal year. He said he also denied staff's request to hire a division chief of training for the Fire Department, a computer technician and traffic control analyst. In all the personnel decisions will save the city $374,680, according to **DiSpirito**.

In a move highly praised by city commissioners, **DiSpirito** has named Robert Ironsmith to head the city's newly created Economic and Housing Development Department. Ironsmith has been serving as the community redevelopment director and assistant community services director. In his new post he will report to the city manager. Four cities have tried to lure Ironsmith away from Dunedin, **DiSpirito** said. "Bob is without question the most talented economic development specialist with whom I have worked with in my entire career," said **DiSpirito**, who was city manager of Oberlin, Ohio, prior to taking the Dunedin city manager's job.

"I am not surprised that he has been heavily courted by nearby cities, who are well aware of his good work and value," **DiSpirito** said of Ironsmith. Ironsmith has spent a dozen years overseeing the Dunedin downtown redevelopment program. He is now spearheading creation of the Gateway, a mixed-use anchor on the eastern end of the downtown segment of Main Street, expansion of a downtown streetscaping project and several proposals to increase downtown parking. City commissioners agreed Ironsmith deserves to head the Economic and Housing Development Department. It will focus on economic development throughout the city, not just downtown, and increasing the local affordable housing stock.

Mayor Bob Hackworth said the recognition for Ironsmith is long overdue. Ironsmith will not have any additional staff. Sheila Black, CRA administrator, will assist him along with Jan Sebald, the city's former volunteer coordinator, who currently assists Ironsmith on a contractual basis.

Tampa Bay Times
November 1, 2006

**Dunedin gets its city manager**
**Commissioners choose an Ohio man with experience at myriad municipal jobs.**
Author: Sheela Raman

**Robert DiSpirito**, who has run Oberlin, Ohio, for a decade, will be Dunedin's next city manager. The Dunedin City Commission took less than half an hour to make the unanimous decision in a special meeting Tuesday morning. "He stood out because of the breadth and depth of experience he's had," said Commissioner Julie Scales. **DiSpirito** "went the extra mile" when he visited Dunedin for interviews by stopping by at the Chamber of Commerce and visiting many downtown stores, Scales said. "His excitement really came through," she said.

**DiSpirito**, 47, said he had not sought another job since taking over in Oberlin in 1996. He couldn't resist the Dunedin job because he knew about the city's charm from visiting his sister who lives in Tarpon Springs. "I'm very excited to have the chance to work with this town," **DiSpirito** said. The similarities between Oberlin and Dunedin made **DiSpirito** a prime candidate, commissioners said. Both towns have an artsy feel, a small, walkable downtown and recently faced land redevelopment challenges.

**DiSpirito** has big city experience, too. In the mid 1980s, he worked in Dallas as assistant to the director of planning and development and assistant to the mayor and City Council. He later spent time as a private consultant to municipal governments nationwide. From 1989 to 1996, **DiSpirito** worked as assistant city manager in Meadville, Pa., and Delaware, Ohio. **DiSpirito's** accomplishments in those cities showed Dunedin commissioners that he possessed the one thing they especially valued - creativity. "He had that edge," said Commissioner Julie Ward Bujalski.

Bujalski was particularly impressed by the partnerships **DiSpirito** developed to preserve public services under a tight budget, including saving Oberlin's only city hospital by partnering with Oberlin College and Community Health Partners.

**DiSpirito**, who has accepted Dunedin's offer to enter into contract negotiations, said he already has some ideas about how to generate property tax relief for city residents. He said the city needs to create more forms of revenue to keep the millage rate down. "We could bring in some commerce parks and get more commercial tax revenue," he said. **DiSpirito's** colleagues in Oberlin said they will miss him. "I'm not exactly excited about it," said Oberlin Mayor Dan Gardner. "He really became a part of Oberlin, and I'm sure in a short amount of time he will do the same for Dunedin." "Rob's competent, energetic, outgoing and knows exactly what it takes to run a city. It will be a loss for the city of Oberlin," said Ron Rimbert, vice president of the Oberlin City Council. **DiSpirito** has a wife, Evangelina, a daughter, Sophia, 3, and a son, Nicholas, 21 months.

The candidate pool for the job narrowed to four after Mike Bonfield, city manager of St. Pete Beach, pulled out Monday afternoon for family reasons. Dunedin Mayor Bob Hackworth, Vice Mayor Dave Eggers and Commissioner Deborah Kynes said they were equally enthusiastic about Jill Silverboard, city manager of Madeira Beach, as they were about **DiSpirito**. Eggers said Silverboard has experience in the county and could have hit the ground running, but he is just as happy with **DiSpirito**. "He had a certain chemistry with the commission," he said.
Commissioners said they were relieved to have finally concluded the search. They had faced months of indecision since John Lawrence retired from the position in January. "This is probably the most important decision any of us is going to make as a commissioner," Hackworth said.

The Oberlin Review
February 17, 2006

**Town's Living Wage Debate Lives On**
Author: Brian Pugh

Last November, Oberlin voters rejected Issue 55, the "living wage" city charter amendment. This Monday, City Council revisited the question of whether or not the city should require firms that do business with the city or receive special incentives to pay their employees a living wage. Though the council had opposed Issue 55 before the election, according to council member Dan Gardner, it was not opposed to the general concept of a living wage in Oberlin. Monday's meeting was a "working session" meant to explore the idea.

City Manager **Robert DiSpirito** submitted to the council a report on the living wage issue that he and his staff had prepared. The report cautioned that it could not verify claims made about the economic benefits of the living wage. **DiSpirito's** report found "numerous areas of concern" and urged that the council perform "further in-depth study" before proceeding with legislation.

**DiSpirito's** report states that there is a "[p]erception that such a law is anything but 'Business Friendly,'" and that it could discourage companies from moving to Oberlin. "In the business community, such a law is viewed as a disincentive to recruiting new industry and business," read the report. **DiSpirito** told the council that property taxes, real estate and utility prices already made attracting businesses to Oberlin an "uphill fight." According to the report, a living wage law could damage Oberlin's fiscal health: contractors could pass the cost of paying employees on to the city and bidding on government contracts could be less competitive.

**Dispirito** pointed out additional potential ills. A living wage law could be met with legal challenges, it could require increased spending to monitor compliance and "[a living wage] would benefit a smattering of persons who are employed outside contractors and live elsewhere." "The city is in its fourth year of budget deficit, with more likely [to] come," said the report. "This is simply not the time to risk increasing operating costs, and losing industrial and business competitiveness."

**DiSpirito** recommended Oberlin work in conjunction with other cities to lobby the state and federal governments for a higher minimum wage. Economic consultant Greg Sherman, who has advised Erie County and Sandusky on living wages, supported the analysis of the City Manager's report. He said the results of survey of business owners for these municipalities were similar to what **DiSpirito** had found and compared instituting a living wage law to "unilateral disarmament."

Jack Filak, representative of the American Federation of State, County and Municipal Employees public employee union on the Lakewood Fair Employment Wage Board, spoke to the council about his city's living wage law. He dismissed concerns about the cost of enforcing the law.

Filak said a living wage is "not burdensome or expensive" for Lakewood. He said the living wage is "not a huge benefit," but "we have not found that it has hurt us."

The living wage law had helped Lakewood's temporary employees and improved the quality of life of the city's temporary workers, said Filak. Council Member Anthony Mealy expressed his frustration with the lack of a concrete proposal for the Council to consider. Other council members stated their interest in the living wage and continued discussion.

Charles Peterson said he was willing to "contribute all of [his] time" to a serious effort on the living wage issue. Gardner said that he considered the issue to be important, but he also said that he was not interested in a "symbolic measure." Local businessmen Charles Horton and Rob Lane shared their views with the city council. Horton asked about the extent of a living wage law. "If it affected all my contracts, I'd leave town," he said. Lane said that had a living wage law existed at the time, it would have prevented him from bringing his AgriNoMix company to Oberlin.

Community member J.J. Shawn sarcastically suggested rolling back the city zoning laws to attract more businesses and complained that the City Manager's report was "slanted" and "stacked with anti-living wage articles." "There was a time when Oberlin was a leader in working for social justice and I hope that time hasn't passed," concluded Shawn.

The Oberlin Review
February 19, 1998

**Rooming house safety: where it all began**
Author: Douglas Gillison

The three-pronged clash between city landlords, Oberlin College and the city of Oberlin has become a tangle of accusations and legal battles rivaling the morass of the Presidential impeachment hearings. The one sure thing, though, is that the fight has been messy for everyone. Over the past year, a string of legal events has developed surrounding the city's decision to enforce regulations on rooming houses. On the legal stage, a suit against the College, criminal proceedings against landlords, an investigation of the fire inspector and most recently, a civil rights suit against the city have marked the busy year. The stage for battle, however, was actually set two years ago.

Second-story staircase
In 1996, the city's legal adviser, Eric Severs, told the City Council that it was required by law to enforce its fire codes, which previous administrations had neglected. "The whole reason we're in this pickle is that the city had dropped the ball for a number of years," said City Manager **Rob DiSpirito** last October. In August of 1996, landlords received a letter from **DiSpirito**, Fire Chief Dennis Kirin, and City Code Administrator Marshall Whitehead stating the city's intention to initiate steps "to bring all new and existing rooming houses into full compliance with current safety standards." These regulations stated that rooming houses which had more than two floors were required to have a second means of exit -exterior ladders did not qualify- and interconnected fire detectors. Rooming houses are defined as buildings housing five to 20 unrelated people paying legal rent.

Inspections were carried out in the summer of 1997, but nine landlords did not participate, opting instead to protest these new inspections. Chapter 34 of the Ohio Basic Building Code states that the ordinances in question do not apply to "Existing buildings where their location, parts, equipment, and other items do not constitute a serious hazard". These landlords believed the language of this clause protected them against any retrograde application of current safety standards and that an investigation on these grounds was illegal.

According to landlord David Sonner, who protested the inspections, an agreement between the city and the landlords was finally reached in early 1998, and inspections were carried out. On March 11, however, College President Nancy Dye issued an all-campus mailing citing three recent and deadly fires in the town. In her letter, Dye said she was writing to publicize the names of those landlords who had met the city's safety standards and "to inform [students] of the identities and addresses of those landlords who refuse to do so."

Dye's letter listed Betty Baxter and Glenn and Susan Gall as owning properties with inadequate exits. She also listed Sonner, Carol Graham, and Van and Kathalee Kirkendall as having "refused inspections." "None of us actually ever refused anything," Sonner said. The landlords

then filed suit against the College and Dye for "defamation and tortuous interference with contract and business relationships," claiming that Dye altered information she received from the city, and that many of Dye's statements in the letter, which she attributed to information from the city, were not supported by any oral or written statements from the city.

The suit also complained that the plaintiffs were suffering serious financial burdens as a result of the letter and that many students were seeking to breach their leases. The suit against Dye and the College was dismissed by the Lorain County Court of Common Pleas on July 17; however, the dismissal is being appealed. Fire Chief Kirin cited to the municipal court five of the landlords for violation of the fire code. Criminal charges were filed against them. At about the same time, the landlords appealed the city's actions to the State Department of Commerce Board of Basic Building Standards in Akron a total of seven times. These five landlords ended up in municipal court on criminal charges a total of four times over the course of that summer, according to Kirkendall. "We were cited directly to municipal court by Chief Kirin and denied our legal right of appeal," he said.

In September, Graham, Kirkendall, Sonner and Baxter appealed the city's actions to the Board of Basic Building Standards in Akron. According to Sonner, the Board's decision was favorable to the landlords in all cases. "It's been very clearly demonstrated that [rooming house owners] only have to meet the building requirements that were in place at the time of the building's construction," said William Teets, an information officer for the Board. According to an appeals brief of the suit against Dye, the Board found that there were "no serious hazards" in the rooming houses operated by Baxter and Gall and ordered the city to issue licenses to Gall and Baxter. The city has appealed this decision.

On Aug. 7, the Board of Building Standards passed a resolution directing the Ohio Department of Commerce to begin a preliminary investigation into the city's building department, including City Building Inspector Kenneth Klingshirin. Klingshirin filed the initial citations for code violations against the landlords. Teets said the complaints filed by the landlords convinced the board to go ahead with an investigation. In September, City Manager **DiSpirito** downplayed the investigation, saying the landlords were unhappy with the citations they received. "These are people who have had an honest difference of opinion," he said. "We feel that Mr. Klingshirin's done a good job and hasn't overstepped his bounds at all."

However, on Dec. 21, Klingshirin received a letter from the Department of Commerce saying that it had authorized a full investigation of him in his capacity as a state building inspector in response to complaints filed against him. According to Kirkendall, Klingshirin is under investigation for actions in another city as well. "He's known for doing things he shouldn't," she said. To add to the chaos, on Dec. 10, Interim Dean of Students Deb McNish sent a letter to students saying that they must make sure that their landlords have obtained a valid license. If a student failed to do so, "and the landlord is unable to obtain a valid license, the Residential Life and Services Staff will revoke your off-campus housing. You will be required to live on campus. If you have already signed a lease" you may still be liable under your lease agreement. As a

result, you may be paying twice for housing expenses." The letter also listed Baxter, Graham and Kirkendall as having no licenses.

On Jan. 20, all nine landlords filed a federal civil rights suit against the city, **DiSpirito**, Klingshirin and Kirin for violations of the 1983 Civil Rights act. The suit charges these City officials with willfully misinterpreting State and City building codes and of "embarking on a course of general harassment" of student rooming house operators. The suit seeks $100,000 in compensatory damages for the nine plaintiffs and $500,000 in punitive damages against the city. According to Gall, their lawyers' fees are approximately $100,000. "Their point of view is rather limited, considering the circumstances," Kirin said of the suit, which he explained City Hall had been expecting. "There are some egress issues we still have to work out."

The Oberlin Review
September 20, 1996

**DiSpirito stays busy as Oberlin City Manager**
**DiSpirito works on sidewalks and fire escapes**
Author: Susanna Henighan

The Oberlin City Hall and Municipal Building is a modern, angular building located downtown, across from the Post Office and the Oberlin Public Library. Early in the morning, before students have emerged en masse from their dorms and houses, the building is active. Court is in session, the police department investigates crimes, the county clerk is answering questions about the upcoming election and City Manager **Rob DiSpirito** is meeting with the Oberlin city council chairman.

In five months **DiSpirito** has fleshed his once minimal knowledge of Oberlin out into a large working awareness of the issues and daily workings of the town. **DiSpirito's** position is comparable to a mayor, but is different in fundamental ways. He is a hired professional, and answers directly to the seven-member city council, which hired him and acts as his supervisor. **DiSpirito** believes that city managers are preferable to mayors because they have been trained professionally for the job. "Mayors tend to be homegrown," he said. **DiSpirito** said that mayors could have no previous understanding about government and city managing. **DiSpirito** oversees the administration of the Police and Fire Departments, streets, refuse, water and electricity in Oberlin. He is also in charge of code enforcement, economic development, public works and public recreation.

**DiSpirito's** office reflects his job. Around him are piles of papers that cover the surface of his desk and tend to extend to the floor and chairs around his desk. They are in neat piles though, and post-it notes sit on top of many of the stacks, appearing to organize them. Also among the papers and pictures in his office is a framed copy of the rock band Rustëd Root's platinum album When I Woke. His brother, Jim **DiSpirito**, is a drummer in the band. **Rob DiSpirito** hopes Rustëd Root will come to Oberlin soon. "I think their world beat sound would really appeal to Oberlin," he said.

But **DiSpirito** doesn't spend most of his time booking shows for his brother. Most of his days are full of meetings with committees, council people, Oberlin residents and his staff. The big issue currently facing **DiSpirito** and the city council is sidewalks. The debate centers around whether the city or private residents will pay to fix old sidewalks and build ones where there have never been sidewalks. Residents are rallying around both sides, and a solution is still unclear.

Other issues of importance to students are also on **DiSpirito's** agenda. A priority of **DiSpirito's** is enforcement of fire codes on rooming houses - houses which are rented to five or more people. This includes many off-campus houses which students rent. **DiSpirito** said that the code mandates fire escapes extend from doors rather than windows, and that they be built with a stairwell. Many fire escapes are currently just ladders nailed to the side of houses. **DiSpirito** said

that the College is helping to compile a list of houses that are renting to five students or more. After they have the address, the city can immediately inspect the house and mandate changes. **DiSpirito's** concern over the condition of these off-campus houses are only a part of his overall concern about Oberlin and the College. He said that after arriving in Oberlin he sensed "a real willingness to work together" between the town and the College. "I think the town really looks forward to [the return of students]," he said. "I think there is a lot of dynamic that returns ... It is definitely fun." **DiSpirito** said that he feels the College adds an international flavor to the town that residents take pride in. He also said that of all the college towns he has lived in, he feels less "us" and "them" mentality here. "Schools have flavors. This one has 57 varieties," he said

Before working in Oberlin, **DiSpirito** worked for four years in Delaware, Ohio, the home of Ohio Wesleyan University and before that he worked in Meadville, Penn., where Allegheny College is located. He grew up in Slippery Rock, Penn., and attended Slippery Rock University there. He received his Masters degree from the University of Pittsburgh in 1986. **DiSpirito** would like to establish an official town-gown committee that would consist of a few council members, a code enforcement officer, the fire chief, a public works official and a representative from the Police Department. In the meantime, however, **DiSpirito** is considering the relationship between the College and the town without a committee.

Another area for collaboration between the College and the town include the proposed Environmental Studies Center. **DiSpirito** has met with Professor of Environmental Studies David Orr, who is in charge of the project, several times. **DiSpirito** said he hopes the city can be a part of the project. In issues of law enforcement and security, **DiSpirito** also includes the College in his considerations. Recently when two officer positions opened up in the Police Department, **DiSpirito** included Director of Safety and Security Keith James on the panel that made the selections. He also said that in meetings with President Nancy Dye they discussed renovation of Crane Pool. Crane Pool is located in Hales Gym, but was closed in 1994. While no decision has been made, it is an area of much discussion.

Community service is another area that **DiSpirito** thinks binds the College and the town. He said that the spirit of volunteerism is especially strong in Oberlin among the townspeople and students. He appreciates students who volunteer in the community as well as the fact that residents are active on city committees and in the community itself. He talked about the great resources in Kendal at Oberlin, a retirement home in Oberlin, that he feels is home to some of Oberlin's most dedicated and knowledgeable citizens.

# *Cover Letter and Resume*

# Charles M. Duggan, Jr.

August 29, 2016

Mr. Colin Baenziger
President
Colin Baenziger & Associates

Dear Mr. Baenziger:

Please accept the enclosed resume and know that I am excited about the opportunity to apply for the City Manager position with the City of Port St. Lucie. I have always desired to work in a community which combines interesting work challenges while exhibiting superior quality of life in a setting of remarkable beauty. As you can see from my resume, I will bring a varied and comprehensive background incorporating experience from every level of local government. I am an extremely self-motivated professional interested in participating in an organization dedicated to excellence. I was particularly drawn to the statement in the recruiting brochure that the next manager is expected to make Port St. Lucie the best city in Florida, if not the United States.

Throughout my career I have proven my ability to succeed in increasingly responsible and challenging positions. I understand the importance of the City Manager position and I am able to demonstrate the commitment required to perform at the highest level required by the City Council. I have the ability to work collectively to set realistic goals, communicate and collaborate with a wide variety of individuals, analyze complex information and to disseminate clear, focused, realistic recommendations.

During my tenure as City Manager with the City of Auburn I have begun instituting High Performing Organization concepts while seeing public satisfaction with customer service increase each year. Additionally, I currently serve on the Board of Directors of the Alliance for Innovation. The Alliance is an organization striving to foster a community of practice shaping the future of local governance with a vision to be the world's premier network driving innovation in local governance. In addition, I have recently been selected by the Southeast Region of ICMA to serve on the Board of Directors beginning in September 2016.

I am positive that a personal interview will more fully display my qualifications, and my abilities, to join the City of Port St. Lucie team working towards the City's continued success. Thank you for your time and I look forward to meeting with you and Port St. Lucie City Council.

Sincerely yours,

Charles M. Duggan Jr.

Charles M. Duggan Jr.
Enclosure

# Charles M. Duggan, Jr.

[redacted]

cdugganauburn@me.com

## SUMMARY

Committed local government manager with an excellent history of collaborative, strategic leadership of a high performing management team in a growing, vibrant, business focused community. Extremely skilled at managing and communicating in a dynamic, fast-paced environment. Over twenty years' experience in municipal government with strong emphasis in financial management, economic development, customer service, information technology and planning. Highly effective in improving quality of public services, staff productivity, efficiency, and morale while remaining fiscally focused and operating within existing budgetary restraints. Exceptional ability in assessing needs, forging strategic partnerships, consensus building, and implementing policy changes. Adept at employing innovative problem solving, team building and project management techniques. Excellent writing, interpersonal and presentation skills.

## PROFESSIONAL EXPERIENCE & ACCOMPLISHMENTS

### COLLABORATIVE LEADERSHIP

- Supervise 12 department heads and advise daily on policy questions, operations, personnel issues, citizen requests and problem situations.
- Manage/operate human resources function for 465 permanent full and part time employees (617 FTE).
- Interview, hire/fire, evaluate performance, and discipline staff and department heads.
- Introduced higher performing organization concepts to management team.
- Created employee team to compose City's Core Value Statement.
- Oversaw team leading to creation and adoption of City's Comprehensive Plan – winner of "Best Comprehensive Plan" 2012 Alabama Chapter of American Planning Association.
- Created steering committee to develop proposed Downtown Plan.
- Led adoption of Opelika Road Corridor Plan to revitalize strategic commercial corridor.
- Collaborated extensively with Chamber of Commerce on downtown event planning and commercial development policy improvements.
- Implemented development review team to foster interdepartmental cooperation, remove barriers and time delays, during engineering and zoning plan approval stage.

### ECONOMIC DEVELOPMENT FOCUS

- Led economic development efforts that resulted in:
  Job Creation = 3,790 with Capital Investment = $812,089,292.
  New Companies = 14 ($348,876,753 in capital investment and 1,519 jobs).
  Expansions = 52 ($463,212,539 in capital investment and 2,271 jobs).
- Sales tax growth: FY2014 receipts approximately 7% higher than FY2013.
- Travelled internationally to attend and lead recruitment and expansion meetings with CEO and upper level management of transnational companies (Germany, France, Korea, etc.).
- Oversaw construction of West Tech Park – a new 400+ acre technology park dedicated to industrial recruitment.
- Ensured completion of infrastructure and Phase I of the Auburn Research Park, a joint-initiative between the City of Auburn, Auburn University, and the State of Alabama.

ECONOMIC DEVELOPMENT FOCUS (continued)

- Created development review team/process to better support needs of new and expanding commercial and industrial business and to remove impediments.
- Collaborated with Auburn Mall owners on completion of $40M renovation and expansion.
- Implemented Commercial Development Incentive Program for sales tax sharing.

FINANCIAL PLANNING & MONITORING

- Led presentations to rating agencies which resulted in three upgrades since 2006.
- Analyze fund balance, debt plans, revenues and financial policies to keep budget in line with policy objectives of governing body and sound financial practices.
- Streamlined budget process to facilitate efficient creation, review, and adoption.
- Directed the creation of official, City Council adopted, financial policies.
- Created Solid Waste Enterprise Fund to better track expenditures and revenues.
- Distinguished Budget Presentation Award for last four biennial budgets.
- Eight consecutive years receiving GFOA Certificate of Achievement for Excellence in Financial Reporting CAFR award.

RELATIONSHIP BUILDING & COMMUNICATION

- Forged excellent working relationships with local school system, county officials, Auburn University Administration, State and Federal elected officials.
- Developed/furthered partnerships with:
  Auburn University: new Airport terminal, Research Park, Doctor of Osteopathy School;
  Lee County: Jail expansion, Solid Waste disposal bid/contract;
  Auburn City School system funding;
  Chamber of Commerce downtown events.
- Instituted City Manager's Weekly News to update City Council on past week's events and upcoming activities and projects.
- Created monthly Public Works report to assist City Council's knowledge on project schedule and status.
- Citizen Survey satisfaction with city's effectiveness of communication with the public improved from 59% to 75%.
- Citizen Survey satisfaction with image of the City raised from 78% to 90%.

EMPLOYMENT

| | | |
|---|---|---|
| 2006 – Present | Office of City Manager: City Manager and Interim City Manager | City of Auburn, AL |
| 2003 – 2006 | Office of City Manager: Assistant and Interim Assistant City Manager | City of Auburn, AL |
| 1998 – 2003 | Information Technology: Deputy Director, Asst. Dir., Network Admin | City of Auburn, AL |
| 1991 – 1998 | Parks & Recreation: Dir. of Special Programs, League Coordinator | City of Auburn, AL |

EDUCATION

Master of Business Administration, Auburn University, Auburn, Alabama
Elective courses in Public Administration and Information Technology
Bachelor of Science, Applied Physics, Auburn University, Auburn, Alabama
Elective courses in Electrical and Mechanical Engineering

# *Candidate Introduction*

# Charles M. Duggan, Jr.

## Education

Master of Business Administration, elective courses in Public Administration, Auburn University
Bachelor of Science, Applied Physics, Auburn University
Harvard Kennedy School Senior Executives in State and Local Government Certificate
University of Virginia Senior Executive Institute for Local Government Certificate

## Experience

| | |
|---|---|
| City Manager (includes 9 months acting), City of Auburn | 2006 – present |
| Assistant City Manager (includes 2 months acting), City of Auburn | 2005 – 2006 |
| Deputy Director, Information Technology, City of Auburn | 2000 – 2005 |
| Network Administrator, Information Technology, City of Auburn | 1998 – 2000 |
| Director of Special Programs, Parks and Recreation, City of Auburn | 1993 – 1998 |
| Athletic Specialist, Parks and Recreation, City of Auburn | 1991 – 1993 |

## Background

Auburn Alabama is the home of Auburn University and is the central city of the Auburn/Opelika MSA. It is the largest city in eastern Alabama with a 2015 estimated population of 62,059 residents which is a 16.3% change since 2010. The Auburn University enrollment is 27,287 students. Auburn is the fastest growing city in Alabama in one of the fastest growing areas in the nation. A major retail and employment center for east, central Alabama, Auburn hosts the majority of employment for a five county area. The city benefits from being located directly on I-85 and between the state capitals of Montgomery and Atlanta.

Media rankings have been steady in 2016, including our being ranked as one of the "safest places in Alabama." Auburn was selected as a top retirement destination again in 2016, following the same recognition by Where to Retire in 2015, and a "Top 25 City for Retirement" recognition by Forbes in 2014. Speaking to the strength of our Economic Development efforts, Auburn was named both a Top 25 Destination that people are moving to, and a Top Alabama City for Job Creation by 247wallst.com, and a Top Small Metro for attracting business. With education as a continued priority, we are proud of the Niche.com recognition of Auburn City Schools as a "top five" Alabama school system.

The current FY 2016 Auburn General Fund Budget totals $87,628,386 with total budget responsibility equaling $168,823,945. The City has 798 employees (637 FTE) with eleven department directors, two assistant city managers (one also serves as CIO over the IT department), and two Office of the City Manager employees for a total of 15 direct reports.

The three most significant issues facing the City of Auburn are:

- Growth. Auburn has enjoyed significant growth over the past decade and along with that growth comes the natural tensions related to change. Through citizen engagement, yearly citizen surveys, and proactive planning efforts we have balanced this change for the betterment of the City. This month our Downtown Master Plan received an "Outstanding Plan" award from the American Planning Association and earlier this year, the Insurance Service Office (ISO) assigned a new Fire Rating which improved our designation from a Class 3/9 to a Class 2/2x.
- Traffic congestion. Intersection improvements have been a theme this biennium, with several of Auburn's busiest intersections undergoing major improvements. The result has been aesthetic, as well as, major functionality and safety improvements. At one intersection level of service scores measuring traffic flow were improved from an F to a B, with delays per vehicle reduced from 94.7 seconds to 15.9 seconds. Total collisions were reduced by 47% comparing January to May, 2014 vs. 2016. In other intersection projects safety improvements have resulted in accidents decreases ranging from 8% to 84% with levels of service increasing from F to C.
- Commercial Economic Development. Alabama has the lowest property taxes in the nation and therefore heavily reliant on sales tax for revenues. Through efforts to streamline the approval process, an emphasis on customer service towards new and expanding businesses, and creative sales tax sharing incentives the City has grown its commercial sector considerably over the last decade. Increased competition from the nearby contiguous city increases the need to have a focused approach to capture sales tax dollars.

## General, Management Style and Experience

Similar to most city managers, quite often I receive recruitment contacts about open positions. Most of the time I glance at them and move on. However, when I received the information on Port St. Lucie I took a much closer look. In addition to the very desirable qualities outlined in the narrative, a sentence in your brochure piqued my interest. It stated that it was the Council's desire to have a manager who would be "reasonable but always pushing to make Port St. Lucie the best city in Florida, if not the United States." I share a similar desire to work and lead such an organization. I began my local government career as a way to afford graduate school and not intending to make public service my career. Along the way I became curious about the well run organization with which I was involved and began to learn more about the profession. Since that beginning I have worked in the Parks and Recreation department directly providing services to the public, worked in Information Technology concentrating on the internal aspects of the city, and now, for over a decade, leading a progressive, high achieving organization in a difficult, well-educated and demanding university environment. I have furthered my education through graduate classes at Auburn University as well as through certification courses taught at the

University of Virginia and Harvard University. I currently serve on the Board of Directors for the Alliance for Innovation, a group dedicated to fostering innovation in the field of local government. Additionally, I have recently been elected to serve on the ICMA Board of Directors with my role as a southeastern vice president beginning this month.

My predominant management style is collaborative yet in every position I have held I have tailored my style to the individual persons and situation in order to achieve optimum results. I prefer to collaborate and delegate instead of micromanage and therefore rely a great deal on direction, support, and feedback in working with my team members. A survey of my current staff would reveal that I have high expectations once a course of action has been decided yet I expect to be involved, and do not hesitate to be involved of inject myself, when they need my assistance. They know that they can count on me to help them get the job done and that my feedback will be fair and forward guiding. I have experience in both motivating employees and dismissing employees. The best way to describe my approach to management is that I want to run an organization that gives my employees the opportunity to achieve personal and professional success and helps my city become a worldwide leader in responsive local government. Among other things, for both the governing body and the staff, I see myself at the city's main consultant.

I have had the fortune to work with some excellent elected officials and they would assess my work fairly describing me as ethical, dedicated, fair, intelligent, an extremely quick study, and highly competent. Similar to staff, the governing body appreciates my willingness to avoid taking myself too seriously while injecting humor into most situations. We do serious work but we don't have to be serious all of the time. I am certain that they would rate me highly on intergovernmental affairs and my capability to work with state agencies as well as other local government entities.

My greatest strength is my ability to focus analytical thinking on a problem while fostering a collaborative environment. It is my goal to draw good ideas from all present, to build on the idea, and to gain consensus for a final decision. This often requires the utilization of skills involving visioning, planning, management, and team building, to bring together stakeholders and thus, empowering them to find solutions that meet operational, political and fiscal constraints. These skills were utilized last year when we rebuilt our central downtown intersection resulting in a total street closure for three months. The concerns of business owners, property owners, the University Administration, and citizens required extensive communication during the design and construction phases of the project. Although the work presented significant challenges the various groups came together and are extremely pleased with the final result.

With regard to weaknesses, I sometimes arrive at answers more quickly than others and to some I signal impatience. I have learned to confirm that everyone understands the current step of a process before moving forward to the next steps. Initially I did not see that I was being impatient and I have worked on understanding the signals that I send to people.

I am most proud of my initial work as city manager to rebuild the motivation of a staff who did not work well with their previous supervisor. The manager and management team were not a good fit and ultimately the manager was asked to resign. I had only been assistant city manager for six months so essentially I went from being the number two employee in the IT department to leading a city. I focused all of my education and skills on reforming the management team and instilling a sense of purpose again in my staff. During this time, I dealt with a less than friendly media environment and some very suspicious citizens. Thankfully, all questions could be answered and all lines of inquiry exhausted. Our relationship with the media became one of trust and, while not all citizens were satisfied, the great majority feel that we are doing an excellent job today. I am excited to work with this group of employees and to see the impact that their work has had on the City during the last ten years.

I consider my biggest failure to be the naivety I had when I first assumed the role of city manager. I mistakenly thought that through ethical behavior, good ideas and reasonable decision making that all people would appreciate our efforts even if they did not agree. I have learned the error of my ways and while I have not swayed from the three methods described above I have learned to temper my expectations when dealing with the public.

The challenges I see the City of Port St. Lucie facing are:

- The investment in VGTI is described as a budget buster in the current budget message. Learning about the deal and discovering ways to improve the situation will be a major challenge for the next City Manager
- The debt level is high and constant monitoring is required to ensure that the current policies retire debt in the way that is intended
- Stability in management will be key for the city to realize its goal of being a premier government within the state of Florida
- Affording infrastructure upgrades and ensuring quality of life improvements while operating within budget constraints

My plan for the first six months will be to:

- Familiarize myself with the City code and staff working relationships prior to arriving
- Once in town, it is important to begin forging personal relationships with staff, elected officials, citizen groups and other major stakeholders in the community
- Become fully aware of the City's financial position and revenue structure
- Work with the Council to determine expectations and goals for the city manager including specific times during the year for progress to be reviewed
- Assess the capabilities of direct reports to ascertain best fits for my style and to determine the areas in which I will need to be most flexible

As stated above, my relationship with the media is excellent and the result of professionalism and respect. I try to ensure accurate dissemination of facts so that our citizens can be well informed. I like to say that while I do not seek the spotlight I cannot shun it and therefore I make myself and city staff available to the media in the hopes that mutual trust can be forged. Frequent communication is key to the relationship.

I know of no negative comments that exist or any person who would contact the City regarding my personal or professional activities.

In my leisure time I enjoy watching English soccer, hiking, water sports, sailing and reading.

## Six Adjectives or Phrases I Would Use to Describe Myself

- Ethical
- Analytical
- Proactive
- Approachable
- Collaborative
- Determined

## Reason for Departing Current Position

I have now lived in Auburn for 31 years and worked for the city for more than 25 years with 10+ as city manager. I qualify for retirement benefits as soon as I separate and am looking for the right new challenge. Until this point I have not been seeking new employment opportunities and when I leave Auburn the intent is to manage/lead only one additional community until full retirement. I can easily see working somewhere for five to ten years.

## Current / Most Recent Salary

My current compensation is $195,000 plus an $18,000 contribution to my 457k deferred compensation account and a $10,200 car allowance.

# *CB&A Background Checks*

## Background Check Summary for
## CHARLES "CHARLIE" M. DUGGAN

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Lee County, AL | No Records Found |
| State | |
| Alabama | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Lee County, AL | No Records Found |
| Federal | |
| Alabama | No Records Found |

| | |
|---|---|
| **Motor Vehicle** | |
| Alabama | No Records Found |
| **Credit** | Excellent |
| **Bankruptcy** | No Records Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

Background Check Summary for
CHARLES "CHARLIE" M. DUGGAN
Personal Disclosure

## Personal Disclosure Questionnaire

Name of Applicant: Charles M. Duggan Jr

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

***Please explain any yes answers on a separate sheet of paper.***

1. Have you ever been charged or convicted of a felony?

   Yes ☐ No ☑

2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?

   Yes ☐ No ☑

3. Have you ever declared bankruptcy or been an owner in a business that did so?

   Yes ☐ No ☑

4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ☑

5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ☑

6. Have you ever been convicted of driving while intoxicated?

   Yes ☐ No ☑

7. Have you ever sued a current or former employer?

   Yes ☐ No ☑

8. Do you have a personal My Space, Face Book or other type of Web Page?

   Yes ☐ No ☑

9. Do you have a personal Twitter Account?

   Yes ☐ No ☑

10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?

    Yes ☐ No ☑

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: Charles M. Duggan Jr
**Signature of Applicant**

**Please email this form via PDF DOCUMENT to Lynelle@cb-asso.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/07/16.**

**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

# *CB&A Reference Notes*

**Ted Wilson – Chair, Industrial Development Board, Auburn, AL**

Mr. Wilson was an elected official in Auburn from 1997 to 2007 and since he left office he has served on the Industrial Development Board. He has known Mr. Duggan since he was first elected in 1997. Mr. Duggan is a solid city manager. He has a strong understanding of every aspect of running a municipality.

Mr. Duggan began his career at the City of Auburn in the Parks and Recreation Department. He has steadily moved up in the organization. In 2005 the City Manager promoted him to Assistant City Manager. He knew all of the employees and how people worked together, so he was able to help the City Manager assimilate to the culture. A year later the City Manager left and the Council unanimously decided that they wanted to give Mr. Duggan an opportunity to be city manager and did not perform an open recruitment. The first year he was designated as the Interim City Manager. He proved himself able to handle the job and was extended the permanent position.

Auburn has a history of being progressive. Mr. Duggan carries that tradition on today. He is insightful and makes plans for the future of the community. The City has experienced a great deal of growth the past 25 years. He can handle the challenges that come with growth, including ensuring proper infrastructure is in place.

Public speaking is not a challenge for Mr. Duggan. He knows how to handle himself in front of a crowd. He speaks at Council meetings and civic groups regularly. During his presentations he knows how to present information in a manner that will be easily understood by all in attendance. He listens and keeps an open mind when questioned about how the City is run.

Mr. Duggan is extremely good with numbers. He has successfully maintained and grew the City's reserve fund to more than one year's expenses. The recession that the country went through during his first years in the position did not affect Auburn as hard as other parts of the country because it is a university town. Services were never cut, but he made minor changes to ensure that the budget was firm.

When given a task, Mr. Duggan does not procrastinate. He completes all projects on time or ahead of schedule. As a manager he allows his staff to manage their departments as they see fit. He has worked with most of the department heads since he first started in 1991, so they know each other very well. He also includes employees in the decision making process. At the start of his tenure as City Manager he was rigid and wanted things done his way. He learned to be flexible and listen to others.

Mr. Duggan has a positive relationship with all of the elected officials. He is likeable and respected for his experience and knowledge. He is always looking for ways to better himself, which is why he is looking for a new position. He is ready to test his skills with different people and different challenges. Any municipality would be lucky to have him as a city manager

# Reference Notes
# Charles M. Duggan, Jr.

**Words or phrases used to describe Charlie Duggan:**

- Common sense,
- Relates to people,
- Approachable,
- Quick learner,
- Insightful, and
- Communicative.

**Strengths:** Intelligent, effective leader, relates to staff, follows up, speaks his mind and knows technology.

**Weaknesses:** None identified.

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**Bill Ham – Mayor, Auburn, AL**

Mayor Ham has served the City of Auburn since 1997. He met Mr. Duggan when he came into office and has watched him grow in his career. Mr. Duggan has a tremendous work ethic. He has done an excellent job as City Manager.

Mr. Duggan interacts well with people across the board. He has a good relationship with even the toughest groups, such as fire and police. He knows the majority of the 500 employees that serve the City. Every week he meets with the senior management. He delegates tasks appropriately and then follows up on the progress. He fully supports his staff and defends them when they are criticized. He has hired several director positions, all of which have proved to be successful in their area.

Customer service used to be a struggle for Mr. Duggan. He tended to be argumentative with customers. He quickly learned that he could not continue that way and took steps to improve himself. He now listens to citizens and is able to remain calm. He is required to speak at almost all of the Council meetings, which he spends a great deal of time preparing for. His thoughts are well organized and factual. He is not the type of speaker that will go off on tangents, but rather stays on topic.

Although the Mayor position is part time, Mayor Ham interacts with Mr. Duggan seven to ten times a day. Mr. Duggan brings items that need the attention of the Council to the Mayor without hesitating. He understands the political side of his position but does not participate in it, but allows the elected board to handle those issues.

Over the years Mr. Duggan has accomplished a great deal despite the stressful beginning. He took on the position with only one year as an Assistant City Manager. He basically learned on

the job and has come a long way since 2006. He has increased economic development and put proper infrastructure and plans in place to meet future needs.

Mr. Duggan is fiscally conservative. He watches the money closely and is constantly looking at ways to finance projects through various resources. He is extremely concerned about maintaining a high credit rating as well.

Although still young, Mr. Duggan can retire from the Alabama system. He adapts well to new situations and learns quickly. He could handle a larger organization with little issue. He would be a great asset as city manager for any municipality.

**Words or phrases used to describe Charlie Duggan:**

- Capable,
- Analytical,
- Straightforward,
- Supportive,
- Sense of humor, and
- Factual.

**Strengths:** Extremely intelligent, quick learner, willing to compromise and reasoning skills.

**Weaknesses:** None identified.

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**Rick Davidson – City Attorney, Auburn, AL**

Mr. Davidson has known Mr. Duggan since the late 1990's. Mr. Duggan has done an incredible job despite the difficult circumstances surrounding his promotion to city manager.

Mr. Duggan is inclusive. He trusts his employees to complete their duties with little interruption from him. He asks their opinions but does not have to put a committee together for every decision that needs to be made. He shields the staff from the political aspects. Despite his close relationships with department heads, he does not have a problem calling them out when they make mistakes.

Creative and high performing are how Mr. Duggan's organization could be described. He does not care if his idea is the one he ends up going with after listening to various opinions. Instead he is searching for the best solution. He attended the University of Virginia's leadership program, which is a graduate level program. From his experience there, he learned how to improve performance. His philosophy has become that even though they are a high performing organization, they can always do better. Since he completed the course he has encouraged others within the City to participate as well.

Due to his experience in IT, Mr. Duggan already had a glimpse into how each department was run. This knowledge became necessary when he was thrust into performing both the City Manager's and Assistant City Manager's jobs. The first year he worked 70-80 hours a week to complete all that needed to be done. One of the first things he did as City Manager was take an in depth look at the finances. He wanted to know about the debt, bond rating, tax structure, etc. He became an expert on the budget.

Mr. Duggan has a great deal of experience working with residents. He is always willing to talk to people and hear their concerns. However, he is not afraid to say no when he is unable to meet their demands. He does try his best to find a solution that would satisfy them within the given bounds.

As a college town, Auburn has historically been extremely generous in its funding for schools. With the growth of the City, the schools faced a situation where a new high school was needed but did not have the funding for. For the first time ever, the increased tax referendum failed to pass. Mr. Duggan was able to move money around from other projects and put together the necessary money. He provided outstanding leadership throughout the process and guided the Council through the various options. The high school will be completed in early 2017, after which two other schools in the City will be renovated.

Mr. Duggan does not seek credit for his accomplishments. He is more interested in helping and learning. He has never been involved in anything controversial. He has been a calm and steady influence for Auburn and it would be a sad day if he leaves. However, he has the ability to take on new challenges and breathe life into an organization. He should be highly considered for a City Manager position.

**Words or phrases used to describe Charlie Duggan:**

- Builds consensus,
- Humble,
- IT savvy,
- Witty,
- Unpretentious, and
- Enjoys learning.

**Strengths:** Smartest person in the room but without an ego, flexible, protects elected officials from themselves and collaborative.

**Weaknesses:** Loyal to staff, so rather than move person from a position he works with them longer than normal.

# Reference Notes
# Charles M. Duggan, Jr.

**Doug Watson – Retired City Manager, Auburn, AL**

Mr. Watson was the City Manager of Auburn from 1982 to 2003. He worked with Mr. Duggan from 1991 to 2003.s Mr. Watson moved to Texas for a few years and when he returned in 2008, Mr. Duggan was the City Manager. Since moving back to Auburn, Mr. Watson has made himself available to assist Mr. Duggan and has lunch with him once every week.

Mr. Duggan's career progression is exciting. He quickly moved up the ranks and took each step gracefully. He is comfortable in his position because he knows the ins and outs of the job. He can move from strategic planning to daily operations without a second thought. His knowledge of the budget is especially good. His analytical mind makes it easy for him to follow the complex issues within finance.

In the past 25 years Auburn has grown from a population of 28,000 to 63,000. It sees 500-600 new single family homes built every year. Mr. Duggan recognizes the stress this type of growth puts on services. He has put together capital improvement plans to stay ahead of the needs, especially for the water and sewer demands. He has made great improvements to the downtown as far as beautification and traffic. He also increased the amount of parking available for that area.

When Mr. Watson was City Manager he developed a culture of innovation. That culture persists today with Mr. Duggan. In fact, this creative culture has been recognized at a national level. He put together a tuition reimbursement program to ensure that the employees are educated and well trained. He believes in his staff's abilities and gives them freedom to perform their tasks. He does, however, follow up and hold them accountable for their work.

Every City Manager faces controversial issues. Mr. Duggan remains calm at all times. He is able to provide people with the information needed to fully understand the specific situation. He may not be able to please everybody, but he listens.

Mr. Duggan is a terrific City Manager and would be a tremendous asset for any organization.

**Words or phrases used to describe Charlie Duggan:**

- Instills confidence,
- Goal oriented,
- Follows through,
- Loyal, and
- Open.

**Strengths:** Organized, analytical, good with people, effective and supported by Council and community.

**Weaknesses:** None identified.

**Sam Gaston – City Manager, Mountain Brook, AL**

Mr. Gaston knows Mr. Duggan through the state and national city manager associations. Mountain Brook is about two hours away from Auburn, so they have not had occasion to collaborate on specific projects. Mr. Duggan has provided the City of Auburn with stability and direction.

The majority of Mr. Duggan's staff he inherited, but as they retire he does a thorough job of finding the best qualified person to fill the vacated spot. He includes his staff in decision making. He has a team approach to managing the organization, which results in high performing departments that are willing to help each other.

Auburn is one of the most, if not the most, innovative City in the state. It has transformed from a sleepy town to a progressive one. Mr. Duggan follows in this tradition. Along the way he has been faced with tough situations and always found a way to maneuver through them.

Mr. Duggan is well spoken and gets along with the citizens. He puts out an annual customer survey which always results in high marks. Every community has upheaval over various issues, as does Auburn, but none of which is related to what he has done.

In the past ten years Mr. Duggan has constructed new municipal buildings and worked with federal and state departments for the completion of a new interchange off the interstate. He has been instrumental in developing the high tech industry that is located in the City. In addition, he improved relationships between the City of Auburn and Auburn University. Those relationships improved so much that he was able to negotiate for the City's police force to take over the University's operations.

Mr. Duggan was recently elected to the ICMA Board, only the second person from Alabama to do so. He is also heavily involved in the Alliance for Innovation, which is an offshoot from the ICMA.

It would be a shame for Mr. Duggan to leave because he is a positive force for the state. His creative nature will benefit him as he moves on to another organization. He is an extremely strong candidate for a City Manager position.

**Words or phrases used to describe Charlie Duggan:**

- Engaging,
- Organized,
- Ethical,
- Quiet at first,
- Good first impression, and
- Professional looking.

# Reference Notes
## Charles M. Duggan, Jr.

**Strengths:** Even keeled, smart, thorough and relies on staff.

**Weaknesses:** None identified.

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**Steve Reeves – Human Resources Director, Auburn, AL**

Mr. Reeves and Mr. Duggan first met in the early 1990's while playing in the City's tennis league. From there they began working together at the City of Auburn and have been colleagues ever since. Mr. Duggan is an outstanding City Manager.

Mr. Duggan does not shy away from making tough decisions. He has a broad knowledge base and is able to decide quickly if the situation warrants it, but he prefers to take some time to research and put together a team to work on the issue. He is very analytical, which explains his ability to catch on to new concepts quickly. He is also a good writer and sounding board.

Mr. Duggan is a great manager of employees. He likes to engage his staff to build collaboration. He listens to their suggestions and emphasizes proper training. If an individual has been through the disciplinary steps for performance, he is not afraid to fire those that are unwilling to make improvements.

Over the years Mr. Duggan has put forth a great deal of effort to provide ethical customer service. He encourages his direct reports to do the same and pushes the thought down to line employees. Although he receives complaints, the majority of his interactions with citizens are positive.

When making presentations Mr. Duggan has tremendous recall and is able to answer specific questions. He has a good relationship with the elected officials as well. His breadth of knowledge is impressive and he is able to identify problems quickly. He never holds grudges or gets angry, which is rare in a contentious, political atmosphere. Public meetings can get heated over the issue of growth, but he supports the Council's decisions.

Mr. Duggan's knowledge of the finances is well rounded. When he presents the budget he is able to paint the big picture but also identify details. He pushed the finance department staff to upgrade the bond rating, which they were successful in doing despite being in the middle of the recession. When his team goes to New York to present to the bond rating organizations, they are impressed at the level of sophistication and ability to answer the analyst's questions.

Mr. Duggan has so much potential; he is a rising star in his field. Any organization that hires him is extremely lucky. Mr. Reeves highly recommends him for the City Manager position.

# Reference Notes
# Charles M. Duggan, Jr.

**Words or phrases used to describe Charlie Duggan:**

- Approachable,
- Not arrogant,
- Calming influence,
- Fields questions well, and
- High expectations.

**Strengths:** Sense of humor, analytical, quick thinking, tremendous recall and collaborator.

**Weaknesses:** Sometimes takes longer than necessary in explaining things in his presentations.

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**James Buston – Assistant City Manager, Auburn, AL**

Around 1996 Mr. Buston was hired to start the IT department. He hired Mr. Duggan from the Parks and Recreation department to be a network administrator in 1998. Mr. Duggan moved up from there and eventually became the Deputy Director of IT. His talents were noticed by the City Manager and he was promoted to Assistant City Manager in 2005 and became Mr. Buston's supervisor. Some people would have trouble taking direction from a former subordinate but Mr. Duggan is likeable and able to bring people together. He has since been promoted once again to City Manager and has done a great job.

The prior City Manager was not a good fit for the organization and spent a great deal of money. Mr. Duggan was thrown into the top position in the organization with very little experience and at a time of crisis. Not only did he put the finances back in order, he did it on the cusp of the economic downturn without cutting services or laying off employees. His MBA education served him well for this type of dilemma.

Every year the City sends out a citizens' survey and every year it gets high marks across the board. When a department's rating falls from one year to the next, Mr. Duggan does not brush it off, but determines the cause and makes plans to enhance that area. For instance, the Parks and Recreation department over two years received lower scores than it had previously enjoyed. He initiated a process to update the department's master plan. He also began allocating money for the projects even though they would not be completed for years to come.

Auburn has a culture of being progressive and innovative, resulting in a high performing organization. While Mr. Duggan inherited this top notch staff, he knew they could do better. He sent senior management personnel to LEADS training, encouraged staff to take advantage of the tuition reimbursement program and increased the already high expectations. Once he became City Manager the department heads had to do even more research than before because they knew he would ask questions during meetings and expected them to know the answers. He has hired a small number of department heads because those that were there when he came in, are still there.

One of the hires ended up not being a good fit. The person did not get along with the outside groups that they had to coordinate with. In the end it was a mutual separation. He recently hired a new Library Director to replace the forty-year veteran that retired. It could have been a difficult position to come into because people were used to the way things had been done for decades. However, the new director has been able to develop relationships quickly and move the department forward. In fact, the library system now collaborates with Auburn University.

In general, Mr. Duggan is an inclusive manager. He wants to gather all of the information in order to make the best decisions. He permits his staff to make their own plans for moving forward, but he wants them to be able to justify what they are doing. His door is always open and will be there as a sounding board for anyone. In addition, he is very supportive of the staff. He has created an atmosphere where people are not afraid of repercussions if they make a mistake. He instills in his people the desire to learn from mistakes, not be paralyzed by them.

Mr. Duggan is extremely patient and gracious with the public. During Council meetings people can become hateful and contentious but he never succumbs to the stress. He remains calm and in control. The residents know and appreciate the work that he has done, as reflected in the customer satisfaction survey. The survey found that a high majority of citizens were satisfied with the amount and quality of services in relation to the amount of taxes they are paying.

Over the years Mr. Duggan has enhanced services while not increasing staff. His goal is to keep personnel expenses below 50% of the budget. So far he has been successful. He has not been involved in anything that would put his reputation, or that of the City's, at risk. The debate is between those that want to grow and develop and those that are anti-growth.

Although Mr. Buston would hate for Mr. Duggan to leave Alabama, he knows that Mr. Duggan would do a fantastic job as city manager. It would be Auburn's loss but their gain.

**Words or phrases used to describe Charlie Duggan:**

- Never loses cool,
- Wide range of knowledge,
- Conversationalist,
- Does not need to be center of attention,
- Open, and
- Effective leader.

Strengths: Patience, understanding of complex situations, knows what questions to ask and finance.

Weaknesses: Takes people at their word and some people are not honest.

**Kevin Cowper – Assistant City Manager, Auburn, AL**

Mr. Cowper was hired by Mr. Duggan in 2007. They have neighboring offices which means they communicate multiple times a day. Mr. Duggan has been an outstanding City Manager.

Mr. Duggan allows his staff to do what they think needs to be done. He follows up on tasks but does not micromanage. He is willing to try new and different things that could make the organization better. He has made some really good hires, some have been internal and some external candidates. Only one hire did not work out and he quickly remedied the problem and the individual was forced to resign.

Over the past several years Mr. Duggan has made a push to focus more on customer service. He sent the majority of the upper management to the LEADS program, which teaches customer service and leadership skills. When he was promoted to the City Manager position he was only thirty years old. All of the department heads were older than him by quite a bit. Despite the age difference he was able to gain their trust and build a team atmosphere.

The volume of work that comes into Mr. Duggan's office could be overwhelming. However, he uses technology to keep him organized. He meets deadlines and gives his staff the freedom to make their own timeline for completing tasks.

Auburn's intense growth and development is perhaps the largest issue Mr. Duggan has been faced with. He did not have any experience in planning and zoning prior to becoming City Manager. He educated himself and pulled together a qualified team to work together in creating a comprehensive plan. By having a specific plan in place the City remains in control of its infrastructure, rather than allowing the growth to control progress.

Mr. Duggan's natural instinct is to be introverted. Nevertheless, he works hard at being social and is comfortable speaking in front of large groups of people. When it comes to the politics of the municipality, he remains neutral and follows the Council's guidance.

While some cities were thrown off guard by the 2008 economic downturn, Auburn was not. Mr. Duggan had begun to take measures to control spending. Due to his foresight the citizens enjoyed the same level of service throughout the recession. He did not have to fire employees, but rather decreased staff through attrition. Now that the country has made its way through the recession, Auburn is in even better shape. In fact, incoming revenue is far above what was projected.

Mr. Duggan has a good grip on the big picture and knows what needs to be done in terms of strategic planning. He does not get bogged down by the details, yet he knows the details. By having a wide perspective, he is able to analyze situations quickly and identify solutions.

# Reference Notes
## Charles M. Duggan, Jr.

Mr. Duggan is committed to his profession. He is heavily involved in local and national associations. Although Mr. Cowper would hate for Mr. Duggan to leave, it is obvious that Mr. Duggan would do a fabulous job for any city as its manager.

**Words or phrases used to describe Charlie Duggan:**

- Likeable,
- Public servant,
- Academic,
- Ethical,
- Professional, and
- Credible.

**Strengths:** Analytical, people person, well respected by staff of all levels, finance and does what he says he is going to do.

**Weaknesses:** Because so analytical he can come across as over analyzing and annoying to those that do not know him.

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**Prepared by:** Emilee Anderson
Colin Baenziger & Associates

# *CB&A Internet Research*

Opelika-Auburn News (AL)
September 1, 2016

**City of Auburn files to dismiss claim made in lawsuit about fatal police-involved shooting**
Author: Cynthia Williford

The city of Auburn filed a motion Wednesday to dismiss a claim made in a lawsuit against the city and two Auburn police officers over a fatal officer-involved shooting in April. On Aug. 2, the family of Melissa Boarts, who was shot and killed by Auburn police, filed a complaint that officers "negligently, and/or recklessly, and or/wantonly allowe(ed) a firearm to be discharged, which proximately caused the death of Melissa Boarts." The complaint also claims officers committed assault and battery upon Melissa Boarts, causing her death. James H. Pike, the city's attorney with Shealy, Crum & Pike P.C. in Dothan, filed a motion to dismiss the assault and battery claim Wednesday morning.

"The court should dismiss the assault and battery claim because the wrongful death claim under Alabama Code (Section) 6-5-410 is the only potentially viable claim in the case of a suit over a death," stated the motion. The motioned referred to a 2015 case, Burns v. City of Alexander City, which states, "Alabama law is clear that, when an individual dies before bringing a lawsuit, all state law claims that individual could have asserted prior to his demise are subsumed by a claim for wrongful death."

Julian McPhillips, the Boarts family attorney, said the motion was simply a tactic to delay the case. "It's just a device to try and win themselves a little bit more time before they have to do their answer," McPhillips said. "We're just saying whether it was by assault and battery or whether it was by negligence, whatever it was by, we have a cause of action. They still wrongfully shot and killed her." McPhillips said he has been in contact with Shealy, Crum & Pike to gather discovery papers and that the case will be moving forward. "We expect that motion to dismiss to be denied, but it's interesting — they didn't file a motion to dismiss against the first count," McPhillips said. "They know they have no solid grounds."

City of Auburn officials declined to speak about specific elements of the case, but said they would continue to defend their officers' actions. "The City of Auburn extends its sincerest sympathy to the Boarts family," said City Manager **Charlie Duggan**. "It's difficult for any of us who are parents to comprehend a greater loss than that of one's child. The city also extends its sympathy and support to the officers involved in this unfortunate incident and to their loved ones. The use of deadly force is always tragic, even when it's a necessary response to a threat. The investigation of this case and the subsequent grand jury results have found that our officers acted in concert with APD policies, in response to their training and in a justified and appropriate way to protect themselves against attack. We will continue to support our officers and will vigorously defend their actions in the civil suit that has been filed against the city."

Boarts was shot on April 3 after authorities responded to concerns of a female driver on Interstate 85 displaying suicidal tendencies. Auburn officers followed Boarts for several miles

before she stopped in Macon County. Police said officers discharged their weapons after Boarts charged the officers with a weapon. Officers fired at Boarts, who was pronounced dead at the scene. A Macon County grand jury ruled in mid-August that Auburn police were justified in the shooting. Since the shooting, Boarts' family, including her mother, Terry Boarts, have held protests, attended City Council meetings and requested the police release footage of the incident.

Staff writer Jim Little contributed to this report.

Auburn Plainsman, The: Auburn University (AL)
August 21, 2016

**Meet Auburn City Manager Charles Duggan**
Author: Kris Martins

**Charles M. Duggan, Jr.**, City Manager of Auburn, speaks during City Council meeting on Tuesday, Aug. 16, 2016 in Auburn, Ala. Most citizens and students can see City Manager **Charles Duggan** sitting to the side of the council members at the Auburn City Council meetings each month, but **Duggan**'s over 10 years as city manager began with his days as a student. "I have an interest in how things work in general," **Duggan** said.

**Duggan**, named city manager by the council in 2006, supervises the different city departments and is charged with carrying out the policies of the city council. "I'm the bridge between the administration and the policy arms of the government," **Duggan** said. Though **Duggan** graduated from Auburn with a bachelor's degree in applied physics in 1990, his interest in government came soon after, while he was in graduate school.

At the University, he took some public administration courses, and he joined the city's parks and recreation department in 1991, his first step to becoming city manager nearly 15 years later. He transferred into the information technology department in 1998, becoming assistant city manager in 2005 before taking over the city manager position the year after.

Mayor Bill Ham, who's known **Duggan** for about 20 years, said he remembers **Duggan** approaching him about 12 years ago with an interest in learning about the city manager position if an opportunity ever surfaced. "He ended up being city manager," Ham said, adding that **Duggan's** work ethic made him a good fit for the position. "He's always willing to expand his horizons and continue to learn more." A major part of **Duggan's** job, Ham said, involves problem-solving, which means working with people and funding as well as advising the City Council.

Aside from participating in the each month's council meetings, **Duggan** said other days of the month come with meetings, emails and time for future planning. "It's definitely not a job for someone who likes a lot of routine," he said. "You need to be very flexible in this position." And being the city manager of a college town, **Duggan** said, presents its own challenges with the "great big influx of brand new adults" that other city managers don't have to consider each year.

The city has to work with the University schedule, which means planning city development during the summers, ensuring Auburn is a safe place for game-day visitors and seeing that businesses thrive even when students leave for breaks. "But I can say that, in many ways, I have one of the best college town jobs in the nation because the college administration is so great to work with. The City Council is so great to work with," **Duggan** said.

As a college town, the city strives to include student input as it makes future plans, **Duggan** said. He and the mayor meet with the SGA president and other students periodically, he said, and a student representative has an allotted time at the council meetings to update council members about University happenings.

**Duggan** cited the council's decision to bring Uber back to Auburn as a recent example of considering students' perspective in making city decisions. The process to reinstate the ride-hailing service in Auburn, he said, would have been slower if the council had not heard students' desire for the service. But meeting students' needs and nonstudent citizens' wishes can be challenge sometimes, he said. "It's constantly trying to strike balance," **Duggan** said. "Not everyone is going to agree, but that's one of the cornerstones of our democracy: everyone gets a say..."

In a college town, a city manager needs to be consistent to be successful, Ward 2 City Councilman Ron Anders said. "**Charlie**, he's the city manager because he's done things consistent his whole life," Anders said, adding that **Duggan** takes his job seriously and methodically. "He's paid attention to detail." And in the end, **Duggan** said, solving problems making a visible impact on the community is his favorite part of the job. "Being able to focus on what's best and not just problems," **Duggan** said.

**Duggan** also welcomed students to get involved in the city and community. "Our council meetings are open to everyone, and really our office doors are open to everyone," **Duggan** said.

Alexander City Outlook, The (AL)
February 16, 2016

**City Manager: Position gives city added layer of protection**
Author: Mitch Sneed

Editor's note: This is the first in a five part series on the city-manager form of government. A petition is now active asking for the people to be allowed to vote on a possible change in Alexander City. The petition can be signed each day at the offices of The Outlook. Tomorrow, we will look at the financial impact of a possible change. Why do we need a city manager and what would they do anyway? That's a question that has been repeated by many residents as a possible change to a city manager-council form of government has begun in Alexander City. Consider this tenet from the International City/County Management Association's code of ethics: A city manager will: "Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials."

The public discussion of a possible change has been limited in meetings by —-current elected officials in Alexander City. But recently council members Bob Howard and Tony Goss have both said the idea has merit. After several embarrassing missteps that have detracted from the progress and advancement the city has made, some say professional help is at least worth considering. Look at the job description for the city manager of Auburn, a city that many state residents point to as a model of efficiency. "The City Manager, appointed by the city council, is responsible for the overall operation and supervision of city government within the policy directives of the city council. As the administrative head of city government, the city manager is responsible for the hiring and dismissal of all employees. The city manager advises the council on policy matters and presents the city's annual budget, including long-range goals and the Capital Improvement Program, to the council. The city manager is also responsible for the administration of the budget after adoption."That outline touches on many of the very issues that have again made a possible change in Alexander City a hot topic.

Why is a city manager-council form of government more effective? Auburn City Manager **Charlie Duggan** said it can give elected officials an added layer of support, protection and knowledge that is often needed to make decisions that are in the best interest of the city. "Obviously, I am a little partial, but I feel like the city manager-council form of government is the most effective because it gives you leadership in the day-to-day operation of the city that is trained specifically for that purpose," **Duggan** said. "By that I mean, through college, grad school, certification and professional development and experience - this is what we are trained specifically for.

"Operating a municipal government is unlike any other business that I know of. So having someone who is specifically trained in all of the specifics of what city management entails, makes the likelihood of success greater, in my opinion." That training includes a code of ethics, that demands that city managers be "apolitical." They don't attend fundraisers or take a stance on

political races. They show no favoritism. Instead, they concentrate on running the city as efficiently and fairly as possible, **Duggan** said.

Why is running a city different than operating a business, like many of today's mayors have done before seeking office? **Duggan** said the demands of governmental operations are a set of standards that are unlike any in the private business world. "In private business, if you have a customer that is difficult, you have the option to move on, and just tell them this isn't working out," **Duggan** said. "In government, you have to treat every situation, every resident, exactly the same, regardless of other factors. No, we are not elected so people don't express their approval at the ballot box. That doesn't mean we are any less accountable. In addition to being accountable for making sure that every person is treated fairly, we are accountable to the mayor and the city council. "

**Duggan** said the accountability required by a city is also more than most private sector businesses would demand. "You are bound by local ordinances, practices and law, state law and guidelines and in some cases the federal government has requirements, particularly when it comes to environmental issues and utilities," **Duggan** said. "It would be unrealistic to think that someone who does not have extensive experience in all of those areas would be able to step in and immediately know all of the ins and outs overnight.

"When you think about it, that is exactly what you are expecting a mayor to do as soon as they are elected and take office. Obviously, they can pull from a lot of resources, training, department heads and so forth, but even then, it is only a fraction of the training and knowledge you would have with a certified city manager." **Duggan** said he has seen several cities with the mayor-council form of government that are very successful. But with changes in leadership that can occur with each new election, a city manager can be the constant that makes sure that there is no drop off in knowledge or service. "I have seen some incredible mayors and have seen very effective mayor-council governments, but just like with anything, you are only as good as your people," **Duggan** said. "The form of government doesn't matter if you don't have good people involved. But by having a good city manager, it lessens of the potential for gaps and issues. It also lessens the potential damage that one election could cause."

What is a professional city manager? Consider this description from the Alabama City/County Management Association. "First, and foremost, professional managers are just people. Their primary responsibility is to keep cities, towns, and counties running smoothly. They are highly trained and experienced men and women who are committed to meeting the challenges set before them. "Professional managers provide supervision of department heads, administration of personnel, management of public funds and annual budgets, implementation of programs and policies, and coordination of day-to-day services and operations. Professional managers work closely with elected officials to strengthen the quality of local government through professional management. Above all, professional managers bring to their communities a commitment to maintaining the public trust and confidence in local government."

Opelika-Auburn News (AL)
July 20, 2015

**City of Auburn could have larger-than-expected surplus**
Author: Staff

With higher-than-expected revenues and some projects that came in under budget, Auburn's city government could have $6 million more in surplus at the end of the current fiscal year than the city budgeted. Members of the Auburn City Council reviewed the FY 2015 and 2016 spending plans in a workshop Monday night. City Manager **Charles Duggan** noted that projected revenues have increased by about $1.5 million since the City Council last reviewed the budget in February. The total revenue and other financial sources for 2015 have increased to $73.85 million. Several projects have been completed under budget this year, allowing 2015's expenditures to decrease to $83.11 million and potentially leaving the city with $6 million more than originally projected at the end of the budget year. Excess revenue for Fiscal Year 2016 has been allotted for other projects, raising the total spending to $79.83 million.

"We don't take people's money and put it away to hoard it," **Duggan** said. "What we do is, we provide services and products that people want, and that's why people live here." **Duggan** also discussed various projects that have been completed and are in progress this year. Toomer's Corner construction is on track and slated to finish by August 17. Portions of other projects, such as the Renew Opelika Road Phase I project and the Downtown Alleyway Project, have been completed. "When you really look at it, our operating costs really haven't gone up. We've taken any money that we've received and put it toward infrastructure projects to make sure that we're not neglecting things, that we're being prepared for the growth we're having and that we're going to be appropriately situated for the future," **Duggan** said.

Improvements have also been made to Town Creek Park, including a handicap-accessible dog park. Several plans are on the table for 2016, including multiple transportation projects, additional improvements to Opelika Road and the Parks, Recreation and Culture Master Plan. "Right now we're getting a lot of really good projects done and we're getting a lot of value for our dollars, and citizens typically tell us they feel like they're getting a good value for their tax dollars. So we're trying to make sure to not squander it in any way while upgrading the town as much as we possibly can," **Duggan** said.

Auburn Plainsman, The: Auburn University (AL)
April 8, 2015

**Annual Citizen Survey reveals high satisfaction**
Author: Jim Little

City leaders were able to find out how the citizens of Auburn feel about the way the city is run after getting the results of the Annual Citizen Survey. Chris Tatham, Vice President with the ETC Institute, a market research firm for local governments, presented the survey results at the Auburn City Council meeting on April 7. Auburn ranks among the highest in citizen satisfaction from the more than 800 cities where ETC conducts surveys, according to Tatham. "The nice thing when I get to come present here is Auburn is one of the standard setters for community performance," Tatham said.

Ninety-two percent of survey respondents said they were satisfied with the quality of life in Auburn. The survey was sent to 1,500 households with a 46 percent response rate and a margin of error of 3.5 percent, according to City Manager **Charles Duggan**. The survey revealed a 43 to 1 ratio of positive to negative opinions of city services, with 87 percent of Auburn residents having a positive view of the quality of city services. Seventy-six percent of citizens had a positive view of their value received for tax dollars paid. "[These] are the two questions I consider the most important on the entire survey," Tatham said. "In other words, if you don't ask anything else, this is usually where I can take away is this city doing well or not so well."

Auburn's worst area was traffic flow, with 19 percent of citizens dissatisfied with the way the city handled traffic and 57 percent satisfied. Twenty-five percent were neutral. The survey was conducted in February and March when several railroad crossings were closed because of construction. "Traffic congestion is a problem in every city, but we're not satisfied until we're above every city," **Duggan** said.

**Duggan** said he hopes city projects, including the Toomers Corner renovation, will improve traffic flow. "We had a 44 percent decline in accidents on the South College-Shug Jordan-East University intersection after we redid that," **Duggan** said. **Duggan** said he's willing to take a hit on the perception of traffic flow for a few years during projects, which will eventually improve traffic.

Mayor Bill Ham said he was happy Auburn continues to have some of the highest citizen satisfaction rates in the nation. "We may be very good, but we can always do better," Ham said. "There's always room for improvement. As my dad used to say, 'We're human, so we're not going to be perfect, but we can always strive to do better.'"

Councilwoman Lynda Tremaine said she was also pleased with the survey results. "My feeling is, keep it quiet because it shows what a wonderful community (Auburn) is," Tremaine said. "I think, when you talk to anybody, they love living in Auburn, and that's what that survey shows."

Opelika-Auburn News (AL)
September 2, 2014

**Auburn City Council certifies election results**
Author: Sara Falligant

Members of the Auburn City Council met Tuesday to accept provisional ballots and certify the results of last week's municipal election. City Manager **Charles Duggan** presented the Council with the provisional ballots from the Lee County Board of Registrars. The provisional ballots were in sealed boxes from each polling location. **Duggan** then had to open two envelopes to read each ballot. "Anybody ever watch 'Get Smart'?" **Duggan** asked the Council. "You have to do all those different things to get into headquarters. That's what it feels like right now."

Of the four provisional ballots received for Ward 1, two could not be counted. One of the uncounted votes was thrown out due to a criminal conviction, while the other was thrown out because the individual was not registered to vote. The two counted votes were for Clemon Byrd, who defeated incumbent Arthur Dowdell. Dowdell was not present at the meeting. Ward 3 had 10 provisional ballots, two of which could not be counted, as the individuals had not registered by the requisite time. Beth Witten, who won the Aug. 26 election over Wendell McLain, took seven of the counted votes. McLain took one.

All 11 provisional votes in Ward 5 were counted. Winner Lynda Tremaine took nine, while incumbent Robin Kelley, who was not at the Tuesday meeting, took two. Ward 6 had one provisional ballot for Brad Donnelly, who lost to incumbent Dick Phelan. The Council unanimously certified the Aug. 26 election results, including the provisional ballots. Byrd defeated Dowdell with 252 to 147 votes; Witten edged McLain with 219 to 173 votes; Tremaine defeated Kelley with 753 to 144 votes; and Phelan beat Donnelly with 253 to 154 votes. "The election results are certified," Auburn Mayor Bill Ham said.

CBS - 3 WRBL (Columbus, GA)
August 28, 2014

**City manager responds to Auburn election controversy**
Author: Naomi Keitt

AUBURN, Ala. – The people have spoken and elected a new city councilman for Ward 1 in Auburn but the losing incumbent says there is some foul play involved. It started with residency claims and has grown to voter fraud as ousted Ward 1 councilor Arthur Dowdell tries to reclaim his seat. "We know that many people came to this poll and were turned back," said Arthur Dowdell. It's this claim by councilor Arthur Dowdell that he says cost him his Ward 1 seat. The polls were open all day Tuesday as nearly 400 people came to the Boykin Gymnasium to vote for their candidate. "There's something remiss going on. We hauled all the people to the polls and yet we got less votes," said Dowdell.

News 3's Naomi Keitt met up with the Auburn city Manager Thursday afternoon who says the claims simply aren't true. The city of Auburn is dedicated to running fair and honest elections. "Everyone walking in the door that wants to vote was able to vote," said City Manager **Charles Duggan. Duggan** says there was 1 issue of voter irregularity where a poll worker mistakenly crossed off the wrong person's name but that issue was resolved quickly and everyone entering the Ward 1 polling place was able to cast their ballot. "They make sure people are able to vote, that we're following all the laws of the state of Alabama," said **Duggan**.

The newest claims by Dowdell come on the heels of a lawsuit saying Clemon Byrd doesn't actually live at the address he listed on his election paperwork. News 3's Naomi Keitt reached out the Byrd for his comments. He says he proved his residency at the Martin Luther King Drive address by satisfying the city's requirement and is now ready to serve the residents of Ward 1. The residency lawsuit is working its way through the courts right now. We'll be sure to keep you updated as new information becomes available. The unofficial election results show Clemon Byrd captured 63% of the vote while Arthur Dowdell claimed 37% of the vote. The official results will be canvassed by the city on Tuesday. Candidates will be sworn in this November.

Reason.com
August 20, 2014

**Former Auburn Cop's Ticket and Arrest Quotas Case Dismissed**
Author: Tracy Oppenheimer

In July 2013, Reason TV reported on former police officer Justin Hanners, who exposed ticket and arrest quotas in Auburn, Ala. He provided Reason TV with audio recordings that backed up his claims, sparking outrage amongst the citizens of Auburn and even nationwide. Hanners brought his case to court, saying he was fired for speaking out about the quotas. On Monday, U.S. District Judge W. Harold Albritton dismissed his case. Judge Albritton ruled that Hanners did not provide adequate evidence to back up his termination claims, and that the defendants [City of Auburn, Alabama; Thomas Dawson; and **Charles Duggan**] had grounds for firing Hanners.

The Defendants have reiterated numerous times that the Plaintiff was terminated primarily because he recorded conversations without disclosing the recordings and because he violated a direct order by discussing an internal affairs investigation. These recorded conversations were the pivotal point that informed the public about Auburn's "numerical goal for contacts" as former Police Chief Tommy Dawson called it. Dawson believed "the officers were misconstruing a numerical goal for contacts as a quota for citations," according to Judge Albritton's summary. Side note: after retiring as police chief, Dawson recently ran unopposed for city council and will be taking his seat in November.

Hanners had argued that his actions were justified by the First Amendment and are entitled to whistleblower protection. The judge responded: "Plaintiff Hanners was a municipal, not a state, employee and, therefore, is not covered by the State Employees Protection Act (Count One). As to his Section 1983 claim (Count Two) alleging a violation of his constitutional right to freedom of speech, he has failed to present to the court sufficient evidence of a genuine issue of material fact, from which any reasonable juror could find that his speaking out in opposition to what he perceived to be a quota system requirement in traffic enforcement was a substantial motivating factor in any adverse employment action taken against him."

At this point, it is unlikely that Hanners' case will ever be heard by a jury. Yet he says he will be releasing all related documents, so that the public can decide for themselves. "I'm working on making digital copies and I'll start putting all the documents out there on social media," says Hanners. His Facebook support page can be found here. This has been huge blow to Hanners, who has already dedicated the vast majority of his time and money towards fighting for reform. "During all this we've lost our home to foreclosure and had to move in with family, what retirement funds I had invested have been spent trying to pay bills, we are barely getting by and keeping our two daughters fed," says Hanners. "The city [has] also attacked my character and integrity which hurts my chances for future employment. All this to cover up their dirty little secret I recorded and released to the public."

Auburn Plainsman, The: Auburn University (AL)
November 19, 2013

**Auburn citizens raise concerns over racial discrimination**
Author: Annie Faulk

The Auburn City Council met Tuesday, Nov. 19, to discuss board vacancies, traffic developments, the purchase of the Auburn Depot, but Council member Arthur Dowdell dominated the meeting with claims of racial discrimination. Two men spoke on behalf of Christopher Turner during Citizens' Communications. Turner is an African-American firefighter suing the Auburn Fire Department for alleged racial discrimination after he was demoted from lieutenant to firefighter. Turner's attorney, Julian McPhillips demanded the council to eliminate the fire department assessment test, which screens candidates for promotion.

"Eighteen years and we have not had a black promoted," Dowdell said during the meeting. "Only because we have allowed the assessment center to be there and it should be deleted, it should not even be there. But we got it there. To me, it's there only to predicate things upon black firefighters." Dowdell said he is concerned, as an elected official, with what he sees in the city. "Do we really look like America?" Dowdell said. "We aren't going any place. We got black and white, rich and poor." Dowdell did admit the Auburn Police Division fit his qualifications and reflected America.

"We believe our hiring and promotional practices are race-neutral," said **Charlie Duggan**, city manager. "Race does not play a part in our decision making. We hire and promote the most qualified candidates for the job." **Duggan** assured professionals with experience and background in fire service run the assessment center. "They come in, and they rate individuals on a number of criteria, not just the test. They put them through a number of exercises," **Duggan** said. "We believe the most qualified are identified and promoted."

While McPhillips was at the stand, he passed envelopes filled with case details to all council members and the press. Mayor Bill Ham could not answer questions, because the lawsuit lists him, along with many other city officials, as defendants in the case. "I thoroughly, faithfully, believe this city is fair in all of its practices and the council has no authority in hiring anybody," Ham said. "I personally think that's a good thing. It's unfortunate that these accusations are out there, but certainly that's what lawyers do."

Dowdell followed these accusations toward city officials with concerns that school principals have expressed racial issues in the school system to him. "I'm not going to retire from this city council or somebody defeat me until we see change for all of the people in the city of Auburn," Dowdell said. "And let the record know that I was the first to say students should have a voice in this city council. Let's be realistic, we all know why we don't allow students to be here when we have elections."

In reply, Ham said that for the past two city elections, Auburn University was in session for the fall semester.

In other council news,

•Current city code restricts solicitation from 8 a.m. until 8 p.m. Phelan proposed the code be altered to 8 a.m. until dark.

•The council approved alcoholic beverage license for J and S Food Mart at 1700 Opelika Road, and a no parking zone stretching from 600 to 604 Edgewood Drive.

•It also approved a development agreement between the city and Eastwynn Theaters, Carmike Wynnsong Cinemas, to redevelop the area to make infrastructure improvements in order to redevelop the facility.

•Approved four planning commission recommendations dealing with the Auburn Club Fitness Center, Initial Outfitters, Project Special K and Vapor Craft of Auburn.

•Approved a sewer study conducted by Raftelis Financial Consultants, Inc. to evaluate the sewer system's sufficiency rates and sewer operational fees.

•Approved a contract with C.W. Smith Decorating Co. to complete sealant and wall restoration work at the Douglas J. Watson Municipal Complex. The cost of the restoration is $201,083 to include labor, equipment and materials.

•Approved a preliminary engineering agreement with the Alabama Department of Transportation to install stagger traffic signals to control traffic in the City. The council approved to match the funding of the project. The total cost of the project is estimated to be $760,500 with federal funding through the Metropolitan Planning Organization of $608,400 (80%) and City match funding of $152,100 (20%).

•Approved various drainage and utility easements for One-Sixty Ross Subdivision and 2025 Brenton Lane.

•Appointed Rex Griffin to the Citizens Advisory Committee of the Metropolitan Planning Organization. His term is effective immediately and will end March 8, 2017.

•Appointed Bobby Poole and Doug Klinkenborg to the Parks and Recreation Advisory Board. The terms expire March 8, 2017.

•The council approved for the Industrial Board to purchase the Auburn Depot, located at 104, 120 and 124 Mitcham Ave., for economic development.

Auburn Plainsman, The: Auburn University (AL)
October 14, 2013

**APD quota system allegations heading to federal court**
Author: Staff

The former Auburn police officer's case alleging the department of using a quota system is headed toward federal court. The case was moved from Montgomery County Circuit Court to the District Court for the Middle District of Alabama in Montgomery Oct 4. Allegations arose in July when former police officer Justin Hanners spoke with Reason Magazine, providing what he claimed was a recording of Police Sgt. Trey Neal indicating the employment of a quota system.

"It's Saturday night," Neal allegedly said in the recording. "Let's go out there and make some contacts, put some a---s in jail. Write some tickets and all that neat fun stuff we signed up to do when we signed up to do this job."

City Manager **Charles Duggan** released a statement following Hanner's quota system allegations Friday, July 26, stating the allegations were false.

"Unfortunately, a former Police Officer who was terminated from employment with the City of Auburn over three months ago has made false and unsubstantiated allegations surrounding the Auburn Police Division and the basis for his termination," **Duggan** said in July.
Efforts to contact the attorneys of Justin Hanners, **Charles Duggan** and former police chief Tommy Dawson are ongoing. For The Plainsman's original coverage of the quota system, or to see **Duggan's** original statement, follow the links below.

Birmingham News: Web Edition Articles (AL)
September 5, 2013

**Former Auburn police officer who claims police use quota system files lawsuit against city**
Author: Erin Edgemon

MONTGOMERY, Alabama -- A former Auburn police officer has filed a lawsuit against the city of Auburn and the Auburn Police Department claiming his civil rights were violated under state law. Justin Hanners claims the city of Auburn Police Department implemented a quota system in 2010 and required police officers issue tickets and warnings in "adherence to predetermined mathematical formulas." After speaking out against the quota system, Hanners said the police department retaliated against him with demotions and ultimately termination. Hanners' claims his First Amendment rights and his rights as an employee in the state of Alabama were violated.

The city of Auburn, former Auburn Police Chief Thomas Dawson and City Manager **Charles Duggan** were named as defendants in the lawsuit filed Aug. 30 in Montgomery County Circuit Court by Hanners' attorney Michael W. Slocumb, of Washington, D.C. Hanners is seeking unspecified punitive damages. The city of Auburn declined to comment on Hanners' lawsuit. In a statement on July 26 in reference to Hanners' allegations, **Duggan** said Hanners has made "false and unsubstantiated allegations surrounding the Auburn Police Division and the basis for his termination." He stated there is more to the story that what Hanners has released.

**Duggan** stated that Auburn police never instituted a quota system and an investigation by an independent party determined there was no corruption or wrongdoing in the police department. Hanners was employed as a full time Auburn police officer from 2006 through early 2013. According to the lawsuit, Hanners claimed he was first informed in late 2010 by Auburn Police Sgt. Jeffrey Hackett that officers should issue at least two tickets and at least two warnings daily. Hanners claims he was told if he did not meet the quotas he would receive negative performance evaluations. Hanners voiced his concerns and then on Jan. 12, 2011 Capt. James Tatum through Sgt. Hackett ordered Hanners to draft a special report detailing his reasons for opposing the quota. Shortly after, Hanners had a meeting with former Auburn Police Chief Thomas Dawson and he was notified that "crude" jokes were found in his chat history, according to the lawsuit. As punishment, he would be suspended without pay for four days and have to forfeit two sick days, and would be forced to undergo a physiological evaluation. After passing a physiological evaluation, Hanners said in his lawsuit that he was assigned to the bike patrol, which he says is a less prestigious position with fewer opportunities for advancement.

"This action was purely meant to harass, oppress and punish the Plaintiff in violation of his constitutional rights," the lawsuit states. "Said action was in relation for the Plaintiff's exercise of his rights of free speech in regards to his opinion over the quota policy." In another staff meeting on June 8, 2012, Auburn Police Sgt. James Neal ordered each officer in Hanners' patrol to issue at least 100 warnings, tickets, citations, field interviews and non-traffic citations per month. Of the requisite 100 contacts under the new policy, a maximum of 40 could be warnings; the remainder had to result in citations, arrests or similar enforcement actions, according to the

lawsuit. Hanners stated in the suit that in both June and July of 2012 he didn't meet the quota and received negative evaluations.

On numerous occasions, various city officials warned and intimidated Hanners, he claims, by informing him that any public comments regarding the quota policies would result in adverse employment outcomes. Hanners wrote the State of Alabama Ethics Commission on July 18, 2012, to address his concerns about the quota systems and related employment issues. Hanners was terminated from his position on Jan. 17, 2013. He claims the motivating force behind the termination was retaliation for his whistle-blowing activities regarding the department's quota policies.
Updated at 4:37 p.m. to include statement from city of Auburn.

McClatchy-Tribune Regional News (USA)
July 27, 2013

**Auburn city manager rebuts Hanners' claims**
Author: Drew Taylor

July 27--The city of Auburn has gone on the offensive against claims that the Auburn Police Division forces officers to comply with quotas. In a news release sent Thursday afternoon, City Manager **Charles Duggan** denied claims made by former APD officer Justin Hanners that officers are forced to make 100 contacts per month through ticketing and arrests.

"We have investigated the accusations that have been made and have found them to be false," **Duggan** stated. "I'm confident, and I hope our citizens remain confident, in the integrity and quality of Auburn police." **Duggan** stated an annual citizen survey by the city shows police visibility and enforcement of traffic laws are important and were a priority for the APD to uphold. **Duggan** stated any officers who are unclear of these expectations are encouraged to meet with him, Public Safety Director Bill James or APD Chief Paul Register.

"For patrol officers, those expectations do include enforcing traffic laws, which does require making contact with individuals on Auburn streets and sidewalks," **Duggan** stated. "Officers make those contacts not in response to quotas, but in response to apparent violations of the law." In the release, **Duggan** states burglaries in Auburn are down 32 percent compared to this time in 2012 and are down 18.6 percent year to date. **Duggan** cited a recent citizen survey that claimed citywide satisfaction with local police protection was at 89 percent while only 2.6 percent of those polled were dissatisfied with the police.

The original story on Hanners' allegations was written by Tracy Oppenheimer, a producer for ReasonTV, a subsidiary of Reason Magazine. Oppenheimer said she first started talking with Hanners in March after she had become acquainted with him through Young Americans for Liberty, a libertarian group with chapters at high schools and colleges across the country.

"He had been trying to get his story out, and I think he had first approached Young Americans for Liberty and then they sent out an email to a bunch of news sites," Oppenheimer said. Oppenheimer said during their correspondence, Hanners claimed the APD forced officers to abide by ticket and arrest quotas, as well as reclassifying crimes, such as assault, as police information. "That's how they would reclassify some of the more violent crimes so that they wouldn't show up in the statistics," Oppenheimer said.

In the statement, **Duggan** referred to an internal investigation on the matter conducted by Bob Eddy, who had previously served as an investigator at the Alabama Attorney General's office and an assistant director of the Alabama Department of Public Safety.

"Mr. Eddy was given free rein to look at police records, interview officers and staff and take as long as needed to do a thorough investigation," **Duggan** stated. "Mr. Eddy conducted an almost

700-hour investigation, including exhaustive interviews with Auburn Police personnel and found no corruption or wrongdoing."

Oppenheimer said she got to know Hanners really well during the interview and thought he was a good guy. "I talked to him first before going ahead with the story, and he's a really upstanding citizen with great moral conviction and you can just tell that he is leading with his heart and wants to do right by the city and I thought he had a really compelling case," Oppenheimer said. Oppenheimer said she initially contacted the APD for comment on Hanners' termination, but she received an email from the department claiming that they don't discuss personnel issues with the media. Oppenheimer said she did not contact the city on the issue. APD Chief Paul Register verified the email, but said it didn't have anything to do with alleged quotas, but on why Hanners was fired.

"She asked for us to comment on why Mr. Hanners was fired and of course, as always, we don't comment on internal personnel matters and we can't," Register said. As of Friday afternoon, a video interview Oppenheimer shot with Hanner for ReasonTV has garnered nearly 200,000 views on YouTube and Oppenheimer herself has received numerous calls and emails about Hanners' situation.

"I'm really optimistic, for Justin's sake that he'll have a brighter future and career after this and it makes me really happy," Oppenheimer said. Oppenheimer said she has also received messages from police officers across the country that have commended Hanners for bringing the issue to light. "I think it's going to put it on more of a national scale, too," Oppenheimer said. "That's my hope."

McClatchy-Tribune Regional News (USA)
July 25, 2013

**Auburn releases statement on APD quota allegations**
Author: Opelika-Auburn News, Ala.

July 25--Below is a statement sent out from the office of **Charles Duggan**, city manager of Auburn, regarding claims of quotas at the Auburn Police Division.

Unfortunately, a former Police Officer who was terminated from employment with the City of Auburn over three months ago has made false and unsubstantiated allegations surrounding the Auburn Police Division and the basis for his termination. Although I cannot comment in detail on the specific basis for the termination, I would agree with former Police Chief Dawson's statement in the OA News that there's more to the story than is being told. Although Mr. Hanners and his former counsel have a copy of his personnel file, which contains the basis of his termination, it is evident that he has not chosen to share that information with the media.

Over the years, our Annual Citizen Survey has indicated that enforcement of traffic laws and police visibility in neighborhoods should be a priority. While understanding the importance of this issue with our citizens, the Auburn Police Division has not chosen to employ quotas for tickets or arrests to meet this goal. However, the message that there is a quota was wrongfully conveyed through supervisory channels to at least one patrol shift. When this was brought to the attention of Police administration last fall, supervisory personnel were reminded of the appropriate way to communicate shift duties including the enforcement of traffic laws. Chief Register, as well as former Chief Dawson, have made it clear that they do not require quotas in the Auburn Police Division. If any Auburn Police officer is unclear on the expectations of the Chief or his supervisor, Chief Register, Public Safety Director Bill James and I all have open door policies and will be happy to hear their concerns and make our expectations clear.

For patrol officers, those expectations do include enforcing traffic laws, which does require making contact with individuals on Auburn streets and sidewalks. Officers make those contacts not in response to quotas, but in response to apparent violations of the law. Because we do take all allegations seriously, when former Police Chief Dawson informed the City Manager's office that allegations of corruption had been made he asked if someone from outside of the division would perform an evaluation to substantiate or disprove those allegations. The City Manager authorized the City Attorney to commission an evaluation by an independent party. The City Attorney hired Bob Eddy, who has been an Investigator at the Alabama Attorney General's office and an Assistant Director of the Alabama Department of Public Safety, to conduct an investigation. Mr. Eddy was given free rein to look at police records, interview officers and staff and take as long as needed to do a thorough investigation. Mr. Eddy conducted an almost 700 hour investigation, including exhaustive interviews with Auburn Police personnel and found no corruption or wrongdoing.

The real tragedy of the unfounded accusation like the one leveled by Mr. Hanners is the negative impact that such a charge of corruption makes upon the officers we employ. The Auburn Police Division is an excellent and effective Police force staffed with dedicated officers. As a result of their tireless efforts, burglaries are down in Auburn by 32 percent over this time last year and are down 18.6 percent year to date. In our most recent citizen survey, a, satisfaction with the quality of local police protection was 89 percent, which was 15 points above the national average. Only 2.6 percent of respondents indicated that they were dissatisfied with local police protection.

We have investigated the accusations that have been made and have found them to be false. I'm confident, and I hope our citizens remain confident, in the integrity and quality of Auburn police.

Opelika-Auburn News (AL)
April 2, 2009

**Auburn lauded by national magazines**
Author: Katie Stallcup

At a time when the economy is slowing, the City of Auburn got two unexpected pats on the back when Forbes and BusinessWeek gave the city high ranks in recent articles. Auburn ranked No. 1 in projected job growth and No. 10 in Forbes March 25 nationwide list for best small metro for business and careers. In a March 27 article, BusinessWeek named Auburn the best city for starting a business in the state.

The BusinessWeek article (http://www.businessweek.com) says Auburn has 27 startups per 1,000 people and touts the benefits of starting up a business in a smaller city. "It's very exciting," City Manager **Charlie Duggan** said. "I think it's confirmation of what those of us who've lived here a while know — it's a very desirable place, not just for people looking for quality of life but to start a small business or locate a business here."

**Duggan** said factors like Auburn University, good education, cost of living, crime, income growth and job growth helped Auburn take its place in the ranks. "I think it's confirmation that someone looking from the outside in and comparing us to many other places in the U.S. has given us a good grade," he said. "It's good news." The Forbes article ranked Sioux Falls, S.D., as the top small metro for business and careers and ranked Auburn as top in projected job growth nationwide.

Opelika-Auburn News (AL)
January 28, 2009

**Grider lawsuit headed to court**
Author: Katie Stallcup

A jury will hear a lawsuit next month in which two Auburn business owners say they were targeted by the city in an effort to shut them down, an attorney for the businesses said Wednesday. The civil suit was filed in November 2007 by Pat and Dan Grider, owners of The Tavern and SkyBar. The case is scheduled to go to trial Feb. 23 in U.S. District Court in Opelika.

The defendants include Mayor Bill Ham Jr., City Manager **Charles Duggan**, former city manager Douglas Watson and Public Safety Director William James.

Opelika attorney Davis Whittelsey, representing the Griders, said a pretrial session is set for today to discuss issues that might come up in the trial. Whittelsey said the trial would likely focus on police surveillance and citations issued to the SkyBar beginning in 2005. He said the city targeted the business so it could acquire the building on West Magnolia Avenue to turn it into condominiums.

**Duggan** said Wednesday the two sides had not reached a settlement. "We of course deny any allegation that has been made as part of this case, and we are going to vigorously defend the city and all defendants," he said. **Duggan** said he could not comment further on the pending case.

The Griders are also appealing in Lee County Circuit Court the city's April 2008 decision to deny them status as a new private club. The city has issued such licenses under its updated alcohol ordinance to two existing businesses -- the War Eagle Supper Club and the Elks Lodge.

McClatchy-Tribune Regional News (USA)
December 14, 2007

**Auburn council talks behind closed doors**
Author: Amy Weaver

Dec. 14 Members of the Auburn City Council weren't expected to take action on any pending litigation after a special-called meeting Thursday night. City Manager **Charlie Duggan** said the special meeting was called to give the council the opportunity to discuss any of the current lawsuits against the city with the city attorney and staff, including a case being brought by business owners Pat and Dan Grider. Opelika attorney Davis Whittelsey, who represents the Griders, publicly aired his objections to the changes the city has proposed for its alcohol licensing ordinance at the Dec. 4 council meeting. The council did not act on the ordinance at that time, but it can at next Tuesday's meeting. **Duggan** said it is scheduled on the agenda for a second reading. For Thursday night's special-called meeting, the council met in the executive session with the city attorney as required by the state's Open Meetings Act.

If they planned to reconvene in open session and take action on what was discussed behind closed doors, **Duggan** said they would have had to post a separate meeting notice. The special-called meeting was the only council meeting posted for that evening. If they were to come back into open session, the Alabama Open Meetings Act states they would have had to say so before going into executive session and then indicate how long until the meeting would be open again. Mayor Bill Ham, as the presiding officer, made no such indication.

Knight-Ridder/Tribune Business News
April 7, 2007

**AG ruling supports Auburn: Disagrees with News' Open Meetings Act violation complaint**
Author: Joe Meadory

Apr. 7 Management of the Opelika-Auburn News filed a complaint Jan. 26, believing the Auburn City Council violated the state's Open Meetings Act. Alabama Attorney General Troy King, however, has disagreed. King responded Wednesday to the News' complaint that a letter crafted Jan. 23 by Ward 6 councilman Dick Phelan and distributed to some council members through electronic means did not constitute a quorum and was not in violation of the law. "Because no facts exist to show that a quorum was gathered outside of an open meeting, the Open Meetings Act would not apply to the facts set forth in your complaint," King wrote. "Therefore, there have been no facts alleged or discovered to show that a quorum of the council used "electronic communications" to gather or deliberate this issue as a group. Even if the use of a fax machine constitutes the sort of "electronic communications" prohibited by the Open Meetings Act, it appears that less than a quorum of the council members received a copy of the statement via facsimile."

In its complaint with the attorney general's office, the Opelika-Auburn News pointed out state law which prohibits "the use of electronic media and communications to circumvent the goal of an open meeting. The attorney general is splitting hairs between a telephone call and a fax machine," said Dale Harrison, board member on Alabama's Center for Open Government, who lives in Auburn. "This really frustrates me. The attorney general has got to uphold the law now while it is still new. A few more opinions like this and the law will be useless."

Phelan's letter, presented to each council member except Ward 2's Sheila Eckman, decried a call for an attorney general's opinion regarding the duties of Mayor Bill Ham. Some, including Eckman, questioned if Ham's private business involvements conflict with his duties with the city. "When I look at the Open Meetings Act, I always felt what we did was not a gathering of a quorum," Phelan said. "I felt confident that we were on solid ground. I'm pleased to get this in writing. I was never uncomfortable with what we did from the start."

Auburn City Manager **Charlie Duggan** was glad to see the issue resolved. "The city of Auburn has valued compliance with open meeting and open records requirements," he said. "We're pleased that the attorney general agreed that the elected officials of the city had not violated the Open Meetings Act. We pledge to keep government open. We want to make sure we're doing the right thing."

However, Opelika-Auburn News publisher Jim Rainey disagreed with the attorney general's ruling and did not rule out further action. "We don't believe the city council's motives were sinister, but a decision was made outside of the public realm," he said. "We will weigh our options. We believe the citizens of Auburn and the state of Alabama deserve to have business conducted in the public. That clearly was not the case here. The council made a decision without

public debate. If that doesn't violate the spirit of Alabama's new open meetings law, them this state needs a new law."

King offered a number of reasons for his ruling.
-King noted letter was solely crafted by Phelan with no assistance from other council members.
-King wrote, "Councilman Phelan informed each of the other council members about the statement separetely. He informed some of the members in person, and some members were faxed a copy of the statement. The number of members that received a faxed copy did not constitute a quorum of the council."
-Phelan's statements were not discussed before the Jan. 23 council meeting (which discussed the issue of seeking an AG opinion), ensuring that no more than two council members discussed the statement amongst themselves.
-Other than Phelan's letter, no other discussion, action or vote was taken by the council prior to the Jan. 23 meeting.

Harrison fears King's ruling in this case could distort the law for open government. "This is where the attorney general, in my opinion, without looking at specific facts, has failed to recognize that the spirit of the law was clearly violated," he said. "I am deeply disturbed at this decision."

Knight-Ridder/Tribune Business News
January 27, 2007

**Newspaper files formal complaint against city**
Author: Amy Weaver

Jan. 27 The Opelika-Auburn News is calling for an investigation into whether or not the Auburn City Council violated the Alabama Open Meetings Act. The newspaper decided to file a complaint and request for investigation with Lee County District Attorney Nick Abbett after its staff learned several council members knew about, discussed and in some cases approved a letter before the letter was presented at Tuesday's council meeting. Councilman Dick Phelan wrote and presented the letter as a "joint statement" from the council members of each of the wards, except Ward 2 represented by Sheila Eckman. The basis of the letter was to denounce a call for an attorney general's opinion on the scope of the duties of Mayor Bill Ham. Abbett received the complaint at 11:30 a.m. Friday and declined to speak to the merits of the complaint.
Abbett said the request would be forwarded to the attorney general on Monday and declined to speculate on any timeline.

"It is not our intention to be adversarial or attempt to prove anyone else right or wrong," said Opelika-Auburn News Publisher Jim Rainey. "Alabama has a new open meetings law. We would like that law to be more clearly defined and answer the question to whether or not the council's actions followed the spirit of the law so that they and the public they serve will know what should be expected of them in the future. "It is our belief that all debate and discussion involving the public's business should happen in the light of day. The best government is open government," he said.

Six council members contacted by the Opelika-Auburn News the day after the meeting said Phelan contacted each of them by phone, fax or in person to gain their support for either the concept of the statement or an actual copy of the letter. Eckman said she was not contacted. State law prohibits "the use of electronic media and communications to circumvent the goal of an open meeting." As Phelan's letter states, the group's opinion on a matter previously discussed by the council was developed outside of a public meeting. A copy of the complaint was sent to Auburn City Manager **Charlie Duggan** Friday afternoon. **Duggan** was invited to include a comment in this story, but did not call with comment during normal business hours.

aweaver@oanow.com 737-2534
Letter to Nick Abbett
Jan. 26, 2007
Nick Abbett
District Attorney
Lee County, Alabama
Dear Mr. Abbett,
Please allow this letter to serve as a formal complaint and call for an investigation of what the Opelika-Auburn News believes to be a violation of the Alabama Open Meetings Act.

During an Auburn City Council meeting on Jan. 23, Councilman Dick Phelan read "a joint statement from the council members representing Wards 1,3,4,5,6,7 and 8 regarding the recent request for an Attorney General's opinion regarding the role of the mayor in government activities." The letter, which is attached to this complaint and was read aloud at the meeting, set out reasons why a quorum of the council members did not want the opinion and were critical of those who had questioned the council and mayor's authority.

The day following the meeting, the newspaper asked six council members if they had previous knowledge of the letter and each outlined a series of contacts, some by phone, some by fax and some in person where they were asked if they approved of either the concept of the statement or approved of an actual copy of the letter. Through doing this, the group met outside a public meeting to formulate a decision. As the second sentence of the statement clearly states, "We do not intend to seek an opinion at this time for a number of reasons."

The new Alabama Open Meetings Act specifically states and prohibits the use of electronic or other means to circumvent the goal of an open meeting. As the letter states, this group formed an opinion on a matter that had been introduced to the council previously, all outside the arena of a public meeting.

The Alabama Open Meetings Act calls for open public meetings for 1)any "exchange of information or ideas among [the] quorum" that is "intended to arrive at or influence a decision" as to how the body members should vote on a specific matter. The matter discussed by the quorum can be an issue before the body at the current meeting or "at a later time." 2) Or, any discussion during a meeting about any issue that members expect to be before the body at some point in time should be conducted openly unless the body can go into executive session. In this case, the group obviously discussed a matter and arrived at a decision, as they said in statements to the paper and is stated clearly in their joint statement.

The very purpose of the Alabama Open Meetings Act is to assure officials that elected by the people will conduct the people's business in an open manner. If a government body can discuss matters privately and form a joint opinion, the process has been circumvented and the law has clearly been violated.

Alabama's new law sets a penalty for violations of the law of $1,000 or half the violator's compensation for a month, whichever is less. The purpose of this complaint is not to make a government body or elected pay or to be adversarial. The hope is that this will help define the law so that government officials will know that behind-closed-doors politics is not proper and is illegal.

Attached to this complaint is the letter that was presented at the Jan. 23 meeting of the Auburn City Council as well as a newspaper article that chronicles the meetings between a quorum of council members that led to a decision being made outside of a public meeting.

We feel that there is no more important governmental traits than transparency and totally open government. Those brave lawmakers who passed the Alabama Open Meetings Act obviously had those same feelings. But a law that is not enforced serves no purpose.

We appreciate your attention to this matter. Should you need additional information, please don't hesitate to contact me at (334) 740-5815.

Sincerely,
Mitch Sneed
Managing Editor
Opelika-Auburn News

Knight-Ridder/Tribune Business News
January 26, 2007

**AU prof: Council strays from open meetings law**
Author: Lindsay Field

Jan. 26 An Auburn University press law professor said he feels the manner in which Auburn City Council members were contacted outside council chambers prior to Tuesday's council meeting violated the spirit of Alabama's Open Meetings Act. Dr. Dale Harrison and several of his communications students attended the council meeting. Just after 10:30 p.m., they were all still present when Ward 6 Councilman Dick Phelan read aloud a joint letter on behalf of himself and six other members requesting the council not seek an attorney general opinion clarifying the duties of Mayor Bill Ham. The six council members said Wednesday they were informed individually of Phelan's letter before Tuesday's meeting through means such as phone calls and a fax of the letter. The Open Meetings Act specifically addresses use of electronic media and communications in complying with open public meetings.

Harrison, who said he sent a letter to City Manager **Charlie Duggan** Thursday morning about the matter, said that he thought the memo violated the spirit and letter of the law. "One of the problems that we have here is with the new Sunshine Law," Harrison said of the Open Meetings Act that replaced the Sunshine Laws on Oct. 1, 2005. "It really requires a massive shift of culture in the state of Alabama. Many public officials are too accustomed to operating in a way that is just not going to be consistent with the new law." Harrison said the kinds of violations he is seeing now are ones that he was expecting to a degree. "Folks are not reading into the law. A gathering doesn't have to be a physical gathering of a quorum, so if seven out of eight members of the council deliberate on something, they don't have to be in the same room at the same time," Harrison said. "The law is very clear and it explicitly says that electronic communication cannot be used to circumvent the law."

The university professor, who also served as the board of directors president of Alabama Center for Open Government last year, said that he believes Phelan's reading of the memo on behalf of council members from Wards 1, 3, 4, 5, 6, 7 and 8 is a violation of the electronic communications part of the law. "The culture has not promoted and cultivated openness," Harrison said. "I think that if anything, we should have been a little bit stronger with the law and not left as much room for interpretations." Harrison suggested a clearer definition of serial meetings may help, something Ward 2 Councilwoman Sheila Eckman mentioned during Tuesday's meeting. Eckman has said she did not know about the letter beforehand.

**Duggan** said Wednesday that the state's open meeting law does not specifically mention "serial meetings." "It's my understanding there was no meeting," **Duggan** said. "I believe that the reference to electronic media and communications is meant to prevent conference calls. That didn't happen here. If this is illegal, that would mean that council members couldn't talk to each other. I don't think that was the intent of the law." **Duggan** said he didn't feel that the group forming a collective opinion through separate calls was a meeting.

Harrison said. "I think it's important that I say, I don't sense that anyone is out to break the law here. I don't think anyone is trying to break the new law, but that's almost beside the point. Intent is not really what matters here, what matters is how the whole delivery of process is being done in the public eye, regardless the intent." To view Phelan's memo and a letter Eckman read aloud in the council meeting requesting the city seek an attorney general opinion, visit the Opelika-Auburn News online, www.oanow.com.

Knight-Ridder/Tribune Business News
January 23, 2007

**Duggan: Council can ask for opinion: City receives request to seek AG's counsel over questions of mayor's role**
Author: Lindsay Field

Jan. 23 The City of Auburn will seek an attorney general's opinion concerning Mayor Bill Ham's role on the City Council only if the council adopts a resolution requesting the opinion.
During the "citizens communications" portion of the Jan. 9 City Council meeting, Auburn resident Clara Clothiaux asked the council to seek legal counsel about the form of government and Ham's position.

"I've gone through (the state code) and checked with the city attorney," City Manager **Charlie Duggan** said. "It requires a city council to approve a resolution to request an opinion from the attorney general." **Duggan** said that anytime he receives allegations of any type that involve either an investigation or require a legal opinion, he asks the person making the allegation to submit in writing the allegation and evidence as to why the person feels this allegation is true. The City Council, with the exception of the mayor, received a letter from Clothiaux Jan. 15, requesting the attorney general give an opinion on the duties of Ham.

Clothiaux is questioning the role the mayor played in the departure of former City Manager David Watkins, in executing a land agreement with Lipscomb Land Company and in duties as a council member. "In order to seek an attorney general's opinion, a resolution from the City Council is needed," **Duggan** said Monday. "Attorney general opinions are forward thinking. You ask for an opinion about doing something." Clothiaux is requesting an opinion concerning information from the past. "The fact that she's asking about things in the past goes back to what the mayor said (at the Jan. 9 meeting) for her to go to the District Attorney," **Duggan** said. **Duggan** said he spoke with Clothiaux for about an hour last week about the request.

"At the time I offered to meet with her and the city attorney to explain the portions of the city code we felt explained the questions she was having but she declined that invitation," **Duggan** said. "I also invited her to find other attorneys if she didn't want to meet with the city attorney, just so she can have an independent review of her questions, without having to go the level of the attorney general." The City of Auburn works under a council-manager form of government, namely a nine-member council form as authorized by 11-43A-8 of the Code of Alabama. According to Sec. 2-23 of the City of Auburn codes the mayor shall preside at the meetings of the council and shall be recognized as the head of the municipal government for all ceremonial purposes and by the governor for purposes of military law, but shall have no other administrative duties.

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 9*

# *Joseph "Joe" L. Lessard*

# *Port St. Lucie City Manager Candidate Report*

# THIS CANDIDATE HAS WITHDRAWL HIS APPLICATION FOR CITY MANAGER

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 10*

# *John "JJ" J. Murphy*

# *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

Colin Baenziger & Associates
c/o Colin Baenziger
2055 South Atlantic Avenue, Suite 504
Daytona Beach Shores, FL 32118

August 12, 2016

Dear Mr. Baenziger:

I hope this cover letter gives you a look into why I think my background will fit well into the desires of the citizens, business community, staff, and City Council of the City of Port St. Lucie, Florida. Having evaluated the desired traits for your next City Manager, I know most applicants would say they have these experiences. I would tell you the employees, residents and elected officials I have worked with in both New Mexico and Pennsylvania would say I regularly displayed those leadership traits.

I am interested in being the dynamic and ethical leader that tackles future challenges for Port St. Lucie and helps the elected officials and staff accomplish their goals. Having served the last 19 years as an officer in the military and 13 years in municipal government, I know firsthand the importance of a positive relationship between staff, elected officials, the community and their engaged, visionary and visible City Manager.

My story as a City manager changed three years ago after attending the Harvard Kennedy School's Senior Executive Program for State and Local officials in July 2013. This transformational experience provided me the opportunity to collaborate with leaders from around the world and I was able to learn from some of this country's best professors. I came back from this experience knowing that to move our community forward, I had to invest more time both internal and external to the organization. Internally, I committed to the professional development/training of our employees and empowered them to develop solutions to insure our organization was high performing. Externally, I doubled my efforts on stakeholder inclusiveness and actively engaged our citizens on multiple issues. These strategies have produced significant results.

As City Manager of Hobbs, New Mexico I changed our mission statement to "Our Mission is SERVICE." SERVICE is used as an acrocym for Safety, Engagement, Responsiveness, Visionary, Inclusive, Customer Driven and Enhancing the Quality of life. Our employees have changed their mindset to a service-minded organization. We measured how the employees felt about the leadership team and our culture. I am fortunate to have proposed and implemented a plan to my current City Commission and have delivered multiple programs that have significantly improved employee engagement. In fact, our third survey of our employees rated my management skills **46% higher** than the national benchmark of thirty other local government managers. While average public and private organizations have a 27% engagement rate of their employees, my team and I have been able to grow that number to 57% in Hobbs with some of my leadership initiatives.

The City Manager position in Port St. Lucie is an outstanding opportunity! I know living in Port St. Lucie would afford my family an amazing quality of life. We have five daughters who are our priority, and it is clear the city is a vibrant, friendly, safe, family oriented community with a very low crime rate. This is indicative of what a high priority public safety and quality of life are within this community. My hope is the City of Port St. Lucie is looking for a fairly young yet seasoned, vibrant leader who is dedicated to the municipal management profession and is prepared to make a long-term commitment.

## Section 10

As the City Manager in Hobbs, New Mexico I have approximately 500 full time employees and am responsible for a budget of $197 million. The City was recently ranked the 7th fastest growing micro-city (population under 50,000) in the country for the second year in a row giving me experience in a high growth community. Solid planning and financial management has helped increase our cash position from $65M to over $116 million since my arrival and we have consistently managed to maintain AAA bond rating and a budget surplus of over thirty-four percent. While working for a fiscally conservative city commission in Hobbs, I have had the opportunity to serve a diverse community. It has been my pleasure to lead a team of employees who have made positive impacts such as implementing public-public and public-private partnerships to deliver significant quality of life improvements, enhancing public safety, reducing crime, increasing employee productivity, reducing employee legacy costs, improving customer service and implementing employee morale initiatives which all benefited the staff and our citizens. In addition, I have a history of working well with community organizations and collective bargaining groups and delivering significantly improved community and labor relations.

In Hobbs, I started a strategic plan to invest some of our surplus on programs which reduced legacy costs. We just completed a $2 million LED lighting campaign converting the majority of our exterior and internal lights to LED. We also have computerized all of our mechanical systems for more energy efficiency. Shortly after arriving, I developed, with the employee's involvement, a transition plan to move employees from traditional vacation/sick leave plan to a paid-time-off plan. This move saved the community $2 million upfront and $500,000 per year moving forward in legacy costs.

Outside of inspiring our employees, my most significant accomplishment has been balancing multiple economic development projects simultaneously while working with external stakeholders. Collectively these projects, many with other private or public partners will deliver over $100 million in quality of life improvements to our community. Some of these partners include a local family foundation, the county government, the local municipal school district, the New Mexico Junior College and the University of the Southwest, a local private university. In reading about your desires for your next City Manager, I have to share my experience with the synergy it took to take on a community project here in Hobbs. Together, with the partners listed above we worked on consolidating outdated facilities and agreeing to the design, construction and ongoing maintenance of a $70 million dollar health, wellness and learning center. This approximately 160,000 square foot multi-generational facility will include an indoor water park, indoor competition swimming pool, indoor warm water therapy pool, indoor soccer and a state-of-the-art recreational center which will start construction in August 2016. I have worked on this effort for the last four years and have been recognized by our partners as the leader who has brought this project to fruition. I would relish the opportunity to bring my lessons learned in helping Port St. Lucie deliver future economic development projects.

The highlight of my economic development last year was opening our new municipal golf course, Rockwind Community Links, which was listed by Golf Digest in their annual **"Top 10 New Golf Courses."** Golf Inc. magazine just listed Rockwind in the Top 5 for **"International Golf Developments of the Year."** These accolades lead to the USGA asking me to be a featured speaker at their 2016 Pace of Play and Innovation Symposium in Pasadena, CA. The USGA just published a five-minute video on their website calling Hobbs a "model community" in growing the game of golf with unique solutions I helped develop.

I have had experience working with municipalities that are both financially stressed and financially sound. Both situations offer their unique challenges and opportunities. From 2002

2010, I worked for the City of Wilkes-Barre, Pennsylvania, a community of approximately 45,000 residents in a college-City environment and $40 million budget. The downtown is anchored by two private universities and provided me an opportunity to collaborate on their growth strategies within our community. During this period of time, I implemented a successful "wireless city" initiative, drove a comprehensive economic development program which delivered over $150 million of new projects and was a catalyst for 56 new businesses opening. I also implemented a more hands-on approach of solid fiscal management which enabled Wilkes-Barre to see an audited $57 million turnaround during my tenure. This experience has led me to always be fiscally responsible with government funds no matter what the project or budget. Also, my varied experience with public-private-partnerships will assist me in collaborative efforts with regional partners on beneficial community projects in Port St. Lucie.

In addition to having a Master's in Public Administration, my dedication to professional development led to my completion of the Harvard Kennedy School's Senior Executive Program for State and Local officials. I also attended the Senior Executive Institute at the University of Virginia where I was trained on turning municipal organizations into high performing organizations. I have sent almost fifteen senior managers to the LEAD training at UVA and three staff/elected officials to the Harvard Kennedy School. I also completed the ICMA Gettysburg Leadership Institute and many different leadership training courses in the military. I had approximately ten classmates in the Harvard and UVA programs that were either elected or appointed from the State of Florida. The experiences I shared with these governmental leaders will assist me in any regional collaborative efforts

In January of 2014, I was one of 33 City/County Managers across the world selected to be on ICMA's Leadership Task Force which helped author a white paper on the complex challenges facing local governments over the next ten years. I have kept abreast of the most progressive options in organizational management, leadership and turning governmental teams into high performing organizations.

While the position in the City of Port St. Lucie will be sought after by my peers across the country, I believe my extensive military background and professional development coupled with my impactful governmental experience will give the elected officials, staff and residents the principled, community-oriented, and selfless leader they deserve. I am very excited about this opportunity and hope to demonstrate my organizational leadership skills in your community while inspiring the employees of Port St. Lucie.

Very Respectfully,

John J. Murphy, ICMA-CM

# JOHN J. MURPHY, ICMA-CM

E-Mail: J.J.Murphy31@gmail.com

[redacted]

## SUMMARY

***More than 13 years in local government and 19 years as a military officer with expertise in the following areas:***

| | | |
|---|---|---|
| Time Management | Media Relations | Labor Relations |
| Public-Private Partnerships | Budget Control & Implementation | Customer Service |
| Leadership & Teambuilding | Organizational Change and Development | Negotiation & Interpersonal Skills |

Recognized facilitator and leader, with record of success in maintaining high levels of operational improvements. Known for enhancing productivity through a combination of business savvy and intuitive management skills. Experienced in managing change and delivering multiple economic development projects simultaneously. A motivated team player who is able to work independently within the organizational framework.

## RELEVANT LOCAL GOVERNMENT EXPERIENCE

CITY OF HOBBS, NEW MEXICO — SALARY – START $140K, CURRENT $180K PLUS $50K BONUS

**CITY MANAGER** — **AUGUST 2012-PRESENT**

Hobbs was ranked the 7th fastest growing micro city (under 50,000) in the U.S. from 2013-2015, with a population of approximately 45,000 people covering approximately 20 square miles. The community sits in the middle of Lea County (pop 65,000) which is labeled the "EnergyPlex" as the local economy is being fueled by the diverse energy industry including nuclear, oil, solar and gas.

***Exercised fiscal discipline during economic boom and increased financial surplus:***

- Managed/lead city staff of 500 employees and $230M budget
  - Started year one with projected 30% budgeted reserve - Ended first year with over $16M budget surplus and 40% reserve
  - Preserved "AAA" bond rating and improved financial position; reduced audit findings from 9 to 3
  - Started year two with projected 30% budgeted reserve - Ended year with over $20M budget surplus, 40% reserve and $90M in fund balance
  - Started year three with projected 30% budgeted reserve - Ended year with over $15M budget surplus, 47% reserve and $120M in fund balance, maintained "AAA" bond rating
- Facilitated multiple public/private partnerships to move key projects forward that had stalled
  - Project coordinator whose consensus building efforts in the community despite political challenges on the city commission resulted in unanimous support from Commissioners on every meaningful vote to fund a new $12M golf course and $1.5M walking trail which enhanced our quality of life
    - Rockwind Community Links was named by Golf Digest "Top 10 Best New Golf Courses"
    - Golf Inc. named project in the Top 5 International Developments in golf industry for 2015
  - Collaborated with key community groups to support $70M for a health, wellness, and learning center; partners' contributions equaled more than 50% of capital and operational costs
  - Fostered partnership with public school superintendent and private foundation to locate new elementary school in city park and also coordinated over $4M upgrades to the park
  - Invested $5M in new field turf for baseball with local school paying $1.5M over three years providing an outstanding complex to host regional tournaments which increased hotel nights
- Generated support from various community groups to approve water restriction plan and a water rate increase of approximately 25% over an eight-year term
  - Rate increase will generate an additional $13 million in revenue over the eight year term resulting in a positive fund balance beginning in the 8th year, water restriction plan has already reduced millions of gallons of water usage per month by city and residents

***Motivated and displayed critical leadership during time when employee morale was low:***

E-Mail: J.J.Murphy31@gmail.com [redacted]


- Initiated discussion and implemented policy changes moving employees to a Paid Time Off (PTO) plan
    - Inclusion of employees and labor unions in the policy design process resulted in overwhelming support for the change
    - Plan reduced 145,000 sick hours saving $2M upfront and $500k per year ongoing in legacy costs
- Created employee morale committee which addressed concerns and significantly increased morale
- Implemented job shadowing/training program in which I would leave City Hall and go work in individual departments (Operation SWITCH--Stop Working in the City Hall)
- Invested in employees' professional growth by initiating a citywide team building event
    - Established a team of stakeholders (employees) to help choose the leadership consulting firm
    - Efforts resulted in over 320 employees voluntarily participating in the daylong event
- Employed negotiation skills to manage and resolve potential litigation immediately upon hire
- Converted employee health insurance from a fully insured to a self-funded plan; savings were reinvested to defer future annual health care increases for employees; projected annual savings are over $500k
- Above initiatives increased employee engagement from 27% to 57% as measured on a yearly basis
- Annual employee survey ranked my leadership abilities in the **96th percentile** versus the benchmark of city/county managers across the country

***Developed new avenues to improve partnerships for public safety initiatives:***

- Increased police force by over 60% (62 to 107 sworn), which has resulted in a more effective, responsive and community engaged police force
- Crafted new hiring incentives which reward longer employment commitments for recruits
- Created unparalleled partnerships with county drug task force and New Mexico Dept. of Public Safety to boost numbers on drug task force and improved collaboration in state run crime laboratory
- Hired third attorney to work part-time assisting the District Attorney (County) in prosecuting drug cases
- Added fire department staffing to enable stations to respond to multiple incidents simultaneously

**City of Hobbs Accolades/Awards:**

Hobbs Express – Named 2014 Best Public Transit System in New Mexico
Utilities – 2015 & 2016 Wastewater Treatment Plant awarded "Best Managed Facility in New Mexico"
Streets – 2016 Asphalt Recycling & Reclaiming Association Award for "Excellence in Hot In-Place Recycling"
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CITY OF WILKES-BARRE, PENNSYLVANIA — SALARY – START $55K, FINAL $83,000

**CITY ADMINISTRATOR/DEPUTY CITY ADMINISTRATOR** — **JULY 2002-APRIL 2010**

Wilkes-Barre has a population of 45,000 covering approximately 7 square miles, making it the 13th largest city in the Commonwealth of Pennsylvania, and host to the 4th largest downtown workforce in Pennsylvania. It is the county seat of Luzerne County and one of the principal cities in the Scranton-Wilkes-Barre-Hazleton, PA Metropolitan Statistical Area. This Metro/Stats area is the 4th largest in the state with a population of 563,631.

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# JOHN J. MURPHY, ICMA-CM

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*Skillfully maneuvered municipality through financial recovery:*

- Implemented a five-year recovery plan, which led the city from the brink of bankruptcy and without a bond rating to being the 3rd highest rated ("A") city in the Commonwealth of Pennsylvania with a audited financial turnaround of $57M from 2003-2009
    - This rating helped the city save over $300,000 on their 2009 bond issue alone.
- Managed $45M annual operating budget, $80M in capital assets, and lead more than 300 employees
- Improved financial position from 2003 revenue of $34.3M and year end negative fund balance of $4.2M, to net revenues of $55.9M and the positive fund balance of $15.1M in 2009

*Committed to developing new avenues to generate revenue for economic development initiatives:*

- Coordinated over $150M in new economic development projects over seven years in the city
- Fostered partnership with two downtown colleges which invested over $100M in campus improvements
- Marketed building and settled sale terms with private university while releasing $14M of city's financial obligations to Wilkes-Barre Call Center, which was listed as the Mayor's #1 goal of 2004 and 2005
- Spearheaded efforts to lead Wilkes-Barre from one of the least technologically advanced communities in Pennsylvania into one of the most advanced in the United States with little cost to the municipality
- Settled multiple public/private partnerships in technology, security and economic development delivering tangible benefits to Wilkes-Barre and the surrounding community
- Initiated, managed, and secured grant funding for a citywide camera initiative; added 250 cameras to transform the downtown and public parks into a safe 18-hour vibrant downtown
- Managed and promoted numerous economic development projects; 53 new businesses opened from 2004-09
- Negotiated a lease arrangement with AHL affiliate of the Pittsburgh Penguins that added stable revenue stream to offset the renovation costs of a $15M state-of-the-art mixed-use recreational project

*Recognized for being the labor negotiator who delivered tangible results:*

- Served as the lead negotiator for four labor unions and negotiated multiple contracts during my tenure
    - Fair but stern approach which resulted in not going to arbitration once during my tenure
- Implemented labor/management quarterly discussions, which successfully reduced future grievances and costs related issues; utilized team approach to discuss the labor-management agreements

*Developed and established stronger communication systems to improve the city in the post 9/11 phase:*

- Managed the emergency operations center through five FEMA declared disasters; coordinated emergency personnel and employees to keep citizens safe and provide critical information to media and residents in a timely manner
- Utilized extensive background gained in emergency management to formulate a new emergency operations plan for the city in compliance with Pennsylvania Emergency Management Agency standards
    - Efforts lead to Wilkes-Barre receiving a Level 7 FEMA Community Rating, which saved taxpayers approximately 15% on flood insurance premiums

## OTHER PROFESSIONAL EXPERIENCE

GOALS CONSULTING, LLC, WILKES-BARRE, PENNSYLVANIA — SALARY - $60,000

**PRESIDENT/CEO** — **APRIL 2010-AUG 2012**

*Utilized government experience to assist public, non-profits and private sectors:*

- Consulted with the Wilkes-Barre Chamber of Commerce and YMCA to improve economic development
- Assisted multiple private industry clients in procuring grants in excess of $5M combined
- Specialized in municipal surveillance; labeled as an expert in the field by a national security trade magazine
- Lectured nationally as a featured speaker on public-private partnerships at multiple conferences

# JOHN J. MURPHY, ICMA-CM

E-Mail: J.J.Murphy31@gmail.com [redacted]

## MILITARY EXPERIENCE

**Watch Supervisor, Controller** Air Force Rescue Coordination Center—Tyndall AFB, FL 2000-Present

- Granted top secret security clearance (TS/SCI) 16 years in a row; most recent approval Aug 2014
- Coordinates search & rescue operations throughout US in 24/7 Air Operations Center
- Credited with coordinating searches and/or rescues saving over 100 American lives and hundreds overseas

Volunteered for two post 9/11 deployments to coordinate critical search and rescue efforts.

- Deployed to Djibouti, Africa - Combined Joint Task Force - Horn of Africa in 2008 to direct recovery operations across fourteen nations, two continents and three combatant commands in direct support of the Global War on Terrorism.
- Deployed immediately after the Haiti earthquake to stand up the first Humanitarian Assistance and Disaster Recovery Joint Personnel Center in the United States Southern Command to help support the military response to Operation Unified Response.
  - Team coordinated successful medical evacuations saving over 2,000 severely injured Haitians

**Vandenberg Air Force Base Spokesperson,** Public Affairs Office—Vandenberg AFB, CA 1998-2000
**Recruiter,** University of Notre Dame, IN (Minority Recruitment Program) 1997-1998

## CREDENTIALS

*Education*

**Master of Public Administration**, Marywood University, Scranton, PA: 1998
*Alpha Phi Sigma; National Criminal Justice Honor Society*

**Bachelor of Arts in Political Science**, King's College, Wilkes-Barre, PA: 1993

*Affiliations*

**Member**, International City/County Management Association, **Credentialed Manager**
- **Selected Member – ICMA Leadership Task Force – January 2014**
- **Appointed – ICMA Performance Measurement Team – December 2015**

**Board Member,** New Mexico Municipal Managers Association—elected 2014
**Founder, President & CEO,** GOALS Foundation: 2001-2014

*Significant Professional Development*

**Graduate – Senior Executive Institute – Weldon Cooper Center for Public Service, University of Virginia – August 2014**
**Graduate – Harvard Kennedy School – Senior Executives in State and Local Government – July 2013**
**Graduate – ICMA Gettysburg Leadership Institute – May 2013**
**Completed— Dale Carnegie "Skills for Success"—September 2014**
**Completed— Karrass "Effective Negotiating" Seminar – February 2015**
**Completed – ICMA Leadership Institute and numerous ICMA courses– 2002—Present**

*Awards*

**King's College Leo Award** for dedication to community service from an alumnus: 2005

**Meritorious Service Medal:** 2012, **Joint Service Commendation Medal:** 2008
**Air Force Commendation Medal:** 2000, 2002 and 2003, **Joint Service Achievement Medal:** 2010
**Air Force Achievement Medal:** 1998, **National Service Defense Medal**

**Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal:** 2008
**Humanitarian Service Medal:** 2010, **Military Outstanding Volunteer Service Medal:** 2004
**Armed Forces Reserve Medal with 2 'M' Devices**
**Volunteer of the Year** (Director of Operations), Air Combat Command (ACC): 2001

# *Candidate Introduction*

**John J. Murphy, ICMA-CM**

## EDUCATION

Master of Public Administration, Marywood University, Scranton, PA
Bachelor of Arts, Political Science, King's College, Wilkes-Barre, PA
Graduate of the Harvard Kennedy School Senior Executives in State and Local Government. Harvard University
Graduate of the Senior Executive Institute, Weldon Cooper Center for Public Service, University of Virginia
Completed – Gettysburg Leadership Institute

## EXPERIENCE

| | |
|---|---|
| City Manager, City of Hobbs, NM | 2012 – Present |
| United States Air Force Reserve | 2002 – Present |
| Management Consultant | 2010 – 2012 |
| City Administrator, City of Wilkes-Barre, PA | 2004 – 2010 |
| Deputy City Administrator, City of Wilkes-Barre, PA | 2002 – 2004 |
| United States Air Force | 1997 – 2002 |

## BACKGROUND

The City of Hobbs was ranked the 7th fastest growing micro city (under 50,000) in the U.S. from 2013-2015, with a population of approximately 45,000 people covering approximately 20 square miles. The community sits in the middle of Lea County (pop 65,000) which is labeled the "EnergyPlex" as the local economy is being fueled by the diverse energy industry including nuclear, oil, solar and gas.

In 2016 the City of Hobbs' General Fund budget was $170 million and the total of all budgeted funds was $230 million. We have multiple major projects in either planning, design or construction which will account for $200 million in improvements in infrastructure, housing and quality of life projects. The City has approximately 500 employees and 15 departmental directors reporting to me.

The three most significant issues facing the City are:

- Addressing public safety. When I was hired the perception in the surrounding area was that Hobbs was an unsafe oil town. First, the Police Chief immediately announced he was retiring. I brought in a diverse group of community leaders to sit down on the interview panel which gave them a sense of inclusiveness while at the same time giving me a better understanding of external leader's impressions of the police force. I selected a new Police Chief and together we worked to make significant changes. Second, I received support from the City Commission to increase the number of patrol officers from 62 to a high of

107. We then created multiple local, county and state partnerships to improve operations and made an investment in training our officers in verbal judo and de-escalation techniques. We have also seen the perception of public safety in Hobbs improve drastically and our officers are more engaged in community activities.

In the Fire Department I made it a priority to responsibly grow and improve. We recently received an $825,000 SAFER grant which will fund 7 new firefighters and improved to an ISO Rating of 2, which is in the top 4% of the country.

- Improving quality of life. We formed a group of public and private partners to address the need to both improve current facilities and increase the amount of quality of life amenities in our community. In total we have identified over $150 million worth of desired projects. I have personally led the design and re-construction of our outdated municipal golf course into a $13 million jewel which has won multiple golf industry accolades. This includes Golf Digest 2015 "Top 10 Best New Courses," Golf Inc. has ranked us in the Top 5 "Best New Golf Developments Worldwide" and we were given major national design awards. This project has led to the United States Golf Association creating a 6-minute video describing Hobbs as a model community in growing the game of golf and they invited me as a featured speaker at their 2016 Pace of Play and Innovation Symposium. I am also the point person on building a new $65 million, 160,000 sq ft recreational center where our partners are contributing more than 50% of the capital and 50% on the ongoing operational costs. These partners include the local school district, the New Mexico Junior College, Lea County government, University of the Southwest, and the J.F. Maddox Foundation. There will not be a nicer facility within 500 miles and besides being an outstanding amenity for our local residents, it will also be a key economic development tool to bring in visitors.

- Increasing Housing. When I arrived the community was utilizing a housing study which showed the community was lacking over a thousand single family homes and apartments. Many oilfield workers were living in hotels as there was just not enough housing available for them or their families if they wanted to relocate. I developed a different approach to address this issue and in the last two years, for the first time in the City's history, we were awarded four affordable housing tax credit projects. These projects will result in over $50 million in new construction and add over 284 new additional affordable housing options. In addition, we also leveraged another $6.5 million in incentives for market-rate construction, which resulted in $65 million in new construction last year alone. These incentives have resulted 288 new single family homes and 997 market rate apartments being constructed over the last four years.

## GENERAL, MANAGEMENT STYLE AND EXPERIENCE

It is clear that Port St. Lucie is a vibrant, family oriented community which is exactly the environment I wish for my family. I know the priority the community places on public safety

while at the same time allowing me the opportunity to lead an established high quality organization. As a nineteen year officer in the military, my leadership training and municipal management background will be a unique asset in dealing with relations with the Port St. Lucie City Council and the entire community. My hope is that Port St. Lucie is looking for an energized, vibrant, ethical leader who is dedicated to the municipal management profession and is prepared to make a long term commitment to the community.

My approach to management is building the team through a combination of coaching and leading by example through a servant leadership model. I believe like a sports team, good local government organizations have personnel who can do their jobs extremely well. I am there to inspire them, provide them the tools and training opportunities to be successful and build a culture of service. My military experience has shown me the most effective way to build that culture is through leading by example. In Hobbs, I started a program called Operation SWITCH (Stop Working in the City Hall) where I take turns working in the various departments approximately once a month. Not only does this give me the opportunity to learn the employees and their positions better, it lets them see that I value what they do and want to help them be more effective. It also gives me a chance to interact with the public in ways they rarely see the City Manager.

The feedback I have received as a leader has been extremely positive not only in calm times but also in crisis. I still get calls from department heads in Pennsylvania where I left my position six years ago asking for advice on how I would handle certain situations. My current staff would say that I deeply care about the employees and try to create a family atmosphere in our organization. Recently, my City Commission in Hobbs gave me an outstanding evaluation saying that I had real passion for my work and incredible support from the employees. They also commended me for communicating with them regularly and said one of my strengths is constantly being out in the public collaborating with various community groups.

In terms of weaknesses, I have received feedback from some members of my leadership team that they would like more one on one time with me. Consequently, I have been working on strategies to improve my time management skills. My goal has been to reduce the number of group meetings I hold, streamline the agendas and delegate some daily tasks that can be handled by others to allow me to shift my focus to the short and long term concerns of my leadership team. One step I have already taken is to participate in a Dale Carnegie Skills for Success course which had a major focus on improved time management.

In addition to the feedback I have received from coworkers, I have a personal goal to improve my work/life balance. For two summers I went to Harvard University and the University of Virginia for professional development opportunities. These opportunities limited the time I spent with my family during their summer break. My personal goal since has been to spend more quality time with them during their time out of school.

I have had success in performance measurement by requesting that each department report monthly on considerable measurable data. I then include this information as a key component of

a report to my City Commission. I also challenge my team to find ways we can work more efficiently and improve customer service to the taxpayers of Hobbs. I have standardized performance evaluations for all employees and recently negotiated the collective bargaining agreements with the Fire and Police unions. These settlements resulted in both bargaining groups agreeing to merit based pay based on their evaluations, thus bringing them in line with the general employees and providing our leaders productive management tools. Recently, I was named to ICMA's Performance Measurement Task Force and look forward to collaborating with colleagues on this important endeavor.

As far as my biggest achievement, I am going to talk about a unique project which has been my personal inspiration in public service. I delivered a project that was a field of flags called a Healing Field. This project was to honor those who lost their lives on September 11th and afterwards fighting in the War on Terror. It was extremely well received and the Governor of Pennsylvania was our featured speaker at the dedication. At the time, it was the largest Healing Field in the country having over 4,000 flags spread across a few acres of beautiful city park land. About a month after the field came down, a lady came to the Mayor's Office to say thank you and give him a painting. He directed her to me indicating that I was the one who initiated and implemented the project. When I met with her, she hugged me and told me I did not understand what an impact that field had on her. She told me she was depressed and prepared to commit suicide but that the Healing Field had so much meaning for her that she was now committed to living. That interaction taught me that the great work we do in local government can positively impact community members in ways that we don't always see. I keep a picture of that field in my office as a reminder to stay motivated and energized because it's impossible to predict the direct or indirect impact of the project we are working on today.

I feel the biggest mistake of my career happened about 18 months after leaving my City Administrator role in Wilkes-Barre. I had started my own consulting firm and was asked by the Mayor to work toward privatizing the city's parking system. As a paid consultant for the Wilkes-Barre Parking Authority in 2012, I gave them a proposal that would have paid me an hourly fee plus a commission if the project was completed. The Parking Authority asked me to double my hourly rate as they did not want to pay a commission if the project was finalized. In the end, I agreed to their request, helped deliver three proposals higher than their baseline requirement. Regardless, the Parking Authority chose to not move forward with the proposal and used the hourly rate against me. There were local articles on this issue that did not have all of the information but I was asked not to comment publicly. To this day, I regret not more strongly defending my position.

Like any chief executive officer, I have had to fire people or request their resignation many times, including department heads. My philosophy is to praise in public and punish privately, therefore, today many people do not have the details of the dismissals. While it never feels good, it is healthy for an organization to make sure people know they will be held accountable.

While anyone coming into a new position will face challenges, I think my military background at

Tyndall Air Force Base, FL and my demonstrated experience working collaboratively with colleges and universities will make my transition easier than some of my peers. The greatest challenge I see is rebuilding the relationship between the elected officials and the staff. I will communicate with the elected officials and staff early on to understand our organizational strengths and see how I can incorporate some of my lessons learned and leadership skills into addressing Port St. Lucie's challenges. I am a builder, not a maintainer so I see my first six months focused on motivating the staff, dedicating myself to learning the nuances of the city government structure in Florida and immersing myself into the local community.

As a former public affairs officer in the USAF, I am comfortable with the media and public presentations. Having just received my updated top secret security clearance, I hope you will see you are getting an ethical leader who will work to inspire the staff to continually improve. I would hope to finish my military reserve requirements of approximately twenty-six days per year coordinating search and rescue operations. I have a projected retirement date in May 2017.

I am a huge proponent of utilizing social media to keep residents informed on the day-to-day activities in a community. I had our IT team in Hobbs and Wilkes-Barre update our webpage and our communications director and I speak daily about the messages we want to bring to the community. I am confident that the only people who would contact you from Hobbs would be telling you how disappointed they will be if I leave.

I am a dedicated father who is kept busy engaging in the activities that most interest my children. When I find spare time outside of that I enjoy running, golfing and reading.

Finally, it would be an honor and a privilege to be your City Manager!

## SIX ADJECTIVES OR PHRASES YOU WOULD USE TO DESCRIBE YOURSELF

- Passionate
- Collaborative
- Accessible
- Caring
- Forward Thinking
- Knowledgeable

## REASON FOR WANTING TO LEAVE CURRENT JOB

Some people may think I am crazy leaving a community with such promise and $116 million in our fund balance. However, with five school-aged daughters, their development is my number one priority. I know the high quality education my children would receive at the same time allowing me the challenge and opportunity to lead an established high quality organization. We

want to make a long-term commitment to Port St. Lucie! The allure of leading your team, bringing new solutions to Port St. Lucie's challenges and raising my family long-term in a community the quality of the Port St. Lucie is very appealing.

I was just named the 2016 New Mexico City Manager of the Year. I ask you to please give me a chance to come interview. You will not be disappointed! I will be the person who collaborates with you to face Port St. Lucie's challenges and the leader who inspires the employees in creating a higher performing organization. I want to be the next long-term City Manager of Port St. Lucie!

## CURRENT/MOST RECENT OR RELEVANT SALARY

Salary $180,000, $50,000 forgivable housing stipend, up to 5% 401a employer contribution, enrollment in New Mexico retirement system (PERA,) $750 monthly car allowance, $100 monthly cell phone stipend and professional development commitment.

## Section 10

# *CB&A Background Checks*

## Background Check Summary for
## JOHN "JJ" J. MURPHY

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Lea County, NM | No Records Found |
| Luzerne County, PA | No Records Found |
| Bay County, FL | No Records Found |
| Santa Barbara County, CA | No Records Found |
| State | |
| New Mexico | No Records Found |
| Pennsylvania | No Records Found |
| Florida | No Records Found |
| California | Records maintained by county of residence |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Lea County, NM | No Records Found |
| Luzerne County, PA | No Records Found |
| Bay County, FL | No Records Found |
| Santa Barbara County, CA | No Records Found |
| Federal | |
| New Mexico | No Records Found |
| Pennsylvania | **April 2008** – Civil Rights Lawsuit filed against Wilkes-Barre including Mr. Murphy in his capacity as City Administrator.<br>***Disposition*: May 2009**, Terminated<br><br>** See page 3 for Candidate Explanation for Records Found*<br><br>**July 2011** – Civil Rights Lawsuit filed by Mr. Murphy against the Radnor Township.<br>***Disposition*: March 2014**. Terminated<br><br>** See page 2 of Personal Disclosure for Explanation of Records Found* |

## Background Check Summary for
## JOHN "JJ" J. MURPHY

| | |
|---|---|
| Florida | No Records Found |
| California | No Records Found |
| **Motor Vehicle** | |
| New Mexico | June 2013 – Personal<br>Disposition: June 2017 |
| **Credit** | Good |
| **Bankruptcy** | No Records Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

## Background Check Summary for
## JOHN "JJ" J. MURPHY

**From:** J.J. Murphy
**To:** Lynelle Klein
**Subject:** Re: Background Check Records Found that Require an Explanation

Ms. Klein,

Thank you for your email.

I was named with multiple city officials and police officers in the Shotko v. City of Wilkes-Barre case because I was the City Administrator. I believe Mr. Shotko was arrested during the St. Patrick's Day parade. He lost his case in court.

I was listed in the Murphy v Radnor Township and I did address this in my disclosure answers.

Please let me know if you have any other questions. All other references were other John Murphy's.

Respectfully,

John J. Murphy, ICMA-CM

# Background Check Summary for
# JOHN "JJ" J. MURPHY
## Personal Disclosure

### Personal Disclosure Questionnaire

Name of Applicant: John J. Murphy (J.J.)

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?

   Yes ☐ No ☒

2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?

   Yes ☐ No ☒

3. Have you ever declared bankruptcy or been an owner in a business that did so?

   Yes ☐ No ☒

4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ☒

5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ☒

6. Have you ever been convicted of driving while intoxicated?

   Yes ☐ No ☒

7. Have you ever sued a current or former employer?

   Yes ☐ No ☒

8. Do you have a personal My Space, Face Book or other type of Web Page?

   Yes ☒ No ☐

9. Do you have a personal Twitter Account?

   Yes ☒ No ☐

10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?

    Yes ☐ No ☒

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant

Attested to: _____
Signature of Applicant

Please email this form via PDF DOCUMENT to [redacted] or via fax to [redacted] no later than 5:00 PM EST 02/06/15.

(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

Property of Colin Hoenlinger & Associates

## Background Check Summary for
## JOHN "JJ" J. MURPHY
## Personal Disclosure Explanation

# 11 – In the past, I was involved in a case against Radnor Township, Pennsylvania. In 1998, I interviewed for a position of Township Manager in Radnor, PA. I was interviewed as a semi-finalist but then told I would not be brought back for a second interview because "some commissioners had serious concerns about my ongoing military obligations." As an active military reservist, I informed the township that decision was in direct violation of the USERRA Act. They then denied saying it and would not offer me a second interview. I filed in Federal Court to protect these rights and a jury unanimously agreed that Radnor discriminated against me but they awarded no damages.

# *CB&A Reference Notes*

# Reference Notes
# J. J. (John Joseph) Murphy

**Sam Cobb – Mayor, Hobbs, NM**

Mr. Cobb was part of the Commission that hired Mr. Murphy in 2012. Mr. Murphy has done extremely well. Hobbs has experienced a very robust economic time and Mr. Cobb has been very aggressive in many areas as it relates to housing and quality of life. Mr. Cobb has given Mr. Murphy a tremendous task load, which he has handled and administrated well. He built a new golf course, finished the design and groundbreaking of a recreation facility, created a master plan, and begun a four-million-dollar city park rehabilitation. He also led a seven-million-dollar incentive plan for housing that generated $150 million for new housing in a public/private partnership. He created a five-member partnership for the recreation center. The partners were the City, a private foundation, a four-year university, a two-year community college, and the public school system in Hobbs. Mr. Murphy has performed well in every scenario.

The decisions Mr. Murphy have made are good. He is innovative and a change agent while maintaining operations at a high level. He is often out in the community and he works well with residents. He takes the appropriate position when necessary. Because he is the CEO of the City, the appropriate position may not always be what the citizens want. He explains the reasoning when certain factions want something done or they want the process to move faster. He is not necessarily a yes man, but he properly explains his position.

Communication is something that Mr. Murphy excels at, he kept the elected officials very well informed. Hobbs experienced record breaking snow the week after Christmas in 2015, over 25 inches of snow fell in a single week. Given their location, they do not have much snow removal equipment. Mr. Murphy put together a team of City staff and individuals from the private sector who removed the snow in record time. He also made sure that the elderly and seniors received their meals on wheels. This incident highlights his ability to pull together a diverse group of individuals to address an unusual occurrence.

The Commission maintains a tight rein on the budget and Mr. Murphy manages it well. He has been willing and able to identify ways to cut costs. In Mr. Cobb's experience Mr. Murphy has accomplished tasks in a timely manner.

Individuals in the community have made numerous inquiries of public records. Mr. Cobb and Mr. Murphy have been subjected to requests for copies of emails and travel expenses. One instance was when Mr. Cobb approved travel for Mr. Murphy and some staff members to visit a manufacturing facility in Italy to look at pool options for their recreational center. The expenses were around $8,000, which raised some questions. Mr. Cobb defends this expenditure as it was appropriate given the situation. This claim, nor any of the others, have substance but they seem to continue to create controversy.

A volunteer group called "Make Hobbs Beautiful" identifies areas in the community that could be improved from an aesthetic standpoint. They asked the city whether a recycling program would be feasible. Mr. Murphy knew a gentleman from Pennsylvania and engaged him on a consulting basis to evaluate the idea. The consultant gave a presentation of his findings. The

cost of moving the items to the recycling center was prohibitive because the closest recycling center is several hundred miles away. The process was properly done and well presented. Under New Mexico procurement codes and Hobbs current City ordinances, Mr. Murphy can engage professionals on a consulting basis for up to $60,000 without consulting the elected officials. He engaged various consultants on behalf of the City. Because not every transaction goes in front of the Commission, some residents believe Mr. Murphy is abusing his power, but he has never done so. He has always followed proper procedure and kept the Commission informed along the way.

Mr. Murphy was involved in a controversy related to a parking project in Wilkes Barre but as the Administrator, he did not have the same level of decision making responsibility in that jurisdiction as he does as the Manager in Hobbs. Mr. Cobb has never seen an instance during Mr. Murphy's tenure in Hobbs where he acted unethically, abused his power, or failed to keep the Commission informed of his activities. A few people might disagree with him on subjective issues, but never on substantive issues related to work performance. When City Managers create change, they will always have naysayers. Hobbs has experienced a great deal of positive change under his leadership.

Mr. Cobb would hire Mr. Murphy. In August of 2016 he was selected as the City Manager of the year amongst all of the Managers in New Mexico, which is a great honor.

**Words or phrases used to describe J.J. Murphy:**

- Intelligent,
- Innovative,
- Passionate,
- Responsible,
- Visionary, and
- Dependable.

**Strengths:** Good communicator, innovative thinker, addresses unforeseen issues well, responds well to pressure.

**Weaknesses:** As city managers go he may not have as much experience as some, but this should not be characterized as a weakness, he will gain more experience over time.

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**Joseph Calderon – Commissioner, City of Hobbs, NM**

Mr. Calderon met Mr. Murphy when he was hired in 2012 as the city manager. As a member of the city commission and the school board, Mr. Calderon works frequently and happily with Mr. Murphy and is very pleased with Mr. Murphy's leadership.

Mr. Murphy is a visionary and knows what the city needs. He is heavily involved with and consistently out in the community. He likes to know what people need and answer questions for

them. He knows which projects to implement and which projects to put on hold. He has tabled projects in order to avoid layoffs, and because of his leadership, the city has increased its reserves.

The Commission is not involved directly with the day-to-day management of the city, so it is critical that Mr. Murphy keeps the Commissioners updated, and he has done so impeccably. In fact, the Commission is never caught off guard. He discusses problems with the elected officials, gets their input and makes good decisions. He accomplishes every task he is given and delivers excellent results.

Mr. Murphy is very innovative. He has a vision, involves multiple parties, and establishes partnerships. His staff highly respects him and will do anything for him. In 2014, he rallied the employees and put together donations for a Christmas dinner for the poor and homeless. Eventually, they decided to include everyone regardless of their circumstances. The dinner was a huge success, and the employees were very passionate about it due to Mr. Murphy's leadership.

When hiring personnel, Mr. Murphy makes excellent decisions. The Chief of Police that Mr. Murphy hired has been a blessing for the city. The departments are able to work well together because of his leadership and they have become a strong staff.

When Mr. Murphy came into the community, no affording housing was available which led to challenges. For example, teachers severed their contract when they could not secure housing. Mr. Murphy is one of the leaders who has been working extremely hard in conjunction with the mayor to create affordable housing. It has been very successful and much more housing is available now.

A dispute related to the school softball and baseball fields was contentious between the coaches, the school, the players, and the board members. It was a small problem that erupted into a larger problem. Mr. Murphy stepped in and worked with every party until a solution was reached and everyone was pleased with the outcome. Mr. Murphy is an excellent problem-solver and maintains good relationships with everyone, even during a dispute.

Because of Mr. Murphy's military work, he was initially absent more than the Commissioners had expected. However, because he is and was always reasonably available, the Commissioners are no longer concerned about his absences. He was also sent on a 6-week course, and although he was absent, he learned good information and has continued to be an excellent leader.

Local senators and politicians praise Mr. Murphy's work for the city. He has become well-liked and well-respected in his time as city manager. He shares ideas and learns from other leaders and has moved forward with good community projects, including a $60 million recreation facility.

The Commission in Hobbs sets policy and Mr. Calderon does not like to micro manage. Even though he knows many of the employees because he taught them in school, he does not become

involved in city operations as that is not his role. As a Commissioner, he felt that Mr. Murphy hired experts to consult in areas where Hobbs had a need. Mr. Calderon is very comfortable with the consultants hired by Mr. Murphy and their expertise, his actions were appropriate.

Mr. Calderon met with Mr. Murphy and the Mayor to review an agenda. During that meeting they discussed a trip where Mr. Murphy would go to Italy with two employees to review the facility that builds the pools they were interested in for their recreation center. Mr. Murphy attained the Mayor's permission before the trip was scheduled. In addition, Mr. Murphy and some staff members had visited five or six locations in the United States to look at other pools without any complaints. The only reason that complaints were lodged about this particular trip is because Italy was the destination. A vendor wanted to pay the City to go along but they were still in the bidding process and it was not appropriate. In the end, the vendor paid their own way.

Currently a community member is filing multiple and extensive public records requests, some of them have resulted in 1,000 to 2,000 pages of photocopies, which he then did not even pick up. The City is spending 25% of their time trying to address these requests.

Mr. Murphy is not perfect and he sometimes makes mistakes, but when that happens he meets with the elected officials to talk it over and resolve it. Hobbs hosted a municipal league meeting for the first time in their history and several members of the league and community members told Mr. Calderon what a great job Mr. Murphy has done for Hobbs.

Mr. Murphy is an excellent asset and leader. Mr. Calderon recommends him very highly as an accomplished leader and would be sad to see him leave.

**Words or phrases used to describe J.J. Murphy:**

- Humble,
- Pleasant,
- People-person,
- Energetic,
- Hardworking, and
- Big heart for everyone.

**Strengths:** Works well with people. Balances responsibilities well. Energetic. Visionary. Heads many large projects. Involved.

**Weaknesses:** Works too hard. Previously absent due to military responsibilities, but balances time well now.

# Reference Notes
# J. J. (John Joseph) Murphy

**Jonathan Sena – Commissioner, Hobbs, NM**

Mr. Sena was part of the Commission that hired Mr. Murphy in 2012. One quality that Mr. Sena really liked about Mr. Murphy during the interview process is that he is serving in the Air Force reserve. He has an understanding for people and veterans. He created parking spaces where wounded veterans can park close to the destination, it was a very simple but a very kind gesture.

Mr. Murphy is willing to honor others. He has a warrior of the month award. Employees who earn this honor wear a centurion helmet for a picture, which is then placed on the wall near Mr. Murphy's office. He makes employees feel special and he has treated the residents in Hobbs as if he has lived here his entire life.

Mr. Murphy is an incredible City Manager. He is one of the most capable, qualified, hardworking individuals that Mr. Sena has ever met. He engages the community at every level no matter their race or culture, and has an incredible ability to bring people together. He really works hard to ensure that no one is left behind. Being a City Manager is a very challenging job but he has been able to accomplish things that no one else has. He helped improve the drainage in Mr. Sena's district. He worked with the community and the Commission to pass a traffic law that was years in coming. He did an amazing job leading infrastructure development in a very challenging part of the community. He helped them design a $65-million-dollar recreation facility and secured financial partners to provide the capital. The recreation center was also 15+ years in the making, but he helped them move forward and they recently had the groundbreaking.

Because of Mr. Murphy's ability to engage residents and the local foundations, he took an old park with a great deal of history and is developing it into a new City Park. The project will cost $4 million total, $3.5 million is coming from the Foundation because they believe in the project. No one is perfect but Mr. Sena is grateful to have been part of the Commission who hired Mr. Murphy. He has been good for Hobbs.

Because of Mr. Murphy's military background, he is very task oriented. When given a task, even large complicated tasks, he will grab the bull by the horns and go with it. He is also the son of a police officer and has turned the morale around in their police department. He increased the number of officers from 60+ to 90+ and has really engaged with the first responders. He is focused and loyal. He really takes care of people in the community.

Mr. Murphy deals with many tasks and assignments. He cannot keep the Commissioners informed of every single item, but they are always informed on the items that matter. He also really helped the Commissioners achieve their financial goals. Hobbs has very healthy reserves while still moving forward on their goals and objectives.

Mr. Murphy's position contains an element of managing staff and processes, but he is a true leader. He has a program where he works in the trenches with the employees. He worked in the jail one day and did everything that jail employees do. He spent a day working at the fire

department with the maintenance crews. He leads by getting out among the people, he shows employees that he cares and is willing to work alongside them.

Some residents are upset with any given vote; it is just part of the job. City Managers have a very public record of their actions and with Mr. Murphy the pros far outweigh the cons. He is just really good. He helped them accomplish things they never would have achieved without him.

Hobbs is an oil and gas community. Mr. Murphy is currently the highest paid City Manager in New Mexico and the highest paid manager in the history of Hobbs and Lea County. Even so, they cannot pay him what he is really worth. They pay him very well but have received a return on their investment many, many times over. His work has been incredible; he has brought people to the table that did not participate before. He has inspired Mr. Sena to be a better leader. He has been very loyal to the community in Hobbs and will be loyal to any community he manages.

**Words or phrases used to describe J.J. Murphy:**

- Compassionate,
- Kind,
- Genuine,
- Hard working,
- Driven, and
- Servant leader.

**Strengths:** Passionate, relational, driven, task oriented, greatly increased morale, willing to try new things.

**Weaknesses:** Passion is a double edged sword. You have to be passionate to gets things done at his level but not everyone appreciates it. However, Mr. Sena considers it more of a blessing than a weakness.

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**Lindsay Carter – Former Communication Director, Hobbs, NM**

Ms. Carter reported to Mr. Murphy as the Communications Director from July of 2014 to October of 2015.

As a supervisor Mr. Murphy is very engaging and team oriented. Ms. Carter absolutely loved her time working under him. He is very visionary. She was allowed to bring ideas to him and received good feedback on whether to move forward.

# Reference Notes
## J. J. (John Joseph) Murphy

When hiring personnel Mr. Murphy knew what type of employee he wanted in the position. He went through a good process so that it was not a one man show, he used a serious of interviews and a panel to select the right person. Employees were very comfortable with his decisions in general. He made the right decisions and went through the proper channels.

Mr. Murphy is definitely innovative and a change agent. However, these aspects are all relative to him wanting high performance. He is well versed in high performance organizations and sent many of his Directors to training to ensure they were on the same page.

Mr. Murphy believes that he should be visible in the community and available to residents. He attends community functions as much as anyone in the organization. Even when residents are challenging he is willing to listen to what they have to say. He shares his passion and energy with the residents which creates a good rapport. He is a leader they can appreciate.

Keeping everyone informed is challenging in an organization with 450 employees, however if employees were not in the loop the information was most likely confidential. Mr. Murphy asked Ms. Carter to create newsletters and use email to communicate down to the boots on the ground in the organization. He values the idea of making sure people are aware and hear what is happening. He encourages others to feel like he has an open door to them, no matter what level they are at. Listening to the employee's thoughts and concerns was a priority to him.

Hobbs opened a new golf course that is revered around the world and has received awards and accolades. They were planning a grand opening worthy of the excellent facility it is. Everyone on the commission had different ideas of what the grand opening should look like, and it was a challenge to appease everyone. Mr. Murphy was implementing a plan when he was told to start over and go another direction. He took charge and helped everyone remain calm. He mediated between the staff and Commission. At one point it seemed the event was falling apart around them. He brought the employees together and kept them focused. Even though plans changed mid-stream, he developed a plan they could execute and the event was tremendously successful.

Budget is a priority in Mr. Murphy's discussion with the staff, it was something he focused on almost daily if need be. He can remember numbers off the top of his head in any facet. He also valued his relationship with the finance director and kept the lines of communication open.

Mr. Murphy is timely in completing tasks but some items take priority. When given a directive from the Mayor or Commissioners, he prioritizes those tasks and others have to wait. He was good about outlining what needed to be done and recruiting leadership to complete the tasks. He realized when priorities needed to change and was very effective.

Ms. Carter had never worked in the public sector before and was surprised that some people constantly critique every decision made. Hobbs was blessed with a great economy until the last year and a half. The growth in the community during the good economic times created controversy. Mr. Murphy handled it well by relaying factual information but some moments

were challenging because the public wanted to change the direction the Commission had set. The issues were not related to him personally; they seemed fairly standard in government.

Ms. Carter has only known Mr. Murphy since 2014 but in that time she has not seen anything in his personal life that would concern an employer. She would hire him; he has been a good leader for the city of Hobbs. They benefited by having him at the helm and his leadership greatly improved the organization. He has proven himself to be very capable.

**Words or phrases used to describe J.J. Murphy:**

- Ambitious,
- Passionate,
- Strives to be the best,
- Confident, and
- Visionary.

**Strengths:** Motivated; energetic; leadership; rewards good performance; great about giving feedback; great administrator; savvy in marketing. One of his biggest strengths is reaching out to employees to make them feel they are in a team atmosphere.

**Weaknesses:** Ideas rapidly come to his mind and he sometimes forgets to slow down and analyze the concept. However, he empowers his team to pull him back in these situations and together they achieve the right result.

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**Joseph Cotton – Chairman, NAACP, Hobbs, NM**

Mr. Cotton has known Mr. Murphy since 2012. On a scale of 1 to 10, Mr. Murphy rates a 10. He is very knowledgeable in everything he does and he is also very approachable.

While no one is perfect Mr. Murphy generally makes good decisions. The NAACP has a better working relationship with the City than they have had in the past because Mr. Murphy reaches out and participates in their events. He brings good ideas to the table and is very concerned with working and accountability. He is the go-to guy in the City. Mr. Cotton feels comfortable discussing matters with him, even sensitive issues like complaints against law enforcement officers. He investigates the situation and addresses any issues he finds. After sharing a concern with him, you do not have to call him check on the progress because he always follows up.

Mr. Murphy is an innovator, hands on leader, and a motivator. He is helpful when he can. He does not share confidential information, but always shares items that are relevant to the NAACP or the African American community. When someone is coming into town that he feels Mr. Cotton should meet with, he asks Mr. Cotton's availability to set up the meeting.

# Reference Notes
# J. J. (John Joseph) Murphy

Everyone that Mr. Cotton knows, and he is very involved in the community, has good things to say about Mr. Murphy. He picks up trash at the local parks and works alongside residents on cleanup day. Some people in the community will not work with him because they did not get what they wanted at one point. Considering how the residents are in Hobbs, he has worked very well with the community and has a good rapport with residents.

Hobbs has an Arts Center. The Director is African American and someone vandalized the door of the Center in a hate crime. Mr. Murphy was the first person that Mr. Cotton called. Mr. Murphy had zero tolerance for that type of incident in the community. Everyone was upset about it. Mr. Murphy held a sit down meeting with the Manager, Mayor, and Attorney. Through Mr. Murphy's leadership they passed a hate crime bill. Anyone who commits a hate crime in the community will now be prosecuted. They also offered rewards up to $5,000 for anyone who turned the perpetrator in. Many Managers would not have taken this stand. Also, a law enforcement officer lodged complaints about the department but no one would listen, including the Chief. Mr. Murphy investigated the issue and found that the Officer was telling the truth. He wants to represent the entire community and bring everyone together. He exhibited great leadership in Hobbs.

Mr. Murphy has done very well with the finances. He is a family man who wants the community to grow in a good way for young people. He is a visionary who has many great ideas.

Some people feel that Mr. Murphy is too diverse. He spoke out against hate crime and some in the community were offended. He went on a trip to Italy to look at a facility they were considering building in Hobbs, which became controversial simply because he was the City Manager. He was accused of misusing tax payer dollars. Mr. Cotton went on a similar tour to the same facility with other citizens and no one complained about their trip.

Mr. Cotton would hire Mr. Murphy. He is a good man with values. His departure from the City will be a significant loss. He would be an asset for any community.

**Words or phrases used to describe J.J. Murphy:**

- Strong,
- Eager,
- Intelligent,
- Motivator,
- Encourager, and
- Organizer.

**Strengths:** Willingness to get people involved and pull them together.

**Weaknesses:** He wants everyone to do the right thing, which they do not always do. He has high expectations and can beat himself up when staff does not meet them.

# Reference Notes
# J. J. (John Joseph) Murphy

**Nicki Sweet – Former Human Resource Director, Hobbs, NM**

Mr. Murphy hired Ms. Sweet in 2013. She resigned in 2016 for a career advancement opportunity.

Mr. Murphy was one of the more motivational managers that she has ever worked for. He understands how to communicate with employees at every level and actually cares about them. He spent time with the front line team. Even when the general budget began to decrease he did not want to cut the training budget. He encouraged Directors to push their team members to go to conferences and continue their education.

Mr. Murphy was only involved in executive team hiring. He promoted a Fire Chief who advanced to a larger city which indicates that he was a good hire. Mr. Murphy hired the Parks and Recreation Director and the Communications Director who are still with the City. He promoted the Police Chief who is still doing well. His decisions in general are good.

Ms. Sweet did not have a government background. Mr. Murphy took the City from entitlement and moved them to a high performing organization. He invested a great deal of time guiding the executive team through the process. His vision was not to just maintain roads but to move forward. The City is building a new recreation center.

If an event was happening in the community Mr. Murphy and his family were most likely in attendance. He has five little girls who performed at dance recitals and played soccer. He was also involved with the Chamber and in parades.

Mr. Murphy held weekly meetings with the executive team. He published notes so that employees could see a recap of what the team was working on. He held quarterly meetings with the employees. He was available; it was easy to meet with him. He was timely in meeting deadlines and he expects employees to do the same.

One concept that Mr. Murphy encouraged was public/private partnerships. He spent a great deal of time meeting with business leaders to get their buy in and support. The Maddock Foundation is a significant driver of grants and funds. He worked with them to gain funds for projects. For example, he secured a few million to build City trails.

Mr. Murphy is a visionary who sold whatever concept the Council gave him to the front line team members. He placed a quote up on the wall and gave the staff direction. The department heads then managed the processes to achieve the goals. He also did a "day in the life of....", where he spent a day as a fire fighter, or picking up trash.

Hobbs has two separate unions, one in the fire department. The fire department was having difficulty recruiting employees. They were short staffed and employees and citizens were complaining about inadequate coverage. The policy stated that employees had to live within five miles of the city to maintain a good response time to emergencies, and no one wanted to move to

Hobbs because it did not have the amenities of cities that were a short distance away. Mr. Murphy brought everyone to the table and created a program where fire fighters who live in Hobbs receive incentives and benefits. Those who live outside the community can still work for the fire department but they do not receive the benefits and incentives. The idea has worked well; the fire department was fully staffed when Ms. Sweet left.

Hobbs was in the middle of a financial boom from oil and gas. They had a good budget, but Mr. Murphy understands that the environment is very cyclical. The price was bound to drop, and it recently has. Because Mr. Murphy planned ahead and saved money for the eventual drop, they did not have to do any layoffs when the drop occurred.

Because Mr. Murphy is a public figure you will be able to find some in the community who have a different opinion of him. A large group of in-house employees did not agree with spending the money to build the recreation center. Newspaper articles were written about this controversy as well as the fact that he looked for employment elsewhere. Ms. Sweet is not aware of anything related to Mr. Murphy that is truly controversial.

Ms. Sweet would hire Mr. Murphy and would work for him again in a heartbeat. He truly cares about the employees and the welfare of the community.

**Words or phrases used to describe J.J. Murphy:**

- Leader,
- Caring,
- Friendly,
- Powerful, and
- Tenacious.

**Strengths:** Positive; communicates well with everyone; very open door policy; really cared about employee development.

**Weaknesses:** He has a big heart and sometimes tried to find ways to save people that did not need to be saved. For example, he did not want to let an employee go two weeks before Christmas. However, you can talk him through it, which is a positive. Ms. Sweet helped him understand why the action was necessary.

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**Marie McCormick – Former Deputy Administrator, Wilkes-Barre, PA**

Ms. McCormick and known Mr. Murphy since 1996 when he interned as the Mayor's assistant. Later she worked with Mr. Murphy as the Deputy Administrator.

Mr. Murphy is a great administrator. He introduced many innovative ideas and changed the way the staff handles reporting. He implemented performance measures and goal tracking. He

brought a city wide camera project to downtown Wilkes-Barre which has deterred criminal activity and helped solved crimes. He introduced a Wi-Fi network in the City. The City was not even computerized before his arrival. His drive and motivation moved the City forward.

Mr. Murphy has a wonderful personality. He has considerable experience working with elected officials. He is responsible for communicating with the congressional offices, the Senator's offices, the State Representatives, and local officials on a county level. He is very diplomatic. He was second in command to the Mayor and acted for the Mayor in many situations. He related to and communicated with over 300 employees in different unions with different job requirements. He worked very well with employees in every department. His approach was very different in that he reached out to all staff, not just those working in the main office.

Mr. Murphy managed his time well and was dedicated to his job. They had a very good working relationship. They divided up the work load. Occasionally they were involved in the same projects; at other times they worked on different projects. Mr. Murphy was easy to work with and supported Ms. McCormick whenever she had to take actions against an employee.
Mr. Murphy instituted a weekly senior management staff meeting to discuss all issues; so his senior staff was always well informed. He held lower level staff meetings every Thursday to garner input in preparation for Council meetings. These gatherings kept everyone informed and gave employees opportunities to share their concerns or ideas. He has an open administration.

Mr. Murphy dealt with the public daily and handled numerous public meetings. He attended bimonthly Council meetings where he answered the questions and concerns of the Council and residents. Beyond his normal responsibilities he worked with non-profit organizations on projects, had direct contact with citizens' advocate groups, and engaged others. He has a very good manner and does not fly off the handle when provoked. He forcefully supports his ideas when necessary but handles every situation professionally. He is responsive to the citizens.

Mr. Murphy makes good decisions. While working on a project, if he sees that changes need to be made, he revises his plans. He listens carefully to everyone's input. Wilkes-Barre has greatly benefitted from his decisions.

Mr. Murphy and the Mayor closed some city firehouses which was a controversial decision and they received many threats. Someone went to Mr. Murphy's house while his wife and small girls were home, saying Mr. Murphy had asked him to look at the pipes. Luckily Mrs. Murphy did not let him in. The Mayor decided they both needed protection and the Chief of Police suggested putting cameras on their home. Years later, one citizen lost a towing contract with the City during Mr. Murphy's tenure and was very angry. He used the installation of the cameras as an argument to discredit the Mayor and Mr. Murphy. The District Attorney exonerated both Mr. Murphy and the Mayor of allegations made against them. Mr. Murphy is completely forthright and his character is beyond reproach. He bases decisions on what he believes is right. Ms. McCormick does not believe anything negative exists in Mr. Murphy's background.

# Reference Notes
# J. J. (John Joseph) Murphy

Ms. McCormick would hire Mr. Murphy and wants him to come back to Wilkes-Barre. He is a very responsive, dedicated administrator who introduced innovative ideas. He carefully managed the finances of the City while ensuring that services were provided and working at all levels of government.

**Words or phrases used to describe J.J. Murphy:**

- Diligent,
- Committed,
- Analytic
- Decisive,
- Diplomatic, and
- Works well with everyone and any level or walk of life.

**Strengths:** Energetic, methodical and analytical.

**Weaknesses:** Mr. Murphy took on very complicated projects that required input from numerous sources, not only within the organization but also from vendors and contractors. He became frustrated if others did not meet the timetable or their obligations.

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**Paul Keating – City Administrator, Kingston, PA**

Mr. Keating and Mr. Murphy met as college students in Kings College. They graduated the same year, 1993. Mr. Keating is the City Administrator of Kingston, which is separated from Wilkes-Barre by the Susquehanna River. They have worked on various projects together while Mr. Murphy was the city manager.

Wilkes-Barre has a very difficult time making ends meet because they have a land locked tax base. They have very high expenses for police and fire services. Mr. Murphy did a terrific job steering their finances. He revitalized the downtown area. Before his efforts the downtown public square and business hub was decaying and unsafe. Currently the downtown has many new businesses. He developed a vision to make Wilkes-Barre a college community with the hope of generating revenue. By partnering with the colleges, the City was able to experience much progress.

Mr. Murphy was instrumental in installing a large scale security camera system throughout the City. Mr. Murphy's administration focused on the downtown business area, parks, playgrounds, and troubled city districts. He brought many innovative ideas to Wilkes-Barre.

Mr. Keating tried to start a Wyoming Valley Municipal Association. His idea was to bring County leaders together to share thoughts and ideas. The concept did not work as Mr. Keating had hoped. However, Mr. Murphy was very supportive of his efforts and attended every meeting. They both share a philosophy of working together with surrounding communities. Whenever Mr. Murphy instituted an initiative beneficial to Wilkes-Barre he shared the idea with

surrounding communities. If he observed positive steps being taken in other communities, he asked for more information to see if their ideas would work in Wilkes-Barre. They mostly corresponded through email. Mr. Murphy immediately responds to requests for information.

Mr. Murphy has considerable experience working with the public. He was highly visible and accountable to the public. He always made himself accessible to the media.

Mr. Murphy worked in public service and always stepped above and beyond those responsibilities to serve his country. His military service speaks volumes about his character and integrity. Anyone would be impressed that he could run a city, with a large family at home, and still volunteer to serve his country.

Some decisions made by the Mayor and Mr. Murphy have been heavily scrutinized by the media, such as the decision to install security cameras on their homes. However, Mr. Keating has observed no situations which he considers derogatory to Mr. Murphy. The Mayor was reelected even after the media reports; so most constituents believed in what the Mayor and Mr. Murphy did for the City. Any allegations made were political in nature, brought by the Mayor's opponent during the elections. They were both exonerated by the Ethics Committee.

Mr. Keating would hire Mr. Murphy. He is a good administrator.

**Words or phrases used to describe J.J. Murphy:**

- Good communicator,
- Energetic,
- Kind,
- Sharing,
- Dedicated, and
- Supportive.

**Strengths:** Good communicator; proven leader; accomplished tangible results for the City.

**Weaknesses:** None identified.

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**Bill Barrett - Chairperson, Wilkes-Barre, PA**

Mr. Barrett has been with the City for 28 years and started working with Mr. Murphy in 2002. Mr. Barrett stepped out of a meeting for the interview and could not go into great detail due to time restrictions. However, he wished to give a recommendation for Mr. Murphy. They became personal friends through their work relationship. Mr. Barrett is on the board of Hawkeye, the company which provides the closed circuit camera system. Bringing the system to Wilkes-Barre was one of Mr. Murphy's projects and one the City is very proud of.

# Reference Notes
# J. J. (John Joseph) Murphy

Mr. Murphy is consistently conscientious. He is easy to talk to, a commendable quality not often found in others. He listens to what you have to say then moves forward. Because of Mr. Murphy's leadership, Wilkes-Barre has a good bond rating.

Mr. Murphy works very well with his elected officials because he is very open and transparent. He is very accessible and returns calls immediately. They did not always agree on every issue, but they had a strong professional working relationship. Mr. Murphy is a people person, and he interacted well with all department heads. He kept Council informed by holding bi-weekly meetings with the staff before each Council meeting. He identified any problems or concerns the employees were having and brought those issues to the Council for discussion.

Mr. Murphy worked with the GOALS Foundation to fund community projects for groups which lacked financial resources. He handles the public well and is very customer service oriented. He is concerned about the end product. He ensures his city is doing its best for the residents.

Mr. Murphy solves problems by reaching out to others to find out what they think is the most appropriate solution. He then makes an informed decision. The new accounting system he adopted is a perfect example of his innovative approach. The City was not computerized before his arrival and now they have a new, fully operational computer system.

Everything in Wilkes-Barre seems controversial, but nothing Mr. Murphy has ever done was unethical. Mr. Barrett would hire Mr. Murphy. He is a great administrator.

**Words or phrases used to describe J.J. Murphy:**

- Honest,
- Conscientious,
- Easy to talk to,
- Respectful to others,
- Considerate, and
- Concerned.

**Strengths:** Cares about public service; and sincere in his beliefs.

**Weaknesses:** Works too hard.

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**Rick Cronauer – Former Councilman, Wilkes-Barre, PA**

Mr. Cronauer has known Mr. Murphy since 2002. He was a Councilman when Mr. Murphy was hired. Mr. Cronauer is an electrical contractor by trade, and worked with Mr. Murphy in that capacity. Mr. Cronauer thinks the world of Mr. Murphy and only has good things to say about him.

# Reference Notes
# J. J. (John Joseph) Murphy

Mr. Murphy's job performance was beyond excellent. He works extremely well with his elected officials. Their interactions were exceptional. The potential for conflict always exists between a Council and its City Administrator. However, their Council never had any conflicts with Mr. Murphy. He corresponded through email, telephone, and in meetings. He requested personal meetings with every council member to keep each of them equally informed.

Because of his military background Mr. Murphy is quite good at working with the public. He is customer service oriented. He tries very hard to solve problems while considering budget restrictions and the decisions made by Council. In discussions Mr. Murphy only references positive aspects of a situation or idea; he does not dwell on the negative circumstances.

Mr. Cronauer asked personnel in the Department of Public Works to address a situation with a constituent, but they were unresponsive. Mr. Cronauer called Mr. Murphy to ask for his help. The situation was resolved within 24 hours.

Mr. Murphy makes good decisions. He labors over them if he has to. He gathers as much information as possible to properly judge the situation. He does investigative research when needed. He makes good personnel recommendations and accomplishes tasks in a timely matter.

The political body in Wilkes-Barre is always under the microscope. Controversies often occur. Allegations brought against Mr. Murphy were investigated, and he was cleared of any wrongdoing. Mr. Cronauer is not aware of anything controversial in his personal life.

Mr. Cronauer would hire Mr. Murphy without question and respects him very highly. Mr. Murphy is a very qualified Manager.

**Words or phrases used to describe J.J. Murphy:**

- Respectful of others,
- Military background,
- Knowledgeable,
- Positive,
- Organized, and
- Good communicator.

**Strengths:** Organization skills, communication skills, and delegates well.

**Weaknesses:** None identified.

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**Prepared by:** Lynelle Klein
Colin Baenziger & Associates

# *CB&A Internet Research*

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

## CB&A Notes on J.J. Murphy's Internet

Two articles appeared recently in the press that caused us some concern. The first (see pages 49-50) represents that Mr. Murphy lied about being considered a finalist in the Las Cruces, NM, City Manager search. We asked Mr. Murphy about the article and he provided the following as documentation of his claim:

Gmail

J.J. Murphy [redacted]

**Las Cruces, New Mexico - City Manager Search**
3 messages

Catherine Burton [redacted]
To: [redacted]

Mon, Apr 11, 2016 at 8:21 AM

Good Morning,

I am contacting you on behalf of The Mercer Group and the City of Las Cruces, New Mexico. You have been selected as a finalist for the Las Cruces City Manager position.

Please let me know as soon as possible if you are still interested in pursuing this opportunity and if you would be available to interview in Las Cruces on Friday, April 29.

After I receive your response I will send you additional information to continue the process.

Congratulations and have a great day!

Catherine Burton
Senior Associate
The Mercer Group

Consequently, we believe you can disregard that article. As an aside, reading the press coverage surrounding the Las Cruces search has been very confusing so this situation does not surprise us.

The second article (see page 47-48) seems to imply Mr. Murphy abused his position to hire a firm from Pennsylvania to conduct a legal review for the City of Hobbs. It also states the matter is being investigated by the New Mexico State Auditor's Office. We asked the Mayor of Hobbs and two of the Commission Members about the matter. They all spoke extremely highly of Mr. Murphy (see the reference notes) and said that, even though Mr. Murphy had the authority to hire the consultant without Commission approval (up to $60,000), he had informed the Commission of what he was intending to do. The person hired is an expert in constitutional law and the City was pleased with the results. We also learned the State Auditor is investigating which is what

they do when they get a complaint. In fact it is the second of two complaints. The Office has investigated the first and found nothing wrong (see page 44). Mr. Murphy fully expects the same result with this investigation. Based on our conversations with the elected officials, we believe that will be the result as well.

One final note is apparently Hobbs has two bloggers, Nicolas Maxwell and Byron Marshall, who do not like the City or Mr. Murphy. It is our understanding that Mr. Maxwell (who filed the complaints mentioned above) has requested an enormous number requests for city records (over 70 since the beginning of the year). Mr. Murphy tells us Mr. Maxwell was pulled over December 31, 2015 and arrested for driving a car without insurance and not having valid registration. At the time, it was also found that he did not have a valid license due a previous DWI. Mr. Maxwell asked the City Attorney to drop the charges and when the City refused, he began filing public records requests. The City complied with all requests and then Mr. Maxwell then filed the two complaints with the state. Mr. Murphy's assumption is Mr. Maxwell is trying to pressure the City into dropping the charges. The other blogger, Mr. Marshall, is mentioned in the article ending on page 48 (see the highlighted portion). We have been told he is a convicted felon.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

COPY

The Disciplinary Board
AN AGENCY OF THE SUPREME COURT OF THE STATE OF NEW MEXICO

20 First Plaza, Ste. 710
Albuquerque, NM 87102

Phone (505) 842-5781 • Facsimile (505) 766-6833

**CONFIDENTIAL**
July 28, 2016

Nicholas Ray Maxwell
[redacted]

Re: Complaint against Alan F. Wohlstetter

Dear Ms. Maxwell:

The office of disciplinary counsel has looked into your complaint against Alan F. Wohlstetter, alleging that Mr. Wohlstetter is engaged in the unauthorized practice of law in New Mexico. The Board has determined that Mr. Wohlstetter has not violated the provisions of New Mexico law pertaining to out-of-state attorneys nor the rules prohibiting the unauthorized practice of law and, for that reason, is dismissing your complaint.

Mr. Wohlstetter's work in developing policies and procedures for the City of Hobbs consistent with the Fourth Amendment of the United States Constitution arise out of or are reasonably related to his law practice in the jurisdictions in which he is licensed. *See* Rule 16-505(F)(2) NMRA. Moreover, when any issues on which Mr. Wohlstetter is working involve New Mexico law, Mr. Wohlstetter associates and consults with counsel admitted to practice in New Mexico, specifically Hobbs City Attorney Michael Stone. *Id.* Consequently, Mr. Wohlstetter appears to be in compliance with the rules applicable to his work in the matter about which you complain.

Accordingly, the Disciplinary Board will be taking no further action. I do, however, want to thank you for bringing this matter to the Board's attention and allowing me to look into it.

Sincerely,

William D. Slease
Chief Disciplinary Counsel

cc: Disciplinary Board Chair
Alan F. Wohlstetter

EverythingLubbock.com
Published 09/12 2016 10:02AM
Updated 09/12 2016 10:04AM

**Hobbs Collaborates on $63.5 Million Recreational Facility in Unique Public-Private Partnership**
By News Release & Posted By Staff

HOBBS, NM (NEWS RELEASE)

It has been 4 years now since the joint concept was conceived. That is exactly what it started out as, a concept. Then many meetings with private and public entities were made, hours were spent, input was received, volunteers contributed, experts were contacted, and days were lengthened. After thousands of hours of dedicated work and evaluation, it is now time for execution of this state-of-the-art facility. On Monday, August 1st, 2016, at the Hobbs City Commission meeting, the Commission passed the grant agreement between the J.F Maddox Foundation, the construction contract with Haydon Building Corp, and the authorization for construction administration services from Barker Rinker Seacrat Architecture. This gives the City of Hobbs the authority to move forward on constructing this $63.5 million multi-generational recreation center.

This $63.5 million recreational facility will be like no other in the region and will supply the area's economy with up to 300 jobs during construction. It will include numerous meeting areas, an indoor soccer field, a multi use indoor court, an indoor lap pool that meets NAIA, NCAA, and high school regulations, an indoor therapy pool with 1,100 square feet of water surface area, an indoor track that will wrap around the inside of the facility, and an indoor recreational pool with 3,300 square feet of water surface area. The recreational pool will have 2 water slides. The body slide will have a 32" diameter and be 262' long. The tube slide will have a 52" diameter and be 425' long – that is longer than a football field! The two slides will start from the concrete tower 40'-3" above the pool deck, making it the highest indoor slide in New Mexico. All this activity will revolve around a central core in the facility, where the indoor play area will be. This core symbolizes the synergy of so many individuals that made this entire project possible.

It was the synergy that the City of Hobbs, Hobbs Municipal Schools, New Mexico Junior College (NMJC), the J.F Maddox Foundation, University of the Southwest (USW), and Lea County created in order to improve the quality of life in our community. Here, children will have a place to gather and participate in numerous extra curricular activities together. The community's quality of life as a whole will be largely increased. This investment will make the area more attractive for companies to expand as their employees will benefit from our recent investments in affordable housing, quality of life initiatives, and multiple investments in public safety.

The president of NMJC, Kelvin Sharp, who recently entered the position after the retirement of Dr. Steve McCleery, stated on Monday, "What a tremendous asset this facility will be to the

community. Its unique design and features will truly support and enhance the wellness of our citizens."

City of Hobbs Mayor, Sam Cobb, stated at Monday night's City Commission meeting, "The recent downturn in the oil patch has reminded us all of the need to diversify our local economy. We are well on our way to creating a destination for Hobbs and Lea County that will be the envy of not only small towns in our country but many of the metropolitan areas as well. The proposed facility will provide recreational opportunities for all ages both for visitors and residents and will be a powerful recruiting tool for our economic development efforts. It will truly put Lea County on the map for a special place to 'Live Work and Play.'"

Hobbs City Manager, **J.J. Murphy**, stated, "This facility is a game changer in our community. This public-private partnership embraced the vision of making this the community's multi-generational recreation facility in every step of the way. After all the success of Rockwind Community Links, I am humbled to be a part of another impactful project which will be a model for other communities to follow. We stand together and redefine the term 'public-private partnership' where six public and private institutions came together to collaborate on a true center of recreational excellence."

Following the statements from Cobb and Murphy, Murphy gave a PowerPoint presentation of the facility spread out on 12 acres. He displayed photos of the interior and exterior of the facility. At the end of the presentation, he played a video of a virtual experience around the outside of the facility, at the end of which the individual traveled down the entrance road and arrived at the front doors where the flag of the United States of America and the flag of the state of New Mexico are waving in the wind.

The date of groundbreaking will be announced once scheduled. Construction will last approximately 22 months from the start date.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
September 9, 2016

**Former W-B administrator's business dealings with attorney receive scrutiny in N.M.**

Former Wilkes-Barre City Administrator **J.J. Murphy** is under fire in New Mexico for his continued business dealings with a Philadelphia attorney who he worked with on several controversial projects in Wilkes-Barre — including one that led to federal subpoenas being served. The New Mexico State Auditor's Office confirmed Thursday it has launched an investigation into **Murphy**, who has been city manager of Hobbs, New Mexico, since August 2012. A citizen of Hobbs recently filed a complaint asking for the probe into **Murphy** for authorizing the cross-country hiring of attorney Alan Wohlstetter in 2014 as a $475-per-hour-consultant for a surveillance system in Hobbs.

Wohlstetter held a similar position years ago in Wilkes-Barre — making $510 an hour — when **Murphy** was city administrator there. "We knew we'd have to pay his family to relocate here. We weren't expecting to pay for his friends to come here too," Nicholas Maxell, the 27-year-old Hobbs resident who filed the complaint, said Thursday in a phone call. "He decided to get his old friends down here involved in Hobbs city business. We're trying to get the state to look at this."

Justine Freeman, a spokeswoman for the New Mexico State Auditor's Office, confirmed the investigation into the complaint against **Murphy**, but declined further comment.

**Murphy** and Wohlstetter have a long history of working together on public-private partnerships. One included Hawkeye Security Solutions, a board which managed the Wilkes-Barre surveillance camera network. **Murphy** had been paid an annual $3,000 stipend — in addition to his nearly $80,000 salary — to serve on the Hawkeye board, while Wohlstetter charged $510 an hour to be the organization's solicitor.

**Murphy** later recommended former Mayor Tom Leighton hire Wohlstetter's law firm — Fox Rothchild — to help the city explore the possibility of leasing the city's parking assets. **Murphy**'s brother, Patrick — a former U.S. congressman, was a partner in the law firm at the time and was running for state attorney general. After **Murphy** stopped working for the city, he signed on as a consultant for Fox Rothchild for the parking deal and got paid $300 an hour. Wohlstetter charged $535 an hour. After paying Fox Rothchild and its consultants about $145,655, the city's parking authority in June 2012 abandoned plans to lease the city's parking infrastructure, claiming it was misled, intimidated and overcharged during the process.

The U.S. Attorneys Office for the Middle District of Pennsylvania in April 2014 issued subpoenas to the parking authority for all records involving Wohlstetter and **Murphy** regarding the ill-fated deal. No charges were ever filed. A representative for the office on Thursday declined to say whether the investigation remains active. "The U.S. Attorney's Office has no comment," spokeswoman Dawn Mayko said.

Months after the subpoenas, Wohlstetter joined a new law firm — Zarwin Baum in Philadelphia — and inquired with **Murphy** about helping with the surveillance camera system in Hobbs, the complaint filed in New Mexico said. Hobbs hired Wohlstetter for $475 an hour up to $50,000 according to the complaint, which includes a copy of the contract. Wohlstetter did not return an email and call on Thursday. He declined comment earlier in the week when reached by a reporter for a New Mexico political news website.

**Murphy** told the site he's confident that he and the City of Hobbs "have been compliant with all local, state and federal procurement policies." He was not in the office Thursday, a staffer said. **Murphy** later returned an email, saying he was not available because he was traveling.

The complaint filed against **Murphy** also criticizes him for approving a contract with Medico Consulting Group in Forty Fort for waste and recycling consulting services in Hobbs. The business was paid $28,500, the complaint says.

The complaint points out that Pennsylvania Department of State records indicate the business was created on May 20, 2014, a day after Hobbs, New Mexico, issued a request for proposals. Interested parties only had 10 days to submit proposals, the complaint says. Documents found on Hobbs' website indicated the city only receiving two proposals, and Medico was awarded the contract.

No one answered a call placed to a phone number for the business and the voice mail was full and could not accept messages. Byron Marshall, a New Mexico blogger who has extensively detailed his gripes with **Murphy**, said the City of Hobbs got little for their money. "No consultant was needed," he wrote. {CB&A highlight]

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Las Cruces Sun-News (NM)
July 12, 2016

**City manager falsified info on job application**
**Murphy said he was 'finalist' for position**
Author: Heath Haussamen; NMPolitics.net

**J.J. Murphy** claimed to be a "finalist" for the open city manager job in Las Cruces earlier this year when applying for another city manager position in Dunedin, Florida. But officials in Las Cruces have not named finalists for the job, Mayor Ken Miyagishima confirmed. The mayor said he had "never met with, spoken to or interviewed **Mr. Murphy**, ever."

The contradiction revealed by public records may be relevant to the current debate in New Mexico about whether applications for high-profile public jobs like city manager should be kept confidential.

**Murphy**, currently the city manager in Hobbs, was clear in an April 18 email to The Mercer Group, the private firm that is running the Las Cruces city manager search and also ran Dunedin's search. "Attached please find my cover letter and resume for the Dunedin City Manager position," **Murphy** wrote in the email. "While I am currently a finalist for Gainesville, FL and Las Cruces, NM right now, I do not want to miss your deadline in case I am not selected for one of the above positions."

The email was provided to city officials in Dunedin, who posted it online along with **Murphy**'s resume and cover letter and applications submitted by others. At the time, **Murphy** was a finalist for the job in Gainesville, though he was not hired. Dunedin decided to put its city manager search on hold until after November's election, saying it wasn't happy with the applicants The Mercer Group's search produced.

Officials in Las Cruces similarly weren't satisfied with their initial applicant pool. The Mercer Group received 51 applications and forwarded 11 to city officials for consideration in March – including **Murphy**'s. Las Cruces officials interviewed three candidates – not including **Murphy** – before saying they were continuing their search, which is ongoing.

**Murphy** refused to answer questions about why he called himself a finalist for the Las Cruces job. "I am on vacation and will not be discussing anything with you but my award-winning work in Hobbs," **Murphy** wrote in an email to NMPolitics.net. "Have a nice day!"

The importance of transparency

In New Mexico, state law requires disclosure of all applications for most high-profile public jobs. An exemption allows secrecy in the case of applications for a public university president job except those submitted by finalists.

Las Cruces has released the 11 applications it received from The Mercer Group but has refused to release dozens more, arguing that the private contractor, not the city, has possession of them so they don't have to be released. NMPolitics.net has sued the city and The Mercer Group, arguing that the city can't avoid transparency law by outsourcing government services. The case is pending.

Some argue that public disclosure discourages people from applying for public jobs. But **Murphy**'s claim may provide an example of why releasing applications is important. If Las Cruces hadn't released **Murphy**'s application, the public might not know he had applied for that job. And if Dunedin hadn't posted **Murphy**'s email and application online, the public might not know that he said he was a finalist in Las Cruces when he was not.

Citizens of Hobbs and elected members of that city's commission – **Murphy**'s bosses – might be interested to know about his claim. So might citizens and governing officials in cities including Las Cruces and Dunedin where **Murphy** has applied for other jobs. "When it's a public job, there are certain privacy rights you give up when you apply," said Susan Boe, executive director of the nonprofit New Mexico Foundation for Open Government. "If you're a public official you've just got to expect that anything you do is going to come out."

Boe said people have a tendency "to always put a good gloss on our applications for jobs." Disclosure, she said, "may force applicants for public jobs to be very careful about what they say and how they present themselves."

'A red flag'

Boe also questioned The Mercer Group's role in the Las Cruces and Dunedin searches. Were they aware that **Murphy** claimed to be a finalist in a search they were running when he was not a finalist? "That's what they're supposed to do, is be on top of stuff like this," Boe said. "If I'm running a search firm, which I haven't, that would immediately set off a red flag."

NMPolitics.net emailed officials with The Mercer Group who were involved in the Las Cruces and Dunedin searches to ask why the company didn't catch **Murphy**'s claim. W.D. Higginbotham Jr., a Mercer Group senior vice president in Florida, responded to say his only comment was that NMPolitics.net's email "presents some assumptions and conjecture as fact when in 'fact' they are not."

Higginbotham didn't respond to a follow-up email asking what was not factual.

NewsWest9.com
March 14, 2016

**Hobbs officials spend thousands visiting Italy to examine pools**
Author: Julia Deng

HOBBS, NM (KWES) - Taxpayers questioned city spending after public records revealed three Hobbs officials spent nearly $8,000 traveling to Italy. "I'm a little disappointed I wasn't invited," one Hobbs man joked. Mayor Sam Cobb insisted the four-day, four-figure trip last month was "fiscally responsible" and said he approved the travel expenses so city employees could examine pools designed by Myrtha, a company headquartered in Italy.

City Manager **J.J. Murphy**, Parks and Recreation Director Doug McDaniel and General Services Director Ronny Choate were tasked with studying the products and determining whether or not to recommend them for the planned Health, Wellness and Learning Center in Hobbs, Cobb explained. "They followed their itinerary, they got on the plane and they came back," he said. "So it was certainly not a 'fun and games' activity for the city staff." The three men spent their time in Italy shadowing Myrtha teams, examining pool operations and exploring the products' safety functions, according to Cobb. He said the nearly $8,000 travel expense was a "drop in the bucket" compared to the $61 million allocated for construction of the health center. About $12 million will be spent on the facility's multi-pool aquatic center, the mayor added.

The Health, Wellness and Learning Center is a joint collaboration between various public and private entities including the city of Hobbs, Lea County, Hobbs Municipal Schools, New Mexico Junior College, University of the Southwest and Albuquerque-based Dekker/Perich/Sabatini. Groundbreaking is scheduled for July. Construction is expected to last approximately 18 months, according to the mayor. "At the end of the day, the city of Hobbs is ultimately responsible for the operation of the facilities, so we just really wanted our staff to have more of a hands-on [experience] with the manufacturing process and the installation process," said Cobb. "That's money well spent in my mind."

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

KRQE News 13
August 24, 2015

**Hobbs City Manager turns down raise**
Author: Chelo Rivera

HOBBS, N.M. (KRQE) – An unusual move by a city official. The Hobbs City Manager is turning down a raise. **J.J. Murphy** declined the three-percent merit raise for his job performance saying others needed the money more. **Murphy** tells the Hobbs News-Sun that others are being laid off and that his kids aren't going to go hungry if he doesn't take the raise. **Murphy** did take the two-percent raise all city employees got this year. He gets paid about $177,000 a year.

http://www.securityinfowatch.com/article/12104169/oil-boom-fuels-surveillance-overhaul-in-hobbs-nm
August 18, 2015

**Oil boom fuels surveillance overhaul in Hobbs, N.M.**
Author: Joel Griffin On

Located in southeast New Mexico near the Texas border, the City of Hobbs is home to a population of about 45,000 people. Fueled by a boom in the oil and gas industries, the city has also experienced a tremendous amount of growth over the past seven years. With that growth, Hobbs has also enjoyed additional financial resources, which is one of the reasons why the city recently decided to overhaul their existing video surveillance infrastructure.

According to Hobbs City Manager **J.J. Murphy**, one of his goals when he was hired by the city three years ago was to take the disparate camera systems that existed within various departments and the school system and integrate them together. Including the school's surveillance assets, **Murphy** said the city has close to 1,000 cameras. "My intent was to collaborate with the schools and make sure all of our systems moving forward were going to be on the same network and all going to our intelligence center," explained **Murphy**. "We had multiple, independent systems that didn't talk to each other where the police would have to go out to various locations just to even get copies of footage. There was no one centralized data collection point."

In addition to enhancing the safety of students in schools and residents in public spaces, **Murphy** said they wanted to be able to quickly and efficiently provide police officers in the field with more information as they respond to calls for assistance. "Having seen some of the national incidents involving active shooters, specifically in school environments, I wanted to give our officers better situational awareness and a tactical advantage," added **Murphy**. Both the city commission and police department were unified in their desire to invest in video technology, according to **Murphy**, as they realized it could serve as a force multiplier like it has done is so many other jurisdictions across the country. The biggest challenge would come on the technical side in streamlining the various systems together into a single, unified solution and also upgrading out of date technology.

Although it took about a year to bring everything online, all of the city's cameras have now been consolidated into a single monitoring facility know as EAGLE IC, short for Emergency Action General Law Enforcement Intelligence Center. Unlike municipal surveillance initiatives that have been criticized by privacy advocates in some pockets of the country, **Murphy** said that they have received a lot of support from the community in Hobbs.

"The community has rallied behind it and we have had community groups that have taken tours of our intelligence center," he said. "We recently had an attempted murder where the assailant's car was captured on some of our camera feeds and some of the other camera feeds in the community. With good police work, our officers were able to find his location, which was over 100 miles outside our community."

**Murphy** said they hope to grow the system in the future and to incorporate cameras from the private sectors as a part of that effort. "The current stage of our deployment only includes governmental agencies. We do have a partnership with the county sheriff's office and the state police where they have access to our intelligence center. We have rooms setup where if there was an operation with our drug task force that they could go in there and utilize our camera system," he added. "We have multiple public partners on this project. Eventually, we may also look to partner with some private entities. Our community passed a resolution to mandate that any housing project built with over 10 apartments is required to put in a surveillance system that feeds back to our command center. The first couple of projects are going to be built out this year and they will be our first private partners. "

With the financial reserves Hobbs has been able to accumulate in recent years, **Murphy** said the city has allocated more funding to public safety, not just in terms of acquiring technology but also putting more officers on the streets. "We've been able to use this oil boom to conserve over 40 percent budget reserves and, in the last three years, we've gone from 62 police officers to 98 officers so we've had a 40 percent increase in patrolmen," said **Murphy**. "That has helped us see a 20 percent reduction in the overall crime. We are putting our fortunate budget reserves into improving the community's public safety."

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Hobbs News-Sun
January 21, 2015

**Commission approves budget adjustment**
**$7.3 million unanimously slashed due to drop in oil prices, cuts are to 'cosmetic' projects**

Faced with the continued plunge in oil prices, and its probable impact on the local economy, the Hobbs City Commission voted unanimously during its meeting Tuesday to slash $7.3 million in expenditures while projecting a stable fiscal outlook through June. The vote to adjust the city's spending plan at mid-year was an anti-climatic formality that followed an hour-long work session where City Manager **J.J. Murphy** and Hobbs Finance Director Toby Spears briefed the commission about expected changes in gross receipt taxes — and how it would affect Hobbs' general fund. The precautionary review was aimed at reducing expenditures by $10.5 million as revenues decreased for fiscal year 2014-2015 by $3.1 million. This amounted to a drop in spending, or a budgetary cash increase, of about $7.3 million, Spears explained. Thirty-four city positions need to be filled, but Spears said he couldn't say where the vacancies were.

On Monday **Murphy** revealed the city will hold back on planned improvements on Joe Harvey Boulevard and delay requesting bids to improve Green Meadow Lake, which are projects **Murphy** described as "cosmetic" wants, but not dire necessities. Any more budgetary reductions could be addressed in March or April but Spears said he doesn't foresee any more changes. The GRT was originally budgeted at $72 million. Despite the volatility the oil and gas market has shown, the actual gross receipt taxes in Hobbs amounted to $49.8 million for the general fund during the past seven months. This means that Hobbs received a monthly GRT of $7.1 million, which is higher than the $6 million in GRT the city budgeted for this fiscal year. In general, Hobbs received 69.2 percent of those budgeted funds through that seven-month period so far, Spears said. "We got nine months of GRTs in seven months," Spears said. Hobbs is going to need a monthly minimum of $4 million in GRTs for the next five months but Spears said after the meeting "we're pretty confident that the city will meet its budget."

Commissioner Jonathan Sena praised the work **Murphy** and Spears put into their Powerpoint presentation, adding that the need to readjust Hobbs' budget "doesn't come as a surprise to us." "But I believe we'll be alright," Sena said. Mayor Sam D. Cobb said Hobbs won't "crawl up into a fetal position" over the issue as the "the economy will come back, as well as the price." In other news, the commission voted 6-0 to revise the admission prices for all three city-owned public swimming pools by charging adults $2 and requiring children under the age of 7 to have a parent or adult guardian with them in the water. Commissioner Joe Calderon left the meeting early.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Hobbs News-Sun
October 4, 2014

**City manager gets good evaluation**
Author: DENISE MARQUEZ

Hobbs City Manager **J.J. Murphy** may be getting a $5,000 raise thanks to the city commission's good evaluation of his annual performance. Mayor Sam Cobb and city commissioners met Thursday in a closed executive session and evaluated **Murphy**'s past year's performance as city manager. **Murphy** has been the Hobbs city manager since August 2012.

Cobb said **Murphy** will receive a three percent merit raise, which he said is in accordance with the city budget for any city employee that meets or exceeds the goals that have been places before them. Last August, **Murphy**'s annual salary was raised from about $142,700 to $165,000. Cobb and the commissioners said they are pleased with the job **Murphy** has done in the past year.

Commissioner John Boyd said **Murphy** is performing well and appreciates his hard work. "I think the commission is in agreement that J.J. is doing a fine job as the city manager," he said. "He's being very aggressive and he's a hardworking young man and doing what a city manager should do. I think we have a good, open communication with him. I have the highest regards for him in his position as a city manager. I think he's doing find."

"I have a lot of experience (with city managers)," Commissioner Joe Calderon said. "This is the fourth city manager that I've worked with. There is seven of us on the city commission and it's difficult for a person to work with seven bosses. We see the good that he's doing. He's a people person and the work that he's doing for the city is just great." Cobb said **Murphy** has been a great asset to the City of Hobbs and has helped the commission in growing the commu nity. "His desire to be part of a vibrant and growing community and his desire to be here for the long term and raise his fam ily here always helps the commission in the decision making process as we look at numerous multi-year projects," Cobb said. "We (the commission and **Murphy** will continue to work together to iden tify areas where we both can be better in serving the public and continuing to make the city an organization that its employees are proud to be part of." **Murphy** said the main reason for the commission's approval goes back to the City of Hobbs employees. "I feel like any good championship coach who is surrounded by a great team and I appreciate their hard work and feel blessed to lead them," **Murphy** said.

Hobbs News-Sun
September 24, 2014

**System using cameras across Hobbs goes online**
Author: TODD BAILEY

The City of Hobbs got a little safer on Tuesday. The police department's Emergency, Action and General Law Enforcement Intelligence Center (EAGLE IC), officially went active. The center can use security cameras from throughout Hobbs, including those at each of the Hobbs Municipal Schools, to help HPD, fire department and emergency medical services in any emergency situation. The system was tested in early August when HPD officials ran active shooter scenarios for about a week at the Hobbs Freshman School. "This gives our first responders critical and real-time information on what's going on as they are getting (to the site of the potential incident) and when they are in the building by tying all of the interior cameras together and giving them information they can't see," said City of Hobbs Manager **J.J. Murphy**.

The system is located at the former HPD dispatch area. When the dispatch was moved to a county-wide dispatch system at the Lea County Communications Authority, the HPD dispatch area was vacated. In late 2013, the Hobbs City Commission approved a $2 million budget to renovate the area for the EAGLE IC system. The system was created by TSG Solutions and was built in nine months. **Murphy** said Tuesday that he believes the renovation of the project costs around $1.3 million. "In looking for a place to house an intelligence center, this place fit the bill," said Tom Newton of TSG Solutions. "With its raised flooring and other items, the dispatch room was a great place to move put this center in."

In January the commission approved to dedicate the EAGLE IC to 2014 Hobbs High graduate Tori Kleinsteuber, who died from a rare form of cancer called sarcoma. A plaque dedicating the center in her honor is on display outside the main entrance. Her father, Mark, also attended the opening. "It's pretty awesome to have something named after Tori and allow her legacy to continue to live," said Mark Kleinsteuber. "She really did love Hobbs and was really a big positive influence on safety and concern for safety for this city. She loves this city and only wanted good things for Hobbs."

The system, to start, will primarily be active during the school hours. HPD Lt. Brian Belyeu is assigned to head the system with a staff of four HPD officers. During Tuesday's opening, staff gave an example of how EAGLE IC works. Sgt. Joe Wall and Officer Isaac Martinez were in radio contact with a resource officer at the freshman school. Through Wall's instructions , the officer walked around the school while constantly being monitored through the system. The system will also be used for a number of security measures outside of the schools. Belyeu said EAGLE IC is hooked in with cameras at many busy intersections, parks and business areas.

It can be used to deter all types of criminal activity, from identifying shoplifters who have left a department store to wreck-less driving. City of Hobbs attorney Mike Stone inquired on whether an incident, like a car accident at a major intersection, can be recorded and used as evidence.

"Depending on the angle of camera at the intersection it is possible to do that," said Newton said. "The system is capable of recording items. We have a stack of DVDs or any other things needed for a chain of custody."

Belyeu said there is a phased plan of expanding the reach of EAGLE IC. Currently it is located at all the schools, city buildings, areas along Joe Harvey Boulevard, Grimes Street, Bender Boulevard and Turner Street and at five parks. "We are limited in some areas like along Broadway, where we want to add cameras in future phases," Belyeu said. "From a public safety aspect, I'd like to focus on getting more cameras in our parks, especially like Del Norte and expanding that coverage, as well as expanding coverage at other parks, even along the walking trail along the Lovington Highway."

Hobbs News-Sun
September 24, 2014

**Hobbs sets another GRT record**
Author: TODD BAILEY

Another month, another record-breaking gross receipts tax amount. Such is the case for the City of Hobbs and its thriving economy. July's booming business activity resulted in a September GRT revenue distribution of $7.87 million from the State of New Mexico. The amount breaks the previous record of $7.3 million set last month. Gross receipts are defined by the state as the total amount of money businesses receive through selling or leasing of property or goods in New Mexico, or through performance of services.

It is the fifth time in the past two fiscal years that Hobbs has collected more than $7 million in GRT revenues. That's the kind of statistic that puts a smile on many city officials' faces. "When we get news that the GRT numbers have once again increased, we can't help but be excited about the positive conclusions that can be drawn from this," City of Hobbs Manager **J.J. Murphy** said. "However, we still remain focused on our priorities and maintaining our vision, which includes continuing to plan for what the community needs now, and into the future." City officials have stated that GRT revenues go directly to help fund city projects in housing and infrastructure, public safety and quality of life initiatives. While the state requires an 8 percent cash reserve, the City of Hobbs keeps its reserve at 30 percent.

While the growth is mostly due to the increased business from the oil and gas industry, city officials believe there is something to be said of the other sectors of business in Hobbs. "We are seeing growth in a broad array of services and industries that are Hobbs based businesses," said City of Hobbs Mayor Sam Cobb. "We are focused on continuing to encourage businesses of every type to be based in Hobbs. In the next few weeks and months, our residents will see our strategy evolve in improving the quality of life in the community and continuing broad based, diversified economic growth in the Hobbs and Lea County economy."

The state Taxation and Revenue Department reported there was $383 million of gross receipts in Hobbs across all industries in July, and 35 percent, or nearly $133.6 million, is directly attributable to oil and gas. "But not all of those gross receipts are taxable," said Hobbs Chamber of Commerce Executive Grant Taylor. "Of the nearly $7.9 million distribution, 41 percent came directly from oil and gas companies. That's as high a portion of Hobbs GRT in one month for oil and gas as I've ever seen. July and August were 38 percent, for example. Retail paid about $1,021,000, accommodation and food service paid about $626,000, and construction and wholesale were about even at roughly $525,000."

Taylor said when he moved to Hobbs in 2008, the GRT distributions to the city topped $4 million six times. Now Hobbs is on the threshold of an $8 million distribution. All while the city's gross receipts tax rate stands at 6.8125 percent — the lowest of any city of considerable size in the state.

From a skeptics point of view the question is obvious, how long will the boom continue? "Of course, every business visitor asks me that question," Taylor said. "We're optimistic that the price of oil will remain elevated for years, not months, as it has for the last six. Whether it's wishing for it, talking about it or lobbying for it, if we can cause the United States to ease – or altogether lift – the 40-year ban on crude-oil exports, this thing will blow wide open and we'll all be more confident in the longevity of this elevated pricing."

With the exception of 2013, the GRT growth in the month of September has shown a steady increase since 2010's amount of just more than $2 million. "From a finance perspective, Hobbs continually has record-setting gross receipts tax due to the economic activity as it relates to increased capacity for labor, construction and services," said City of Hobbs Finance Director Toby Spears. "The first quarter of this fiscal year shows the city is trending higher from the previous year." Taylor said he spends each day talking with representatives from outside companies who are interested in Hobbs. As commerce continues to grow, so does the need for housing. "The more multi-family housing we can get on the ground, the more accessible the pricing becomes for service-industry workers, and the more we can satisfy the workforce needs of our retailers and restaurants," Taylor said.

Hobbs News-Sun
June 19, 2014

**Quality of life is city's focus**
**Manager: Parks and recreation upgrades were focus of 2014 fiscal year**
Author: DENISE MARQUEZ

The City of Hobbs has invested four times the amount of money in its parks and recreation projects this year than most municipalities across the country. During Wednesday's Hobbs Police Department's Coffee with Cops, City Manager **J.J. Murphy** discussed the current state of the city with residents in attendance.

According to **Murphy**, about 29 percent of the 2014 fiscal year's general fund was budgeted for parks and recreation needs and projects. "Most communities throughout the country invest 3-8 percent on their parks and recreation (of their budget)," **Murphy** said. "We're talking over $100 million of projects to increase the quality of life in our community. While we still have to come up with solutions and go out to the community and find out what they want, we have things (going on) like our golf course, the event center and the potential upgrades there and the equine facility we've talked about."

The $10 million golf course renovation project that is in the works will include an 18-hole course and a nine-hole, par three course. The golf course is planned to be complete by spring 2015. The equine facility project is part of the countywide Quality of Life Initiative that was developed by the city, Hobbs Schools, New Mexico Junior College and the Lea County Commission. Throughout the past year, city officials, staff and residents have toured many equine facilities around the country to get an idea of what kind of facility to build in Hobbs.

**Murphy** said city officials and staff have focused on three major improvements for the city. "We have really turned our surplus and have focused on three primary areas — our public safety investment, our quality of life investment and our infrastructure to continue to improve what we have and build out for the future," he said. The city has put an effort in recruiting staff for Hobbs Police and Fire departments. Throughout the year, the city offered a hiring incentive for HPD and HFD to help in employee recruitment. The incentive included a $50,000 housing incentive for a 10-year commitment and a $25,000 housing incentive for a five-year commitment for certified personnel at HFD and HPD.

**Murphy** said Hobbs also saw an impressive amount of gross receipts tax funds in the past year that is used to fund many of the city's projects. "Our 10 year trend has gone from $21 million to $65 million," he said. "This year we budgeted $58 million and we are already at $72 million. We have a $14 million surplus in gross receipts. It continues to diversify our economy." **Murphy** said there are more improvements in store for the city. "It's exciting for me as I'm talking to developers who are coming in and are talking about what they are going to build next year and the year after. You will be amazed," he said.

Hobbs News-Sun
May 21, 2014

**City to develop downtown block**
Author: DENISE MARQUEZ

New housing, a medical center and public recreational areas may be in the works for downtown Hobbs. During Monday's City Commission meeting, commissioners approved two real estate purchase agreements totaling about $135,000 as part of the city's downtown redevelopment project. Mayor Sam Cobb and Commissioners Jonathan Sena, Crystal Mullins, Marshall Newman and Joe Calderon voted, "yes" to purchase $60,0000 worth of property and Commissioners John Boyd and Garry Buie voted, "no." Boyd, Buie and Newman also voted, "no" to purchase $75,000 of property for the project. After the purchases, the city will own a city block bordered by White and Dunnam Streets and McKinley and Fowler Streets. The city's ideas for the area include housing, a medical facility and some sort of recreation project. "The next step is we're going to put in a request for proposals in the next couple of months for developers," said **J.J. Murphy**, city manager. "We want to have mixed-use (project) — a housing component, maybe a medical center component and a recreational component."

Originally, the $60,000 real estate purchase agreement was voted down in a three to three vote during an April 7 commission meeting. The city also approved a $830,000 purchase agreement for other properties on the block during a Nov. 18 commission meeting, which included the American Legion building at 204 E. Dunnam. Boyd said he voted against the purchase agreements because he said he thinks the city is paying too much for the properties. "I feel like when the city is paying twice what something is worth it's not a good business move," he said. "The American Legion (appraisal) came in at about $250,000 and, of course, the initial deal came in at about $500,000. We gave them about $475,000. These properties' appraisals aren't coming in for what the city is willing to pay them. In my business, I would not pay twice for what it's appraised for." **Murphy** said he understands where the commissions' votes come from and respects their decisions.

Hobbs News-Sun
May 14, 2014

**Hobbs city budget could grow to $200 million**
Author: DENISE MARQUEZ

The Hobbs City Commission could be looking at a $200 million budget next year. City commissioners discussed and reviewed the fiscal year 2014-15 preliminary budget during a Monday work session. Toby Spears, City of Hobbs finance director, anticipates the budget to come in at $123 million, but could go higher. "Currently the preliminary budget is around $123 million but the budget will probably go to $200 million based on what I am seeing," he said. Toby proposed the city continue on a 30 percent cash reserve. The budget also shows a 19 percent increase in the general fund revenue from $65 million to $77 million and a 6 percent increase from the general fund expenditure from $66 million to $70 million. "Those are indicators of how this fiscal year has gone," Spears said.

The commission is scheduled to approve the preliminary budget at a July 21 commission meeting. The commission also reviewed the funding requests from organizations exempt from a city ordinance $250,000 funding cap for community social service agencies for the fiscal year's budget. About $450,000 is set aside from the city's general fund budget. Exempt organizations include the Economic Development Corporation, Hobbs Chamber of Commerce, Hobbs Hispano Chamber of Commerce, Hobbs Juneteenth Committee and the Community Drug Coalition of Lea County. "The funding levels of the exempt agencies will be on the commission agenda meeting on May 19," **J.J. Murphy,** city manager, said.

According to city ordinance, the CDC has been allowed to be exempt for three fiscal years since 2011. The CDC's exemption ended this year, which commissioners discussed allowing the organization funding through a special projects provisions city ordinance. The ordinance allows the city to fund social service agencies on a case-by-case basis. "The CDC put in a dual request for permanent exemption and a funding level," he said. "This funding would fall under the special projects provisions in the ordinance, which would be allowable. We asked them for specific projects and where their money would be spent." The commission plans to discuss the CDC's permanent exemption at the May 19 commission meeting.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Newswest9.com
May 7, 2014

**Hobbs Investing Big Money in City Employees, Hosts First Ever Leadership Program**
Author: Alicia Neaves

HOBBS - The City of Hobbs is setting the bar for other city governments. They have invested thousands of dollars on their employees. Thus far, the City of Hobbs has invested $70,000 on their employees. For the first time in history, they are hosting a three-day leadership program for not just one, but all city departments. "City services, police departments, fire departments, parks and rec, the teen center, so we have about 120 people a day," Venture Up Leadership Program Managing Director, David Lengyel, said. The reality is employees in any city don't know everyone in other departments. It's exercises like Venture Up's critical thinking, communication, problem solving and team building that make that a possibility. "Their team isn't just the people in the police department or in this teen services or fire department. It's everybody," Lengyel said.

City Manager, **J.J. Murphy,** says the after-effect of programs like these is that everybody can better themselves. Even himself, city commissioners and the mayor participated. "I think the greatest impact is that everyone, no matter if you've been an employee for 20 days, 20 months, 20 years, can learn," **Murphy** said. "If you come out with a positive attitude, you'll walk away with the things they'd like you to have," Shelly Raulston with Accounts Payable for the Hobbs Finance Department, said. They have the frame of mind that by investing this much money in their employees, it will result in better service to the city. "They're the ones that touch our residents on a daily basis. They communicate inter-departmentally and this experience today (Wednesday) shows them that they learn a little bit more about each other, some of their interpersonal skills and communication. If we're improving that, we're providing better service to our residents," **Murphy** said. The city manager is optimistic that the three-day program could actually serve as an example for other cities who wish to invest a little bit more in their employees.

The Times Leader
April 15, 2014

**Parking Authority records subpoenaed**
Author: Bill O'Boyle

WILKES-BARRE — The investigation into the city took another turn Tuesday when the FBI subpoenaed all records of a $20 million deal discussed in 2012 to lease the city's parking assets that did not materialize. The subpoena was delivered to City Hall, commanding compliance by April 22. The city's Parking Authority has been ordered to hand over all records concerning the plan. They are to be turned over to the grand jury that has been convened in the U.S. Middle District Court in Scranton. To comply, the authority must turn over all of the records to FBI Special Agent Joseph Noone in a week. Those records, from 2009 to the present, include all invoices, contracts, meeting minutes, correspondences, e-mails and electronic fund transfers concerning all business associated with the proposed plan to lease the city's parking assets.

The contracts asked for include those entered into with attorney Alan Wohlstetter of the Fox Rothschild law firm in Philadelphia and with **John J.J. Murphy**, a former city administrator who had a consulting company called Goals Consulting. In June 2012, the parking authority ended the process aimed at leasing its parking assets and terminated the contracts of the Philadelphia law firm it hired and all other consultants, including **Murphy**. The Parking Authority met Tuesday and was informed of the subpoena.

Authority Executive Director Tom Torbik confirmed the subpoena was received and said no authority members have been ordered to testify before the grand jury. He declined further comment. Attempts to reach the authority's solicitor, Murray Ufberg, were unsuccessful. Mayor Tom Leighton, who proposed the plan to lease the parking assets, declined comment. Drew McLaughlin, the city's municipal affairs manager, said the Parking Authority is an independent municipal authority, not a city department. "The subpoena was only delivered to City Hall because they (the parking authority) do not have permanent offices," McLaughlin said in an email. "The city facilitated service to their solicitor. That is all. Any comments regarding what documents are being sought and who requested them should be answered by the authority itself."

At that June 2012, meeting, the authority decided it was not in its best interest to continue the process that could have resulted in a private firm leasing city garages, surface lots and parking meters for 30 years. The city operates the Intermodal Transportation Center and the parking meters. The authority has control over the other city parking garages and open lots. The plan had been controversial from the outset. On April 9, 2012, Leighton announced the plan as a revenue-raising initiative. He wanted to look into leasing the city's 2,113 garage spaces, 160 surface lot spaces and 800 parking meters. He hoped to secure a $20 million payment up front from the successful bidder.

Fox Rothschild had been retained by the parking authority to lead the process. **Murphy**, whose brother is a partner at Fox Rothschild, was hired by the firm as a consultant. Wohlstetter was

paid $400 per hour by the Parking Authority; **Murphy's** rate was $300 per hour. Both had said that these were lower rates than normally charged. **Murphy**, through his Goals Consulting firm, had submitted invoices in excess of $34,000 for work done since January 2012. **Murphy** now is city manager for Hobbs, N.M. It was also noted during the process that Fox Rothschild had donated to Leighton's mayoral campaign.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Abqjournal.com
April 2, 2014

**Hobbs is 8th –fastest-growing 'micropolitan area'**
Author: Richard Metcalf

The oil patch city of Hobbs in southeastern New Mexico, riding high on the energy boom, was the eighth-fastest- growing "micropolitan area" in the country from mid-2012 to mid-2013, according to a recent report by the Census Bureau. Hobbs, whose population grew by 2.9 percent over the 12-month period, was among cities in or near the Great Plains that dominated the fastest-growing lists of metropolitan and micropolitan areas. A common thread among most of these cities was their connection to extractive industries, primarily oil and gas. "The energy boom on the Plains … (has) attracted job seekers from around the country," said Census Bureau Director John H. Thompson in a prepared statement in the report.

"While the city of Hobbs is blessed with a booming economy right now, what makes us thrive is the human energy and the collaboration between public and private entities," Hobbs City Manager **J.J. Murphy** said in an email about the high ranking. "We are investing in our public safety, infrastructure, education and quality of life to build a stronger community. Our leaders are committed to a pro-business attitude to diversify our economy as well as investing some of our surplus in incentives for housing growth."

Although the only New Mexico city to make the fastest-growing rankings, Hobbs was joined on the lists by other nearby cities in the Permian Basin, an oil- and gas-bearing geological formation that spans southeastern New Mexico and part of West Texas. The nearby city of Andrews, Texas, ranked ahead of Hobbs as the fourth- fastest-growing micro area – defined as an area with an urban core of 10,000 to 50,000 people – with a growth rate of 4.1 percent. The fastest-growing micro areas were the North Dakota oil boom cities of Williston and Dickinson. In the larger metro category, or areas with an urban core of 50,000 people or more, the Permian Basin cities of Odessa and Midland, Texas, ranked as the second- and third-fastest-growing metros, with identical rates of 3.3 percent population growth. Six of the 10 fastest-growing metros were in the Great Plains. The extraction sector, which also includes mining and quarrying, showed "tremendous growth" from 2007 to 2012, the Census Bureau reported. The sector's revenues grew by 34 percent over the five-year period, while the number of establishments grew by 26 percent and the number of employees by 23 percent.

Hobbs News-Sun
April 3, 2014

**Murphy finds justice in lawsuit**
Author: DENISE MARQUEZ

Despite losing the case, City of Hobbs Manager **J.J. Murphy** got the answer he was hoping for from the federal jury in Philadelphia in his lawsuit against the Radnor, Penn., Board of Commissioners. The jury said "yes" they believed **Murphy** was not hired as a township manager because of his military obligation. **Murphy** has been in Philadelphia for the past couple of weeks for a lawsuit he filed in 2010 against the Radnor Township Board of Commissioners. **Murphy** claims he was not hired for a city administrator position there because of his commitment with the Air Force Reserve.

**Murphy**'s trial ended Wednesday, and he said he feels justice was served. "This has been a four-and-half-year journey," he said. "They got to hear my side of the story and they got to hear conflicting evidence from the Radnor Township officials. Sometimes the cover-up is worse than the crime." In order for **Murphy** to win his case he had to prove there were no other reasons he was not hired. The jury's answer was they believed there were other reasons for **Murphy** not to be hired based on the evidence presented during the trial.

**Murphy** applied for the manager position of Radnor Town- ship in 2009. **Murphy** contends that the town's commissioners discriminated against him because they were worried that his involvement with the Air Force Reserve would require him to be away too often. **Murphy** said the alleged incident is a violation of the federal Uniform Services Employment and Reemployment Rights Act, which bans employers from using an applicant's military commitment against them during hiring decisions. **Murphy** posted on his Facebook page on Wednesday his thoughts of the outcome of the trial. "I have good news," he wrote. "I was vindicated today when a jury agreed that Radnor Township violated the federal law against a veteran. Specifically, they unanimously voted "yes" when asked, 'Do you find that plaintiff **John J. Murphy** has proven by a preponderance of the evidence that his obligation for service in the military was a motivating factor in Radnor Township's decision not to hire him for the position of Township Manager?' This is what they tried to deny all of this time."

Though **Murphy** did not receive the back pay and damages he was seeking from Radnor, he said he feels he accomplished what he set out for. "It's always about justice," he said. "I was not awarded damages, but I'm one of the lucky ones. There are veterans that can't find work that are qualified, who give up hope and commit suicide. It's an epidemic." **Murphy** said the bigger picture was to bring awareness of the unfair treatment of military veterans and their injustice in the American job market. "It's hard to explain why military veterans come back from any of their duties — highly trained and highly skilled — but yet have a higher percentage unemployment rate than the average American," he said. "There are some companies and communities that want to say they are patriotic but don't act very patriotic when it comes to

hiring qualified people. This case has never been about money for me. This case was about (fixing) a wrong. Radnor Township will always go down as discriminating against a veteran."

**Murphy** said he normally takes about three tours a year and tries to schedule them during holidays. He also has a handful of weekend assignments that take place during the year. **Murphy** coordinates search and rescue missions throughout the country and said he serves the military about 35 days a year. Federal law states that an employer must provide 15 days of paid military leave. When **Murphy** was hired as the Hobbs city manager more than a year ago, he said city commissioners and administration had no issues with his desire to serve. **Murphy** said he is blessed to be a leader in Hobbs and will continue to work hard for the city. "I'm lucky I have a good job and Hobbs has a better economy than Radnor," he said. "I truly feel blessed and my family is happy. Every decision I have made in my life, good, bad or indifferent has led me here to the City of Hobbs. I am honored to lead the city employees, who are great public servants to this community. I'm a blessed American and proud citizen airman."

Publication: Hobbs News; Date: Oct 27, 2013; Section: Front Page; Page: 1

# Manager adopting Operation S.W.I.T.C.H

DENISE MARQUEZ
NEWS-SUN

For one day out of each month the Hobbs city manager will suit up or suit down and step into the shoes of different city employees.

Operation S.W.I.T.C.H., also known as Operation Step Working In The City Hall, is a plan J.J. Murphy came up with so he could work with his employees and learn about different city departments.

"For one or two days a month I'm going to be leaving the office and I'm going out in every city department," he said. "My department heads are going to try and identify some of their better employees so I can work side-by-side with them and let them know how much I appreciate what they are doing and learn a little bit more about what they are doing."

Murphy has already completed his first mission with Operation S.W.I.T.C.H. by participating in the Performance Agility Test the Hobbs Fire Department applicants took at HFD's Station One on Oct. 18.

City Manager J.J. Murphy

Murphy volunteered to throw on a firefighter suit and climb four flights of stairs while carrying a section of a water hose, crawl under and over obstacles, pull a fire hose about 75 feet and drag a 175-pound "dummy" another 75 feet.

"Doing things like I did with the fire department the other day was really day one of Operation S.W.I.T.C.H.," Murphy said. "It's to get out of my comfort zone and learn a little bit and show my employees that I'm not just going to talk about how I support them I'm going to go out there and act (out my support)."

Fire Chief Tim Kent said Murphy is the type of guy to get involved and try something different.

"He's the one who likes to get in there and learn from the top down," he said. "He's not afraid to put it out there."

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Mission two of Operation S.W.I.T.C.H. is in the works.

"I think my next Operation S.W.I.T.C.H is on the clutter clean-up," Murphy said. "I'm going to be out there picking up the junk throughout the city with our employees. They're so appreciative when you do little things because it's time away from their family and people put not-the-most-pleasant-smelling things that they find in their attic out there."

The citywide community clean-up is an annual project where city workers dispose of items for residents in the city limits. The final phase of the clean-up is planned for Nov. 2, which will be from Sanger north for residents living east of Fowler.

Though Operation S.W.I.T.C.H. may seem like a one-man challenge, Murphy has asked city department heads to get involved.

"I've asked my department heads for four hours a month to do some cross-training so they follow each other," Murphy said. "We all work hard, but I think four hours a month isn't too much to ask for them to get out of their comfort zone and try to grow individually and help other organizations grow."

Kent said this is an opportunity for each department to understand how other departments handle their jobs.

"We rely on each other a lot of times and I think it will give an overall perspective of every angle within the city so you'll have a better understanding of the city," he said. "I think it's a great program. I'm excited to go to some departments and some I don't know, but you got to experience it all and it gives you a little more respect for each department."

Denise Marquez *can be reached at 391-5437 or at reporter@hobbsnews.com.*

Golfcoursearchitecture.net
September 18, 2013

**Staples debuts Community Links concept at Ocotillo Park**
Author: Adam Lawrence

Golf architect Andy Staples is set to launch his first 'Community Links' concept in the city of Hobbs, New Mexico. Named Ocotillo Park Community Links, Staples says the project aims to invigorate the city's golf course by implementing design practices that reinforce the link to the surrounding community. The primary focus of the plan is to attract young people and beginners to golf by redesigning the existing eighteen hole course to incorporate family tees, expand the practice area and add a nine hole executive course with a Starting New at Golf (SNAG) facility. Other elements such as walking trails, trail heads with rest areas and other outdoor spaces within the property have been included to increase use by non-golfers. A complete rebranding is also planned.

"This course is not unlike many older municipally owned courses across the country," said city manager **JJ Murphy**. "The course is deteriorating before our eyes, and, people are just not playing golf like they did in years past. This concept provides a complete paradigm shift as to how the city's course will be viewed within the community and how it will be used by its residents." City authorities knew something had to be done, but had little support from around the community since the facility continued to lose money. "When we heard the vision that Andy had for how our golf course could be transformed into something other than your regular ol' local municipal golf course, we immediately became intrigued," **Murphy** said. "Now we've had a chance to see the vision begin to come to life, there's an excitement for this course I have not seen before. I love how this golf course will begin to bring our community together around golf."

Staples was hired by the city to explore ways to improve the facility which included a full analysis of the course and its infrastructure. After a full inventory of the course was completed, he presented the City with series of proposals that supported the need for improvements. Among his ideas was the concept of using the golf course as a focal point for community development. "Many courses are looking for reasons to upgrade their facility, but for a variety of reasons, aren't able to garner the support to do it," said Staples. "The concept of a Community Links gives a municipality a verifiable reason to invest in their facility. If it improves the life in a particular city and increases use in a deteriorating asset, why wouldn't they do it?"

Set to begin construction by the end of 2013, the plan keeps overall turf acreage to a minimum, integrates a minimal irrigation delivery system, created by irrigation designer Don Mahaffey, that uses the city's effluent water system. "My focus is to create an interesting, fun golf course that feels dramatically different than other courses in the area," Staples said. "And, by fully integrating the community aspect into the plan, it only gives the project a better chance to succeed. I firmly believe golf should be shared by more people in the country, and we plan to make as large an impact as possible for the city of Hobbs. When we pull it off, it'll be pretty cool."

Newswest9.com
November 1, 2012

**Hobbs Police Department in Need of Police Officers**
Author: Sylvia Gonzalez

HOBBS, N.M. - In the past decade, the City of Hobbs has nearly doubled their population. There seems to be new construction going up everywhere and employers are constantly looking for new hires. One organization is looking as far away as the West Coast to recruit the workers they need. According to Interim Chief, Chris McCall, the department is taking a strong stance on recruiting new police officers for the City of Hobbs. "We added an additional sergeant, another officer to our recruiting efforts. We've been reaching out to regional academies throughout Texas and New Mexico trying to bring them to interview and see if they are a right fit for us," McCall said.

McCall tells NewsWest 9 they want to be able to serve the community in a timely manner and not being fully staffed is hurting them at times especially in the time it takes to respond once a call comes in. "We have seen a slight increase in response calls, that's something that you never want to see. You want to be able to respond effectively in a timely manner, that is one of our concerns, one of the reasons we are looking to add more personnel to try to reduce that time," McCall said.

City Manager **J. J. Murphy** says he knows the importance of hiring new police officers for not only for the department, but for the community as well. That's why they are working hand in hand with the Police Department. "I started a task force three weeks ago in the Police Department just concentrating on new recruiting efforts and seeing what we can do here locally to attract more people to Hobbs," **Murphy** said.

Just like other employers, Hobbs Police is also offering a hiring bonus to those wanting to be a police officer. "If you are certified Police Officer and you come to us after a five year period, you are qualified to receive $25,000 bonus directly paid to you and that $25,000 can be utilized as a down payment for a house on the front end," **Murphy** said. The department is not only seeking recruits in Hobbs and surrounding areas, they have also been looking as far away as the West Coast to fill the positions that are needed.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Publication: Hobbs News; Date: Sep 4, 2012; Section: Front Page; Page: 1

# Hobbs police chief put on leave

TODD BAILEY
NEWS-SUN

City of Hobbs police chief J.D. Sanders is on administrative leave following an incident with a police officer at a public event.

Newly hired city manager J.J. Murphy placed Sanders on paid leave last Thursday while the investigation takes place. Murphy said the incident took place within the last 30 days and that the Hobbs officer also involved was not placed on administrative leave.

"(Chief Sanders) was put on paid administrative leave for the sole purpose of allowing the investigators to give the best, most unbiased investigation possible and to quickly remedy this situation," said Murphy. "I can't give any specifics into what happened or where it happened, for the simple reason that I don't want to compromise the investigation in any way."

Sanders

Murphy

While the investigation takes place, Murphy said Deputy Chief Chris McCall is in charge of the Hobbs Police Department.

Murphy said he placed no timeline with the City of Hobbs legal department in doing its job, however he feels the matter should be resolved within a week or two.

"I want to make sure they have enough time to talk to the officers and witnesses who need to be talked to," Murphy said. "This has to be tested through the process. This is not the time for rumors to escalate. That

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## Police

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could be a disservice to Chief Sanders and to the officer in question."

Requests for comment left on Sanders' phone were not returned as of presstime Monday.

Sanders has more than 30 years of experience in law enforcement, having worked in Mississippi and Tennessee. He was hired in March 2008, replacing former chief Johnny Gonzales.

Murphy, who was hired Aug. 23, is still in Pennsylvania and plans to move to Hobbs later this week. He said that since his hiring, he has not gone a day without talking to a representative of Hobbs.

In regards to this situation, Murphy said he made sure he was in constant communication with Hobbs city commissioners and Mayor Sam Cobb, so that they know and understand Murphy's decisions.

"I approve of the way he has handled this situation," city commissioner Gary Buie said of Murphy. "Even though he isn't here, physically, I have been in contact with him on a daily basis and I feel he has handled this in a professional manner."

Cobb agreed saying that despite packing boxes and planning his move, Murphy knows of the day-to-day issues in Hobbs.

"He's leaving Wednesday and bringing his belongings on a 1,900-mile drive," Cobb said. "He's got all this stuff going on just to get here and he is still taking care of the city issues."

Todd Bailey *can be reached at 391-5434 or managingeditor@hobbsnews.com.*

Citizens Voice
August 29, 2012

**Former W-B administrator lands job in New Mexico**
Author: Denise Allabaugh

Former Wilkes-Barre Administrator **J.J. Murphy** has landed a new job as city manager in Hobbs, N.M. **Murphy** said he will leave Wilkes-Barre and move almost 2,000 miles away to New Mexico, where he will earn $140,000 a year. He will replace Eric Honeyfield, who retired in June.

**Murphy**, 41, a married father of five daughters, said he plans to move to Hobbs right away to find housing. He said his children are his No. 1 priority and his family will move there after the school semester is over.

**Murphy** said he was chosen following a national search with more than 50 candidates. "Over the last two years, I have been afforded the opportunity to travel around the country and talk to people about various public-private partnerships," **Murphy** said. "I saw this opening and I applied and I was fortunate to be selected. It's a great opportunity. The success we had in Wilkes-Barre has enabled me to be put in a position to help other communities do some of the same things and some different things."

Hobbs Mayor Sam Cobb did not return phone calls seeking comment Tuesday. **Murphy** said Hobbs is a similar city to Wilkes-Barre in some ways, such as its size. Hobbs has a population of about 43,000, while Wilkes-Barre has a population of more than 41,000, according to the U.S. Census Bureau. "From a budgetary standpoint, there will be opportunity to do some really progressive things," **Murphy** said. "Some of the challenges they have right now are with housing and economic development issues, and that will be my focus initially."

**Murphy** served seven years as city administrator under Mayor Tom Leighton and two years as deputy administrator under former Mayor Tom McGroarty. He was the center of controversy on some city issues, such as being paid $300 an hour as a consultant for the Wilkes-Barre Parking Authority and recommending the city hire the Fox Rothschild law firm to put together proposals and oversee the process. One of the firm's partners is his brother, Patrick Murphy. **Murphy** also faced criticism after the city spent more than $14,000 to install security systems at his home and in Leighton's home. In February, state prosecutors threw out four private criminal complaints about the matter, and the state Attorney General's Office determined that Leighton and **Murphy** would not face criminal charges. **Murphy** called the complaint a "campaign issue" during an election year and would not comment further. "There are always going to be issues that separate people," he said.

Leighton called **Murphy** a "proven leader and effective administrator who served the Wilkes-Barre community with distinction for years." "His achievements extend beyond his service to the city government," Leighton said. "GOALS Foundation, which he founded, played significant

roles in the construction of two playgrounds in the city and the organization has broadened access to sports for countless area youth through grants. J.J. was a trusted adviser as my administrator and Wilkes-Barre's loss is certainly Hobbs' gain. I wish him well in the next phase of his career."

**Murphy** is a 1993 graduate of King's College in Wilkes-Barre, where he earned a bachelor's degree in political science. He earned his masters degree in public administration from Marywood University in Scranton in 1998.He served in the United States Air Force and was deployed to Africa in 2008 and Haiti in 2010. He continues to serve in the U.S. Air Force Reserves. He and his wife Colleen live in Wilkes-Barre with their five daughters, Katie, Erin, Emma, Ryan and Reese. "I have been educated here and really found it to be a great place to raise a family. I lived all over the country in the military and decided to come back here," **Murphy** said. "Unfortunately over the last couple of years, there were some things done in county government that really put government service in a negative light. Since then, there has been this perception that all government employees are painted with that same brush. I think it's going to be a real challenge locally to motivate good people to want to get involved in government ever again."

**Murphy's** accomplishments as city administrator include technological advances in city hall. "When I took over, there was no email and secretaries were still using typewriters," he said.He was project manager for a $3 million initiative to install more than 250 surveillance cameras throughout the city. The cameras have been used to catch criminals, **Murphy** said. He said he hopes the cameras will help bring closure to the family of hit-and-run victim Rebecca McCallick, who was killed July 24 on Hazle Street. "I don't think you can put a price on public safety," **Murphy** said. **Murphy** also coordinated the Healing Field at Kirby Park in 2004, which consisted of more than 4,000 flags which honored people who died on Sept. 11, 2001, and military members who have died fighting since.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Publication: Hobbs News; Date: Aug 24, 2012; Section: Front Page; Page: 1

# Murphy hired as next Hobbs city manager

HELENA RODRIGUEZ
NEWS-SUN

The City of Hobbs has a new "head honcho." He's called "J.J." and this Air Force reservist plans to bring a little bit of his military leadership style with him.

On Thursday morning, the Hobbs City Commission unanimously voted to hire J.J. Murphy of Wilkes-Barre, Penn., as the new city manager. Murphy replaces Eric Honeyfield, who retired at the end of June.

Murphy's employment with the City of Hobbs begins immediately.

"I'm not somebody who is going to be sitting in a chair long," said Murphy who was still in Hobbs Thursday after interviewing with the commission on Tuesday. "I will be out and about in the community."

Murphy

Murphy's annual salary will be $130,000. He was hired following two rounds of searching.

The first round had 55 applications and four men were interviewed. Jared Hunt Miller of North Richland Hills, Texas was selected in June, but turn down the position due to retirement benefit issues.

That launched the second round, which netted 30 applications and three finalists. The other two men who were interviewed on Tuesday were Ronald W. Foggin of Lehi, Utah, and Curtis Schrader, the current city manager of Jal.

After the announcement, Murphy rushed to Lubbock to catch a flight but promised to return to Hobbs in two weeks.

"I have inherited a great position

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## Manager

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because of the people before me and because of the staff and people in Hobbs," Murphy told the city commission Thursday. "You have my commitment that I will work hard for the city, the staff and community."

Hobbs Mayor Sam Cobb was happy with the commission's decision and praised Murphy as the chosen candidate.

"We are excited about J.J. coming to our community," Cobb said. "He is very young, excited and energetic and has a great background. I think this is a great opportunity for Hobbs. Hobbs has had a great past and has an extremely bright future and we are looking forward to him playing a role and making a positive impact."

Murphy said that he and his wife, Colleen, a stay-at-home mom, have already started house hunting for their family, which includes their five daughters.

Murphy said he did a lot of investigating and research on the community and said that he "interviewed Hobbs" as much as he was interviewed by the city commission. He talked to local residents and even contacted Miller.

"I called Miller and he had nothing but positive things to say about the mayor, the city commission and the community of Hobbs," Murphy said. "I really focused on learning the background of the community and what sold me on the job was the great city staff and community and their attitudes."

Murphy said that he will use some of his military leadership skills to help "pull different groups together."

Murphy is currently president and CEO of Goals Consulting Inc., and was city administrator of Wilkes-Barre from 2004 to 2010. He has a master's degree in public administration with a focus in criminal justice from Marywood University in Scranton, Pa., and a bachelor's degree in political science from King's College in Wilkes-Barre.

He was awarded a Meritorious Service Medal by The Air Force in 2012 and has been decorated with numerous military medals including a Global War on Terrorism Expeditionary Medal, a Humanitarian Service Medal and Military Outstanding Volunteer Service Medal.

Hobbs Fire Chief Manny Gomez, who has been serving as interim city manager since July, said that he will be a "foot soldier" and remain in the position until Murphy returns.

"It was great to have a candidate respond so quickly," Gomez said. "Sometimes, when you wait, you identify a great opportunity and a great candidate, and that is what happened here."

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HELENA RODRIGUEZ/NEWS-SUN

Hobbs City Commissioner Garry Buie, left, visits with new city manager J.J. Murphy shortly after Murphy was named to the position on Thursday morning.

Citizen's Voice
April 13, 2012

**Parking consultant raises eyebrows in W-B**
Author: Josh Moyer

Residents are paying former city administrator **J.J. Murphy** $300 an hour as a consultant while the city explores whether to lease its parking assets, according to the Wilkes-Barre Parking Authority. **Murphy** has already received $8,130 for 27.1 hours of work and has billed the Parking Authority for times ranging from 12-minute periods to seven hours, according to a March 19 time sheet that was obtained by The Citizens' Voice.

**Murphy,** who left the city in January 2010, said he recommended to Mayor Tom Leighton that Wilkes-Barre hire the Fox Rothschild law firm to put together proposals and oversee the process. One of Fox Rothschild's partners is Patrick Murphy, **J.J. Murphy's** brother who is running for the state attorney general. Leighton denied responsibility for the law firm hiring **Murphy** as a consultant, saying the Parking Authority ultimately approved hiring Fox Rothschild. But one Parking Authority board member pointed the finger at Leighton. "He was pushing us, pressuring us to do it," board member Ed Katarsky said Thursday. "And we just kind of gave in."

Board members at Thursday's Parking Authority meeting expressed frustration at the snowballing costs of the consulting fees. Initially, the total cost was expected to be in the range of $175,000. Now, Katarsky and others worried the authority could be on the hook for more than $300,000. "It's not right," said G. Terry Madonna, Franklin & Marshall's director of the Center for Politics and Public Affairs. "I hate to say this, but it sort of sounds like business as usual in cities and governments across the country." Leighton acknowledged Thursday afternoon he talked with **Murphy** last winter about leasing the city's parking assets, but he said he was not responsible for hiring his friend. "It's an absolute coincidence," **J.J. Murphy** said in a telephone interview, explaining his brother is not involved in the project.

After getting the contract in January, Fox Rothschild turned around and hired **J.J. Murphy,** who formed GOALS Consulting, and they settled on a $300-per-hour fee. The Parking Authority, which gets its funding from the city's parking garages, is paying that fee. Asked whether his law firm had ever before hired GOALS Consulting, the attorney representing Fox Rothschild, Alan Wohlstetter, paused for 15 seconds before saying no. **J.J. Murphy** said he would have recommended any law firm that employed Wohlstetter. It is purely a coincidence his brother works at the same firm, he said.

Fox Rothschild has hired as a second consultant Shelly Communications and on Thursday tried to hire a third consultant. After a small uproar from the board, the attorney representing the firm instead settled on a $5,000 retainer for DESMAN Associates, who would work on the valuations. "They're hiring all these consultants," Katarsky added. "We knew they had the right to do it, but it's kind of getting out of hand here a little bit." Wilkes-Barre's City Council voted Thursday night to continue to the second phase of the project, which would solicit proposals. Council

members Bill Barrett and Tony George expressed surprise after the meeting that **J.J. Murphy** was hired as a consultant.

But, they said, they had no control over that. City council will face a more important vote later this year on whether to actually lease the city's parking assets to a private entity. Thursday's vote just gave the Parking Authority approval to seek more information. "If it's not going to benefit the city," George said, "I'm not going to vote for it." Leighton said he, too, would not recommend the city approve a lease if it wouldn't be beneficial. He also believed **J.J. Murphy's** hiring wasn't unusual because the city hires former Department of Public Works employees to plow snow and mow lawns. This situation, he said, is similar. "This wasn't hidden," Leighton said. "If there was a conflict, I would not have done it. If (**J.J.**) retired last month and we're doing it now, that's a conflict. He was on his own for two years now."

Times Leader, The (Wilkes Barre, PA)
February 9, 2012

**No charges for alarms in homes**
Author: Bill O'Boyle

WILKES-BARRE - The state attorney general has determined no criminal charges will be filed against Mayor Tom Leighton or former city administrator **J.J. Murphy** regarding the installation of alarm systems at their homes that were paid for with city funds. According to a letter sent to Luzerne County District Attorney Stefanie Salavantis, the case "has been closed and four private criminal complaints have been disapproved." Sam Sanguedolce, first assistant district attorney, provided The Times Leader with a copy of the letter, dated Jan. 6, that identified Linda Urban as the complainant.

According to the letter - signed by Frank G. Fina, chief deputy attorney general, and Anthony W. Forray, senior deputy attorney general - the determination that no criminal charges would be filed was made "after careful review of this matter." The letter states that on Oct. 21, 2011, former Luzerne County District Attorney Jacqueline Musto Carroll wrote to the AG's office and requested the AG assume jurisdiction of the matter because of a conflict of interest. "On Nov. 1, 2011, our office assumed jurisdiction of this case," the letter states.

No reaction from Urban
When contacted at her home, Urban said she didn't have much to say about the AG's decision. "I guess the attorney general doesn't feel this particular criminal complaint was valid," she said. "I really have no comment; it's the way it is. There's nothing to say." In November, Urban sharply criticized Leighton and **Murphy** for spending more than $15,000 of public money to equip their homes with security systems. Urban filed private criminal complaints against them alleging theft and misappropriation of taxpayer funds.

At the time, Urban said she contacted the Attorney General's Office to look into whether the city's tax-exempt status was illegally used in the purchases from Torbik Safe & Lock Inc. She said "there seems to be a criminal conspiracy issue between **J.J.** and the mayor." In her complaints filed on Oct. 14 at the office of District Judge Andrew Barilla, Urban accused Leighton of misappropriation of taxpayer funds by an elected city official, unlawful taking, illegal disposition of funds and criminal conspiracy to commit a crime of larceny. Against **Murphy** she filed charges of larceny, criminal conspiracy illegal disposition of public funds and theft by unlawful taking. The complaints were forwarded to then-Luzerne County District Attorney Musto Carroll for review and a decision on whether to approve the charges. When contacted Wednesday, Carroll said she forwarded the charges to the AG's Office for consideration. Leighton said Wednesday he was not aware of the letter sent to the DA's Office and he expressed relief to learn of the decision.

'Baseless allegation'

"I have been consistent from the beginning that these complaints were frivolous and would be dismissed as such," Leighton said. "We fully cooperated with this inquiry, and I am happy to see that these allegations were rightfully dismissed. "This is yet another baseless allegation from critics of my administration that has been dismissed in recent days. They are nothing more than attempts by some in this community to distract the city from completing the important work that the people sent us here to do. They will not succeed. My administration has been and remains an honest and open one."

**Murphy**, who left the administration in early 2010 to start a private consulting business, said the charges have had a direct impact on his business. "I've said all along anybody can file whatever they want - valid or not," he said. "In the end, justice prevailed. And I hope she (Urban) has a good attorney." **Murphy** said he "found it interesting" that Urban removed several posts on social media sites that he says defamed his name. **Murphy** said the alarm systems were installed after "multiple events" at his home. He said he feared for his safety and his family's safety. Leighton has stated in the past that he received numerous threats as well prior to the alarm systems being installed. "This is a warning to anybody who wants to slander public or private individuals and should make them think twice," **Murphy** said. "All they are doing is discouraging good people from getting involved in government."

**Murphy** said the incidents at his home are all documented. He said the Pennsylvania State Police were involved and investigated some of the cases. "It was all part of a campaign to negatively affect Tom Leighton," he said. "Mrs. Urban thought it was important to also defame my character."

Alarms recommended
In 2005, after several incidents were reported, city Chief of Police Gerard Dessoye recommended the alarm systems be installed at the homes of Leighton and **Murphy**. The reports said both men received threats, verbal attacks and intimidating letters when the mayor decided to close firehouses. The city paid for monthly monitoring and reinstalled the system at **Murphy**'s home at a cost of $6,500 when he moved in late 2007. In filing the complaints, Urban cited the city charter that she said prohibits gifts to oneself. Urban, a Republican, lost her bid for City Council in District D, to former city police Chief Bill Barrett.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Citizen's Voice
January 24, 2012

**Wilkes– Barre resident uncovers city's phantom credit card statements**
Author: Andrew Staub

WILKES-BARRE - They do exist. Much to the surprise of Wilkes-Barre officials, resident Joseph Wielgosz on Monday produced 15 city credit card statements that city Administrator Marie McCormick said were among dozens of records that could not be retrieved from Bank of America in October. Wielgosz obtained the documents using subpoena power granted to him by a Luzerne County judge in November as part of his ongoing open-records battle with the city. He has been trying to gather a full accounting of city credit card usage since last year. The New Grant Street resident clutched the statements during a hearing before Luzerne County Judge Joseph F. Sklarosky Jr.. Afterward, Wielgosz said the statements proved city officials lied when they said dozens of statements connected to McCormick, Mayor Tom Leighton and former city administrator **J.J. Murphy's** credit card accounts did not exist. "You can't continuously lie to the public and get away with it," Wielgosz said. "It's not going to go away. It's going to get worse."

City officials, caught off-guard by Wielgosz's find, spent most of Monday searching for answers of how a city resident could retrieve more documents than they did. They stood behind McCormick's original assertion, outlined in three sworn affidavits dated Oct. 20. The affidavit relied upon a letter Bank of America sent to the city that stated dozens of statements didn't exist because there were no balances due in those months. "We're trying to get an explanation from them on how they would produce a letter to us stating unequivocally that there's no statements, and yet under subpoena, they produce them to someone else," said Drew McLaughlin, the city's spokesman. As of Monday afternoon, the city was waiting for more information from the bank, McLaughlin said. A Bank of America regional spokesman did not immediately return a message seeking comment.

Wielgosz intends to file a private criminal complaint alleging McCormick perjured herself in the sworn affidavits, he said. He stopped by the Luzerne County District Attorney's Office on his way out of the courthouse, but a secretary directed him to contact a magisterial district judge. While McLaughlin said McCormick is "beyond reproach," city Attorney Tim Henry added that she simply relied upon Bank of America's information. "I certainly don't believe Marie McCormick lied in those affidavits," Henry said.

Monday's hearing proved another twist in drawn-out Right-to-Know dispute that began when Wielgosz filed an open-records request for the city's credit card statements last year. Wielgosz has continually refuted the city's assertion it provided him all the available credit card statements and didn't believe the explanation outlined in the affidavits. He found several examples of city credit card statements that suggested payments were made on outstanding balances, though no subsequent statement confirming the payments was issued. Wielgosz appealed to the state Office of Open Records, which in September ordered the city to retrieve more statements.

Unsatisfied with 13 additional statements the city obtained from Bank of America, Wielgosz filed a petition in Luzerne County Court to compel the city to retrieve more documents. As part of the petition, Wielgosz received subpoena power. Working without an attorney, Wielgosz within 20 days obtained 15 phantom statements from FIA Card Services, a subsidiary of Bank of America, he said. Six of them included charges for a total of $5,329.25.

The fact Wielgosz obtained the documents made his Monday hearing on the petition moot, a point Sklarosky made when he realized Wielgosz had already obtained the statements. Wielgosz withdrew the petition, but couldn't resist a wry crack as he held the credit card statements in the courtroom. "They don't exist," he said facetiously.

Times Leader, The (Wilkes Barre, PA)
January 22, 2012

**Travel costs since '04 stun activists**
Author: Terrie Morgan-Besecker

WILKES-BARRE - One month before they voted to raise taxes 31 percent in 2008, three city council members and the city controller spent five days in Orlando, Fla. on a taxpayer-funded trip that cost more than $3,000 in hotel fees alone. The trip to the annual convention of the National League of Cities was among dozens of excursions city council members and other city officials have taken over the past seven years that have cost taxpayers more than $113,000 in hotel and conference fees, according to a review of credit card statements of four city officials from 2004 to 2011.

The majority of the money -- $74,139 -- was charged to the credit card of City Clerk Jim Ryan for 43 separate hotel stays of council members and other officials in cities across a wide section of the United States. The charges ranged from single-day stays in Charlotte, N.C., Virginia Beach, Va. and several cities in Pennsylvania, to week-long stays in San Antonio; Reno, Nev., New Orleans, Denver, and Phoenix. Mayor Tom Leighton, meanwhile, racked up travel-related charges totaling $14,720; City Administrator Marie McCormick, $12,030 and former city administrator **J.J. Murphy** $12,318. None of the trips by council were ever publicly approved at council meetings. They didn't have to be. The money came from a from a $10,000 line item for travel that's included in each year's budget, which means no public vote was required. There also was no vote required to approve the hotel and conference fees charged to credit cards held by Leighton, McCormick or **Murphy**.

Activists riled the lack of public disclosure riled city resident Joseph Wielgosz, who along with Charlotte Raup obtained the credit card statements earlier this year through a request filed under the state's Right to Know Act. Raup and Wielgosz said they expected to find some questionable charges, but were stunned by the amount of travel-related expenses on the cards. "The people don't know about this. This is outrageous," Raup said. "I see people every day who are working so hard and struggling. They should not have to fork out money for people to travel all over." "They travel more than the governor," Wielgosz said. "These people are living it up on our money. It's ridiculous."

Current Councilman Bill Barrett and former council members Kathy Kane and Tony Thomas, who took part in most of the trips, adamantly defended the travel, most of which was to conventions held by the National League of Cities and Pennsylvania League of Cities. Barrett, Thomas and Kane said information they picked up at the conventions led to numerous worthwhile projects and has resulted in cost savings that far outweigh the cost of the excursions. Thomas and Kane, who now serves as city controller, left council in December. Leighton, who primarily took short trips to Philadelphia and Washington D.C., said his travel involved numerous meetings with legislators and other government officials that helped him obtain funding for multiple projects that have improved the city. "Most of the time I was getting

funding and going down and making presentations," Leighton said. "Grant money does not fall in your lap. You need to really sell the project. You go down and lobby for the money."

The bulk of the travel-related charges on McCormick's card appear to be for seminars and training for other city employees, according to notations on the statements. Most of Leighton's and **Murphy**'s charges relate to meetings in Philadelphia and Washington, D.C. with various officials regarding projects within the city, including the Wi-Fi system, Intermodal Transportation Center and the Coal Street renovation project. Ryan personally charged a total of $1,915 in hotel charges to Virginia Beach from 2004 to 2010. The trips were for annual training so that he could retain his master certification as a city clerk, he said.

Cost/Benefit ratio Raup and Wielgosz said they understand some travel is necessary, but they questioned whether the cost of some of the trips - particularly those taken by council members to out-of-state conventions -- outweighed the benefits, particularly given the financial struggles the city is facing. "We pay a 3-percent earned income tax. If you take away this credit card nonsense, maybe we'd only be paying 1 percent," Wielgosz said. "This whole administration is about spend, spend, spend, yet you don't have a decent road to drive on."

A review of Ryan's credit card statements show the total amount spent on hotels and conference/ membership fees ranged from a low of $4,059 in 2004 to a high of $16,945 in 2007. Expenditures in the other years ranged from roughly $6,500 to $9,700. The actual cost of the trips was likely significantly higher, however, as the figures do not include the cost of airfare, meals or ground transportation, which were not charged on the cards. Council members and other officials paid those fees up front and were later reimbursed by the city, Ryan said.

The Times Leader filed a Right-to-Know request seeking receipts submitted by council members for reimbursement of travel expenses. The request, which is pending, could not reasonably be filled by the city within the several-day time frame prior to the publication of this story. A review of available records through June 2011, which were provided to the Times Leader by Wielgosz and Raup, showed Barrett, Kane, Thomas and former controller Bernie Mengeringhausen traveled to conventions an average of two to four times per year. The four attended the 2008 National League of Cities convention in Orlando, as well as NLC conventions held in 2006 in Reno, Nev.; 2007 in New Orleans; 2009 in San Antonio; 2010 in Denver and 2011 in Phoenix. A fifth person, Shirley Morio-Vitanovec, now a former council member, also attended the 2008 Orlando convention, Ryan said.

Council members were free to take their spouse with them, but the city paid only for the council member, Ryan said. All expenses for spouses, such as airfare and meals, were their personal responsibility. Constituents benefit Barrett said he understands people might be skeptical of the benefits the city gets, but he's convinced the cost of the conventions are far outweighed by the savings the city sees as a result of what members learn. "A lot of people picture these as if we are going on some sort of vacation. It is not like that," Barrett said. Barrett, Kane and Thomas said they spent their days attending numerous seminars and meetings that allowed them to interact with officials from across the nation, gaining valuable information on how to address problems

all cities face. They also cited numerous projects that came out of the conventions that benefited city residents.

Thomas was the key person behind the "Healing Fields" 9/11 flag memorial that was held in Kirby Park in 2004. The flags were sold after the display ended, generating about $74,000 the city donated to various charities. In 2010, the city obtained playground equipment at virtually no cost that was installed in the Iron Triangle section. Ideas for both projects came from National League of Cities conventions, Thomas said. Barrett cited several examples of projects he learned about at conventions, including a prescription drug discount card and a water and sewer line protection insurance program offered to city residents. The prescription discount card is available to any city resident who does not have prescription coverage. It entitles them to a 25 percent discount on all prescriptions purchased at CVS pharmacies, he said. "I just got a report on it. Our residents have saved over $10,000," Barrett said. The sewer and water line protection plan provides insurance to cover the cost if there is a malfunction within the lines. About 2,000 households have signed up for the program, he said. The city, which gets a small administration fee, earned roughly $10,000 off that program this year, he said.

Wielgosz and Raup questioned if information on those projects could have been obtained in other ways. Many organizations now offer seminars through video conferencing, they noted. "Anything you can learn, you can learn on the Internet. There is nothing they learned that they could not have learned here," Raup said. They also questioned why so many council members, plus the controller, needed to attend the conventions. "I was a union president. When I sent someone on a trip, I sent one person who came back and discussed with everyone else what they learned," Wielgosz said.

Barrett, Kane and Thomas acknowledged the city could send fewer people, but said they would miss out on a lot of information because they could not possibly attend all the seminars, many of which are going on simultaneously. "None of us would go to the same seminar. We'd split up. One would go to public safety, one would go to public works," Thomas said. Council Chairman Mike Merritt has never taken any trips, but said he believes the conferences are worthwhile. Council members have brought back information that has saved the city money, he said. But Merritt said he understands concerns that are being raised, and suggested it may be time for council to revisit how many people should attend. "I'm not saying cut it altogether, but does it need to be three? Maybe two is the number. Times are tough. We need to watch spending where we can," Merritt said.

Barrett said he also understands the concerns, but he thinks it would be a mistake to eliminate the conferences. "I can understand why it would be questioned, but to not take advantage of these opportunities, I think we would be remiss. The alternative is to stay in Wilkes-Barre, don't belong to organizations, don't learn anything new or bring anything back and stay stagnant," he said.

Times Leader, The (Wilkes Barre, PA)
October 28, 2011

**Alarm bill received in error, city says**
Author: Bill O'Boyle

WILKES-BARRE - At Wednesday night's Times Leader Mayoral Forum at Wilkes University, Republican candidate Lisa Cope produced copies of bills that she said showed the city paid for monitoring fees at former city administrator **J.J. Murphy**'s home. Cope was right, but the city said Thursday that it received those bills erroneously and Torbik Safe & Lock Co. has agreed to reimburse the city for the charges. "Torbik will refund the city $169 for paying the erroneous bills," said Drew McLaughlin, the city's administrative coordinator. "The bills were paid between February and July of 2005. Torbik invoiced the city instead of **J.J. Murphy** personally."

**Murphy** attended the Mayoral Forum and said he had paid all of his bills for monitoring of the home security system that was paid for by the city at a cost to taxpayers of $4,000 and installed at his former home on Plymouth Avenue. The city also paid to move the system to his new home on Reliance Drive in 2007 at a cost of more than $6,000. The city also paid for installation of a home security system for Mayor Tom Leighton at a cost of around $4,000. Leighton said he has paid for all of his monitoring fees. **Murphy** said Wednesday that Torbik would corroborate his claim that he paid all of the monitoring fees. Lee Torbik, owner of Torbik Safe & Lock, declined to comment on **Murphy**'s account, citing a confidentiality agreement he signs with all of his customers. **Murphy** denies that, saying Torbik Safe & Lock has confirmed his claim. Lee Torbik said he can't release information due to confidentiality agreements with his customers. The city said it will produce the bills and prove that the city did not pay the monitoring fees.

"Mayor Thomas M. Leighton and **J.J. Murphy** have always assumed personal financial responsibility for the monthly costs of the system which Torbik Safe & Lock confirmed two days ago," a city release stated Thursday. "The city requested Torbik to inspect their own records this morning while the city conducted a thorough internal review of city financial documents which confirmed the $169 discrepancy. The city requested a refund and Torbik readily agreed."

In a letter dated Oct. 27th from Lee Torbik to Leighton, the South Main Street company initiated an inquiry into the monitoring records for the security system at **Murphy**'s residence. Torbik said that when a job is completed, the company's system "automatically produces a monitoring fee each month" that is sent to the address provided for the equipment invoice, which was the city. Torbik said that when it was determined the bills for the monitoring service were being sent to the city "incorrectly," the matter was rectified and the bills were sent to **Murphy**'s residence.

At Wednesday's forum, Cope produced copies of bills from Torbik that she said proved the city has been paying for monitoring fees for **Murphy**'s home security system - a system for which the city paid more than $10,000 in 2004 and later transferred to **Murphy**'s a new home. Cope said she is still waiting for copies of the remainder of the bills for monitoring. She has submitted right-to-know requests for the bills, but the city has not yet provided them, if they exist, she said.

"We haven't heard anything back from the city on the second right-to-know request," Cope said. "We will wait until we get those back."

Frank Sorick, Cope's campaign manager, wondered if the city would have done anything to correct this "error" if it wasn't brought to its attention by Cope's campaign. "Who's watching our money at City Hall?" Sorick asked. Cope showed photocopies of bills that were initialed by **Murphy** and Marie McCormick, the current city administrator who was assistant to **Murphy** during his tenure. The bills appear to have been logged in by the city and paid. The city also paid $4,000 for the mayor's home system. Leighton has come under fire since it was revealed that the city paid for the installation of the two systems after he and **Murphy** received threats from unknown people.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Citizen's Voice
October 17, 2011

**Credit card statements shed light on city spending**
Author: Andrew Staub

Tony Thomas has been a driving force to bring a splash pad to Wilkes-Barre's Coal Street Park since he and other council members learned about them during a 2008 National League of Cities meeting in Orlando, Fla. Without that first-hand knowledge of projects such as the splash pad, Thomas said it'd be difficult to evaluate their validity for Wilkes-Barre. "I want to know what it does," Thomas said of recreational amenities he's thinking of bringing to the city. "You can't do that on the Internet, and you can't do that in the City of Wilkes-Barre."

While Thomas said trips like the visit to Orlando and visits to amusement conferences across the country have uncovered ideas like the splash pad, brought a Sept. 11 memorial to Kirby Park in 2004 and even conjured thoughts of a polymer skating rink for Public Square, they've come under increased scrutiny in recent months. The trips are usually paid for using one of the city's five charge cards, and a slew of Right-to-Know requests has shed light on Wilkes-Barre's credit expenditures like never before. Joseph Wielgosz, a longtime city Crime Watch volunteer, has been gathering the credit card records since last spring. He said city residents deserve to know full details of all the credit card expenditures, which include the $3,096 spent for hotels during the trip to Orlando. "I want the people to understand why they're paying 3 percent taxes," Wielgosz said. "There's a whole lot of spending going on in the city that nobody knows about."

Wielgosz's open-records requests show a pattern of thousands of city dollars spent on hotel stays, conferences as far away as San Antonio, Texas, and occasional working lunches at downtown eateries. Wielgosz, though, worries about what he doesn't yet know.
While Wielgosz has secured dozens of credit card statements from the city, he and Jim Hayward, a former city administrator, collectively have won orders from the state Office of Open Records compelling the city to release 65 unaccounted for credit card statements for Mayor Tom Leighton, city Administrator Marie McCormick and former city Administrator **J.J. Murphy.**

An appeal on 12 missing credit card statements for city clerk Jim Ryan is due to be resolved later this month. City officials have maintained they're hiding nothing and are trying to obtain as many statements as possible from the credit card company. Wielgosz wants to see the proof himself. Wielgosz believes the city has hidden something, he said, and has grown frustrated with constant Right-to-Know request extensions and even an occasion when the city gave him the incorrect statements. "If they came out and those credit cards would be squeaky clean, I'd be the first one to apologize to them," Wielgosz said. Expenditures charged to Wilkes- Barre's credit cards, city spokesman Drew McLaughlin said, are thoroughly vetted through department heads, the city administrator, the mayor and the controller. McLaughlin said residents should know expenses such as council travel are not "recklessly" charged.The council approves its travel expenses each year as part of the budgeting process, McLaughlin said.

The city budgeted $10,000 for council travel in 2012, an amount that's remained the same since at least 2010. Over those same years, the city administrator's travel budget has remained at $5,000, the controller's at $3,500 and the mayor's at $3,000. Attending seminars and conferences help city officials keep current with changing governmental policies, McLaughlin said, saying he recently learned about blight-fighting strategies during a seminar in Allentown. The trips also helped form relationships that have led to projects such as the recently built Iron Triangle playground, McLaughlin said. Still, visits to San Antonio, New Orleans and Indianapolis for conferences have raised questions from Wielgosz. He wonders if Wilkes-Barre, a city of about 7 square miles, needs to rack up tens of thousands of dollars in travel costs in difficult economic times.

Hotels for the five-day National League of Cities' exposition in San Antonio cost the city more than $5,000 alone in 2009, according to city credit card statements. "We can't pave roads, we can't take care of people's concerns, we can't take care of the walls for the flood," Wielgosz said. "There should be a huge outrage." Wielgosz and Hayward, with help from Leighton's opponent in the Democratic primary, Charlotte Raup, have spent months compiling the credit card data.

Among the bulk of travel expenditures, they've pinpointed specific concerns, such as $185 spent for a two-night stay in Clarks Summit for a multi-day building inspection seminar, about $2,000 charged to **Murphy's** card for working lunches and occasional late payment fees. The overnight stay at Clarks Summit, which is 28 miles from Wilkes-Barre, was deemed necessary because the seminar began early in the morning and ran through the evening, McLaughlin said. "There's always an explanation for why a trip would be an overnight stay versus a day," he said.

**Murphy**, who left his post as administrator in early 2010, defended charging lunches to the city. His credit card statements often defined the meals at places such as Rodano's, the former Lowe's Restaurant and the Chill Grill as working lunches for the city's senior staff or as meetings for city initiatives or development plans. The former city administrator also bristled at the increased scrutiny on the lunches, saying such expenditures were common practice even when Hayward worked for the city. "This is nothing more than election politics," **Murphy** said.

Wielgosz, who has clashed with city administrators since a property he was trying to purchase was bought by a city contractor last year, denied having political motivations. He pointed out his initial open-records request for the credit card statements was filed in late May. Since then, the city has dragged out the process by extending their response period, failing to retrieve the statements and, on one occasion, providing statements for the wrong person, Wielgosz said. While details of credit card expenditures have been available upon request, they are not included on council meeting agendas. Asked if the city would consider attaching them in the future, McLaughlin said there are no such plans at the moment. "There's a new city controller who's going to be elected one way or the other," McLaughlin said. "That city controller has full freedom to have new policies and procedures, but we feel very confident that the level of oversight of public expenditures is airtight." Raup said seeing more transparency in the future would be "wonderful," but she cringed at how long it has taken her, Wielgosz and Hayward to

collect the information so far. "Shame on them," she said. "Shame on them for making the citizens go through all these hoops for the Right-to-Knows."

Citizen's Voice
October 13, 2011

**Threats to W-B officials prompted purchase of home security systems**
Author: Andrew Staub

An attempted break-in, a menacing note stuffed in a mailbox and the destruction of potted plants led Wilkes-Barre police to believe recently elected Mayor Tom Leighton and his city administrator were in danger in 2004. At least that's the justification for two security systems installed at the men's homes on the city's dime. According to an invoice obtained by The Citizens' Voice, the city paid $4,075 in March 2005 to install an alarm system and security cameras at **J.J. Murphy's** home when he was city administrator. A similar system at about the same cost was installed at Leighton's Reliance Drive home, a city spokesman confirmed Wednesday.

Linda Urban, a critic of the Leighton administration and a Republican candidate for city council, pointed out the expenditure and said she worried "somebody has overstepped their boundaries in spending $4,000 of taxpayer money." "I'm married to the county commissioner (Stephen A. Urban)," she said. "If somebody called here and said, 'Hey, Linda, I'm going to come over there and break in your house and tonight somebody tries to break in, would I then call the county in the morning and tell them you need to pay for my security system? No."

A series of incidents that began Nov. 17, 2004 prompted the installation of the security systems, **Murphy** said. A man who identified himself as a city employee told **Murphy's** wife that Leighton had sent him to examine the pipes in their home, police said. When **Murphy's** wife said she wanted to check with her husband and locked the door, the man tried to force his way inside, police said. The next day, a handwritten note was stuffed in **Murphy's** mailbox, police said. "They dropped off a note saying, "**J.J.** and the mayor, you will pay for this," **Murphy** said, paraphrasing the letter. A few days later, **Murphy** discovered potted plants that were smashed around his home, he said. At the time, police Chief Gerard Dessoye said he believed the incidents were intended to disrupt city government. The chief recommended the security measures, which were installed by Torbik Safe & Lock, Inc., **Murphy** said. "I have no problem with it because of what my family had to go through," **Murphy** said.

While police launched a full investigation, calling in a composite artist to help identify the suspect, **Murphy** said he took his family away for a week after the incident. "That played a part in my decision to leave the city," said **Murphy**, who left to start a consulting firm for municipalities. "Ultimately, at the end of the day, I had to do what was best for my family." City police believed it was necessary to take protective measures after the threats and incidents at **Murphy's** home, said Drew McLaughlin, the city spokesman. He said the threats to **Murphy** and Leighton came during a "very volatile" time as the mayor took over a city saddled with fiscal problems and made decisions such as closing firehouses.

The case is still open and no suspects have been charged, McLaughlin said in explaining why the security systems have remained. "There is no statute of limitations on what a person may or may not do," he said, citing incidents such as the attack on U.S. Rep. Gabrielle Giffords. **Murphy's** system was originally installed at his Plymouth Avenue home and transferred when he moved to Reliance Drive, he said. **Murphy** pays the monthly service charge, which has ranged from $27 to $35, but he said it "would have been justified" for the city to pick up the fee. "But I picked those up," he said. "I think I went over and above what was necessary." McLaughlin said he believes Leighton also pays his own monthly service fees.

Because the cost of the security systems fell below $10,000, city council would not have needed to approve the expenditures. City Controller Bernard Mengeringhausen, though, would have needed to sign off on the purchases, McLaughlin said. **Murphy** questioned the timing of the release of the invoice confirming the city paid for his security system's purchase. **Murphy** tabbed the development as a political diversion set up by Leighton's critics just weeks before an election. "They've had these documents for months," **Murphy** said, "but they're waiting until now (to release them) because it could be the next controversy to try to take people's eyes off their inefficiencies." Leighton declined to comment.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Mainlinemedianews.com
June 29, 2011

**Air Force reservist files discrimination suit against Radnor**
Author: Richard Ilgenfritz

A Northeastern Pennsylvania man who is also a military reservist has filed a lawsuit against Radnor Township claiming that he was not hired for the open position as township manager in 2009 because of his reserve-military obligations. An attorney for **John J. Murphy** of Wilkes-Barre, Luzerne County filed suit against Radnor in Federal Court in Philadelphia earlier this week. In the suit, **Murphy** says the township violated the Uniformed Services Employment and Reemployment Rights Act of 1994, a law designed to protect military personnel who have served or are serving in the Armed Services of the United States from being discriminated against in their civilian careers. He is also citing the violation of a similar state law.

According to the complaint, **Murphy** has served as an Air Force officer since 1997 and is currently holding the rank of major. Since 2002 **Murphy** has been a member of the Air Force Reserves. During his time as a reservist, **Murphy** has been deployed overseas including time in Djibouti, Africa as part of a Combined Joint Task Force in the Horn of Africa in 2008. In the suit, **Murphy** says he applied for the position of township manager along with 60 other people. In July of 2009, **Murphy** says he was contacted by the interim township manager to arrange an interview date. At the time, **Murphy** said he was told, "'Radnor needed a leader. Someone with your military background and integrity would be a perfect fit,'" or words to that effect."

But during the interview, **Murphy** described the questioning he got as being grilled about his military commitments and the time he could spend away on military duty. **Murphy** goes on to say that he was told he was one of the top four candidates from the 60 people who initially applied for the position and that the top four candidates would return for a second interview. However, he says he was later told that only the top three candidates would be called back for another interview. **Murphy** goes on to say that he was told the reason why he was not called back. "... [T]he reason he would not be hired or called back for a second interview was that 'Some of the board members have serious concerns about your ongoing military obligations,' or words to that effect," the suit claims.

Reached at his office in Wilkes-Barre, David P. Tomaszewski, the attorney representing **Murphy**, declined comment saying the complaint speaks for itself. In the suit Tomaszewski lists Radnor as being in Montgomery County. When told that it was in Delaware County he said that didn't matter. Township Manager Robert Zienkowski was away and unavailable for comment Friday. He is expected to return Monday. **Murphy** is asking for back pay among other things. The exact dollar amount was not mentioned. He is also asking to be made township manager or to a similar position of pay.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
May 12, 2011

**Candidates roast each other, themselves at comedy night**
Author: Andrew Staub

WILKES-BARRE - So Mayor Tom Leighton walked into a bar Wednesday night - and he was pretty damn funny. Leighton didn't pull any punches during the inaugural Northeastern Pennsylvania Candidates Comedy Night at Rodano's, poking fun at the Urban family's political ambition, the barrage of criticism he takes from a city tow-truck operator and deputy city Attorney Bill Vinsko's choice of clothing. The mayor didn't even spare himself from a punchline. Leighton owned his biggest political criticism - that's he's been too focused on turning around the city's downtown - when he told a joke about his heyday playing baseball for King's College. "I was known to hit some home runs, and my teammates started calling me 'Downtown Tommy Leighton,'" he said. "Unfortunately, that name stuck with me."

The mayor headlined the event sponsored by former city administrator **J.J. Murphy**'s GOALS Foundation, completing a five-minute set that had many in the crowd chuckling. Leighton joked that Kathy Kane was closely monitoring the time he spoke - a jab at the city council chairwoman's insistence that individual speaking at council meetings be limited to five minutes - and reminded **Murphy** that the city's multimillion camera system could keep tabs on him to make sure he counted all his strokes while golfing.

The show offered a refreshing and fun take on this year's election season, which has carried a serious tone as 16 judicial candidates try to convince voters they can clean up a corruption-stained court system and dozens of county council candidates vie to become the first 11 to hold office under Luzerne County's new home-rule charter. It also offered a chance to support charity, as a majority of the proceeds from the $40 tickets for the event will go toward supporting youth sports in the county, **Murphy** said. The GOALS Foundation has already donated thousands of dollars to youth sports and announced a $250 contribution to the GAR field hockey program during Wednesday's show.

Judicial candidates John Aciukewicz and Jim Haggerty also performed, with Aciukewicz reciting a humorous poem about the trepidations of golfing and Haggerty taking a shot at Leighton's nearly $80,000 salary when he asked if a chauffeur was around. Casey Evans, a 24-year-old candidate for county council, joked about his young age when he said his parents had given him permission to campaign late into the night. Taking potshots at the Urban family proved popular, as Leighton and **Murphy** both joked about the many political offices Urbans are targeting this year. County Commissioner Stephen A. Urban is running for district magistrate and county council, while his wife, Linda Urban, and his son, Stephen J. Urban, are both running for city council and county council. "We have county council candidates, we have city council candidates and we have magisterial candidates," Leighton said. "And that is just the Urban family."

**Murphy** also alluded to Linda Urban's infamous brush with police last summer, when she was charged with swiping newspapers from a neighbor after they were tossed onto their shared porch of a home on George Avenue. The charges were eventually dropped. Drawing early laughs, **Murphy** lamented that Linda Urban might not have known about Wednesday night's event. Only The Citizens' Voice previewed the show, and she "only steals - er, reads - the Times-Leader," he said. But perhaps the line of the night belonged to Haggerty. If he wins a spot on the bench, he'd have to give up his law practice and his job as Kingston's mayor, he said.

"I called the state Ethics Commission, and I said, 'If I win the judge race, what can I do to raise money?' Haggerty said, setting up his punchline. "They said, 'Well, you can run a juvenile detention center.'" Before laughing at the joke, the crowd let out a loud "Ohhh," almost as if they expected someone to finally mention the scandal in which two former county judges were accused of accepting millions of dollars in kickbacks in exchange for stocking a juvenile center with kids. As they laughed, the moderator **Murphy** walked onto stage. "Someone went there," he said.

Citizen's Voice
April 5, 2011

**Greco suit targets W-B city, King's College**
Author: Michael R. Sisak

Wilkes-Barre restaurateur/felon Thom Greco accused the city, county and King's College officials Monday of a racially charged conspiracy to drive his North Main Street nightclub out of business two years ago because it catered to the "wrong crowd." City police routinely harassed black and Latino patrons as they walked to and from The Mines nightclub in April and May 2009 and embellished or fabricated police reports to portray the establishment as a haven for crime, Greco said in a lawsuit filed Monday in U.S. District Court.

One weekend, according to the lawsuit, police positioned six cruisers and 15 officers, including a K-9 drug unit, outside the nightclub - located across the street from the King's College campus. A week later, the phalanx grew to 30 law enforcement officers, including a SWAT team, eight Luzerne County sheriffs' deputies and three state liquor control agents. "Black and Latino patrons from The Mines were targeted, harassed and in one case," Greco said in the lawsuit, "beaten up by the police." Despite the "unprecedented" police presence, Greco said, no arrests were made and no citations issued. The only effect, he said, was to drive business away. The Mines, which had thrived on a Thursday through Saturday schedule before the police action, now opens once every 10 days or so to maintain its liquor license and cater to private parties, Greco said.

City spokesman Drew McLaughlin declined to respond Monday to the allegations in the lawsuit, saying in an e-mail, "The city has no comment on pending litigation." Mayor Tom Leighton and Police Chief Gerald Dessoye, who were named separately as defendants and portrayed in the lawsuit as key cogs in the conspiracy, did not return telephone messages. Seven other current and former city officials were also named in the lawsuit, including the five members of city council. They all declined comment, did not return messages or could not be reached. Former city administrator **J.J. Murphy** said, "The city will have its day in court." Luzerne County solicitor Vito DeLuca said he would review the lawsuit today and notify the county's insurance carriers. Former sheriff Michael Savokinas, whom Greco said dispatched vehicles and personally participated in targeting The Mines, could not be reached at two cell phone numbers that were active during his time in office.

King's College's spokesman John McAndrew, speaking for the college, himself and the college's three other named defendants, declined comment. According to the lawsuit, the police action against the Mines commenced a week after King's College President Thomas J. O'Hara told Greco the nightclub was not a "good mix" with the King's College community and that its clientele, estimated to be 30 to 40 percent black or Latino, was the "wrong crowd." O'Hara, according to the lawsuit, told Greco he was under pressure from parents threatening to remove their children from the college because of its proximity to The Mines and would push to have the club closed down. O'Hara subsequently met with Leighton and Dessoye, sparking the police

action, according to the lawsuit. Police did not target other bars in the area that had a predominantly white clientele, despite those establishments having "significantly more" criminal activity and nuisance complaints, Greco said in the lawsuit. Greco did not include statistics comparing arrests and complaints linked to The Mines with other bars in the area.

The Citizens' Voice on Monday requested police incident reports for The Mines and other North Main Street bars. Under the state's right-to-know law, the city must respond within five days. Greco, the owner or co-owner of nine properties in Wilkes-Barre with a combined value of $1.75 million, first threatened to sue the city and King's College in May 2009 - a month after he said the city started targeting his nightclub. "It has to be uniform enforcement and uniform oversight," Greco said at the time. "They have targeted and harassed our business so they can turn our business away." **Murphy** said at the time that police increased patrols in response to complaints from King's College students and parents and a rash of crimes in the area, including two stabbings and a shooting."We have deployed police officers in that area up and down Main Street," **Murphy** told the Voice after Greco first threatened the lawsuit. "There was a girl who was murdered on North Main just a few weeks ago. I thought Mr. Greco would advocate, as he has in the past, for a safe downtown."

Greco sparred with city officials over safety procedures at The Mines prior to its grand opening in October 2008, according to a letter Greco wrote to U.S. Attorney Peter J. Smith last December. In the letter, Greco described a "City of Wilkes-Barre shakedown" in which high-ranking city officials threatened to shut down a party at the nightclub unless he hired two off-duty firefighters as safety officers. Greco told Smith he was reporting the alleged shakedown in an "abundance of precaution" to prevent another criminal charge after failing to tell investigators that former county Commissioner Greg Skrepenak had refused to pay him for more than $14,000 worth of televisions he obtained for Big Ugly's, a now-defunct Wilkes-Barre sports bar owned by Skrepenak's father. A day after Greco's letter surfaced in late February, the U.S. Attorney's office debunked his shakedown allegations saying the information provided, "does not provide a basis to open a federal investigation."

Times Leader, The (Wilkes Barre, PA)
March 15, 2010

**Italian American Veterans receive 'Healing Field' flag**

Air Force Major **J.J. Murphy** has presented a 'Healing Field' flag to Italian American Veterans Post 1 of Luzerne County. **Murphy** made the presentation during his role as guest speaker at a meeting of the Post. **Murphy** relayed his recent work with the Air Force Rescue Coordination Center in the region of Haiti that was ravaged by an earthquake. **Murphy**, former Wilkes-Barre city administrator, is member of Tyndall Air Force Base in Florida and CEO of GOALS Consulting in Wilkes-Barre. At the presentation, from left, are Vincent E. Aleo, commander; **Murphy**; Thomas DeBartoli, junior vice commander; and Joseph A. DeLuca, senior vice commander.

Times Leader, The (Wilkes Barre, PA)
February 24, 2010

**Murphy happy to be back home from Haiti mission**
Author: Bill O'Boyle

WILKES-BARRE - Air Force Capt. **J.J. Murphy** returned Saturday from three weeks in Haiti with a greater appreciation for his family and his country. **Murphy**, 38, was in charge of a unit that worked with the Air Force Rescue Coordination Center in Port-au-Prince - the city that was devastated by an earthquake on Jan. 12. He helped set up the Joint Personal Recovery Center, which coordinates all search and rescue efforts in Haiti. There are 20,000 U.S. military personnel in Haiti, he said. For three weeks, the departing Wilkes-Barre city administrator said he was face-to-face with the destruction of buildings and lives and he said the experience changed his perspective on everything from politics to life in general.

"My role was strictly setting up the infrastructure for personal recovery and putting a system in place," **Murphy** said. "Whenever Americans are on the ground in a foreign country for an extended period of time there are inherent risks. If they are captured, it's our job to get them returned in a timely manner." He said he was directly involved in the rescue of four Americans when their ship sank off the coast of Cuba. **Murphy** and his unit got all four to safety.

**Murphy** said some of the people he was with took photos of the scenes in Port-au-Prince, but he didn't keep any of them. He said there are plenty of disturbing images etched in his memory. "It's mass destruction," **Murphy** said. "For every structure that remains standing, there are 50 that have been leveled. The last figure I heard had the death total at 240,000 people. "It certainly puts everything else in perspective," he said. "When you see people trying to do anything they can to get to American soil, it makes you think about our perceived problems. People are standing in lines for blocks to try to get a visa; they want to come to America, or at least get their children here, so they can have a chance at a better future."

**Murphy** said the experience gave him a sobering perspective on American politics. "Today everything seems to be so partisan," **Murphy** said. "Maybe we should all take a step back and realize that the majority of us agree on most issues and maybe we should use common sense to resolve issues more often." **Murphy**'s last work day at City Hall will be Monday. His new business - GOALS Consulting -- will operate out of his South Wilkes-Barre home for the time being helping other communities make improvements. "It will be a solo endeavor at this point," he said.

When **Murphy** returned, one of the first things he did was take his family to the new playground at Coal Street Park - a playground that was built with $200,000 from **Murphy**'s GOALS Foundation. **Murphy**'s four daughters -- Katie, 9, Erin, 8, Emma, 5, and Ryan, 4, -- were treated to a day at the park with **Murphy** and his wife, Colleen. His wife is expecting the couple's fifth child in July. The foundation was formed eight years ago to help youth sports and to make them

more affordable for kids of all ages. "The last month or so has been very emotional," he said. "For a lot of reasons. I'm just glad to be back home."

Times Leader, The (Wilkes Barre, PA)
January 26, 2010

**Departure from city position delayed**
Author: Bill O'Boyle

WILKES-BARRE - **J.J. Murphy** has rescinded his resignation as Wilkes-Barre city administrator until he returns from his deployment to Haiti. Mayor Tom Leighton said **Murphy** has not completed his work at City Hall and will use accrued vacation, sick and personal time until his deployment is over. The mayor said it is not known how long **Murphy** will be in Haiti helping with the relief effort there, but his deployment could last until March. "**J.J.**'s resignation has been postponed at his request, and I accepted it," Leighton said. "He still has work to complete in the city and he will take care of that when he returns."

**Murphy** announced in October that he would leave his post at the end of January to begin a private consulting business. "**J.J. Murphy**'s dedication as a city employee and his dedication to the country as a major in the U.S. Air Force are second to none," Leighton said. "The city supports **J.J.** and looks forward to his safe return." **Murphy**'s salary with the city is around $81,000, Leighton said. "I am very appreciative for all he is doing and has done at this time of war and need," he said.

The mayor announced last week that **Murphy** had been mobilized to deploy to Haiti in support of Joint Task Force-Haiti, which was formed to assist in the aftermath of the earthquake of Jan. 12. The mayor said **Murphy** will be a key member of the search-and-rescue effort, which is part of the U.S. military's disaster-relief effort, Operation Unified Response. **Murphy**'s deployment began Jan. 20, and is scheduled to continue through early March. Just before he left, **Murphy** said, "The world has rallied around helping both the Haitian population and those affected by this devastation. As an Air Force major and an American, I am proud to be called upon to contribute to these disaster relief efforts. As a husband and father, I look forward to returning home more appreciative of the blessings I have every day."

**Murphy** was a driving force in establishing the city's surveillance-camera system and the establishment of Hawkeye Security, the not-for-profit company formed to handle the system. **Murphy** has been the city administrator since Leighton was elected mayor in 2004.

Times Leader, The (Wilkes Barre, PA)
October 17, 2009

**Administrator to leave W-B City Hall post**
Author: Jen Marckini

WILKES-BARRE – City Administrator **J.J. Murphy** announced Friday that he will be leaving his position with the Leighton administration effective the end of January. **Murphy** said he informed Mayor Thomas M. Leighton this week of his resignation. He said he plans to pursue his own consulting firm and will remain in Wilkes-Barre. "I've thoroughly enjoyed my time with the administration," he said. Leighton did not return calls Friday evening. **Murphy** said he is leaving because he is missing spending time with his four daughters with the demands of his city position. His daughters are ages 9, 8, 5 and 4. "I'm doing it so I can spend time with my four girls," said **Murphy**, 38. "I'm gone before they get up in the morning and many times they're in bed before I get home."

**Murphy** was a driving force in establishing the city's surveillance-camera system. Part of the system is to be activated next month. He is the second to leave the Leighton administration within a month. Former city administrative coordinator Bridget Giunta left her post Sept. 30 to accept a position as associate director of alumni relations at Wilkes University. On Oct. 2 Leighton asked the FBI to look into the conduct of a city employee. **Murphy** said Friday his resignation had nothing to do with the federal probe and that he was on military duty when the mayor's request was made. "I've been debating this move, and Mayor Leighton has been aware of my desires for the last three months," **Murphy** said. "I love the city. I love city government. I'm passionate about it, but I've decided I have to dedicate more time at home."

**Murphy**, who has been with the administration for the five years Leighton's been in office, said he submitted his resignation now because he wanted to give the mayor enough time to hire a replacement. He listed accomplishments, which include helping to establish a city Web site, update office technology in City Hall and aid the mayor in sorting out multiple financial issues. **Murphy** had served as deputy administrator in July 2002. He had two other stints with city government: He was an intern while a student at King's College in 1992 and then served as mayoral assistant in 1996-97 when he was a grad student at Marywood University. He left in 1997 to go on active military duty for five years.

**Murphy** said one of the projects he is going to keep involved in is the plan for citywide surveillance cameras. Monitoring of the system will begin in mid-November. The system will be based in a command center in the city police station.

Times Leader, The (Wilkes Barre, PA)
September 25, 2009

**A point of pride**
Author: Bill O'Boyle

WILKES-BARRE – Katie, Erin, Emma and Ryan Murphy were among the first children to utilize the new playground at Coal Street Park on Thursday, and deservedly so. Their father, city administrator **J.J. Murphy**, founded the GOALS Foundation in 2001, and eight years later the group provided most of the funding to build the $220,000 playground. **Murphy**, his wife, Colleen, his four children and his father, Jack, were on hand for the dedication of the playground that is part of the $14 million renovation of Coal Street Park. **Murphy** cut the ribbon as his boss, Mayor Tom Leighton, looked on. "This is the culmination of an eight-year dream for me," **Murphy** said. "We formed the foundation to help youth sports and to make them more affordable for kids of all ages." **Murphy**, with emotion in his voice and tears in his eyes, thanked his family for their support as he toiled for the foundation and the playground. "I want to applaud **J.J.** for his dedication to this fantastic community project," Leighton said to a crowd of onlookers. "This beautiful playground replaces slum and blight that was here for far too long."

With children playing in the background, **Murphy** and Leighton thanked representatives of the law firm Hourigan Kluger and Quinn and the Luzerne Foundation for partnering with the GOALS Foundation and the city to build the playground. Attorney Michelle Quinn said her law firm paid for a safety study to ensure the equipment and materials used for the playground were the safest. "Playground injuries have increased significantly over the years," she said. "We wanted to make sure any injuries here are minimal. That's why we brought in a safety expert to conduct the study."

**Murphy** said the GOALS Foundation gave around $173,000 for the project. He said the city secured a grant for $7,500. The balance came from the Luzerne Foundation. **Murphy** presented a check for $5,000 to the South Wilkes-Barre Teeners' League. The league raised money to match the GOALS donation, he said. The league's vice president, Nick Marino Jr., said the money will be used to buy batting cages for Christian Field along Gordon Avenue and dugouts will get an upgrade. The playground is handicap-accessible and is one of the many new public features at Coal Street Park. The city began comprehensive renovations at the 31-acre park in the fall of 2008. The project includes the construction of a new 500-seat ice rink, training facilities and office space. The rink, which will open to the public this fall, will offer opportunities for the public to ice skate, as well as to participate in organized youth and adult ice hockey leagues, tournaments and sports camps. The Wilkes-Barre/Scranton Penguins will use the ice rink as a practice facility and the team's corporate offices will be housed in a new two-story building to be built next door.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
July 8, 2009

**Dog owners, experts growl at proposed vicious breed ban**
Author: Nicholas Sohr

Wilkes-Barre's renewed effort to crack down on "vicious" dog breeds in public areas is too much bark and not enough bite when it comes to the real offenders, local dog experts and owners said Friday. "Sometimes these things are fear driven," said Cindy Stark, a member of the governor's Dog Law Advisory Board and shelter manager for the Luzerne County chapter of the Society for the Prevention of Cruelty to Animals. "I understand legislators and heads of municipalities are concerned for the safety of their citizens. But the bottom line is the owners are responsible for their animals."

Indeed, other advocacy groups and owners of the dogs whose breeds are consistently labeled "vicious" or "dangerous" agreed with Stark's assessment. Arden Fahey, an accountant from Wilkes-Barre, adopted her pit bull Gunner in early 2005. A college student renting a room in Fahey's parents' apartment building left the puppy behind when her parents wouldn't let her take it home. "I understand a lot of people's fear," Fahey said. "But if there's a problem with a specific person who has that breed, or a particular dog is causing a problem, then you have to address it. There's a lot of people who are not responsible dog owners." Gunner, Fahey said, has never been a problem for her three children, ages 11, 10 and 7, and even tolerates the other residents in the house, including dogs, guinea pigs, rabbits and a hamster. "It's the way you train the dog, she said. "Granted, there are a lot of things that are bred into dogs. But it comes down to how you train a dog."

Susan LaMontagne, of Swoyersville, pointed to the dogs rescued from property owned by former Atlanta Falcons quarterback Michael Vick, who pleaded guilty in 2007 to dog fighting charges. "Look at the Michael Vick dogs," she said. "Those were dogs that were fighters and they were retrained and now they're living with families with little children. "There are no bad dogs, just bad owners. So why punish responsible owners by banning an entire breed?" LaMontagne's Bear, a 2-year-old American Staffordshire Terrier - one of several breeds known as pit bulls - is more of a "licker" than a fighter, as the stereotype goes. "Years ago, I would have been the first to say 'ban them,'" she said. "Then I fostered one and I fell in love with them."

City officials argue any breed-specific laws would only be a part of their effort to ensure the safety of residents and visitors in public areas. "It's a great theory," City Administrator **J.J. Murphy** said of the nurture over nature contention. "But in reality, we've got a very dangerous situation here." The city's push, announced Wednesday by Mayor Tom Leighton, follows a much publicized incident in the River Common. A man's leashed dog was attacked by two loose dogs and injured so severely it had to be euthanized. "With the influx with all these vicious dogs, the next thing that's going to happen is it's going to be a child," **Murphy** said. "We're trying to be proactive. With all due respect to all these dog-lovers who think (some breeds are) not a very vicious dog, I have to disagree."

Blanche Williams, of Wilkes-Barre, has already had enough. In December 2003, her 2-year-old pug named Cuddles was killed on her front porch by a pit bull that escaped its owner's leash. "I just turned around and I saw his ugly face at the bottom of the steps," Williams said. "And before I could get her up in the house, he was up and at her, like it was his duty. My little dog didn't have a chance. "They're born to kill. I'm sorry. That's how I feel about them. They're bred to kill." **Murphy** said the city officials hope to increase fines for owners who break leashing and other dog laws.

The American Kennel Club, one of the loudest voices decrying "breed specific" laws, advocates laws that "judge the deed, and not the breed." The club recommends towns take action only against specific animals and their owners using a tiered system to determine if dogs are dangerous, or could be dangerous, based on the severity of their transgressions. "I think that politicians think that banning a certain breed sounds good. It sounds like definitive action," club spokeswoman Daisy Okas said Thursday. "You're punishing the responsible people who own dogs and don't cause a problem."

Leighton has tried twice before to institute restrictions on "dangerous dogs." In 2001, when Leighton was a member of city council, he pushed to ban pit bulls, Rottweilers, German shepherds and Doberman Pinschers from city parks after authorities shot a pit bull during a raid at a Woodward Street home. A state law stymied the measure because it prevents municipalities from enacting laws that single out dogs based solely on breed. In 2005, Leighton pushed new legislation to ban pit bulls from the entire city. He was backed by police officials, who said the dogs were often kept by criminals, and were a danger to police officers. The effort was thwarted by the same state law. City officials plan to meet with state legislators after the state budget is approved. "We just can't sit idly by and know that we have a bad situation here," **Murphy** said.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
July 3, 2009

**Payment of firefighters' settlement delayed pending city's appeal**

Wilkes-Barre City and its firefighters union agreed Tuesday to delay payment of an up to $1 million contract settlement until the matter has made it through an appeal in a state court. As part of the deal, the city will place the money in escrow to ensure it will be available should the firefighters ultimately win the legal tussle. "If we do have to pay it, the money is there. If we don't, the money comes back to the city," said attorney Don Brobst, who is representing the city in the matter. Luzerne County Judge Hugh F. Mundy approved the deal at the conclusion of a brief hearing Tuesday morning.

Wilkes-Barre Firefighters Association Local 104 filed a grievance in 2007, alleging contract violations that stemmed from yearly payments to police officers that started in 2002. The firefighters contract at the time required the city to equally pay members of the union and their police counterparts. Officers received between $1,300 to $1,500 annually, contingent on their maintaining state certifications. An independent arbitrator decided Sept. 12 the city owed firefighters back pay equal to the bumps given to police officers, which would cost the city more than $737,000, and possibly up to $1 million.

The city appealed the ruling in county court on Oct. 14, and the day after Mayor Tom Leighton unveiled his 2009 budget. At that presentation and during the months following, Leighton repeatedly harangued the firefighters for seeking the hefty settlement, claiming the majority of the city's 13-mill property tax hike would go to paying off the award. Brobst said during a court hearing in April the city has evidence that shows union President Tom Makar filed the contract grievance outside the statute of limitations. The city's evidence includes statements from City Administrator **J.J. Murphy** and Director of Human Resources Christine Jensen, and a letter from Makar to Jensen. Mundy, who ruled the evidence could not be admitted during the hearing, decided against the city in May. The city has appealed the ruling to Commonwealth Court but a hearing has not yet been scheduled.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
June 13, 2009

**Wilkes-Barre officials put Hawkeye feud to rest**
Author: Nicholas Sohr

WILKES-BARRE - City officials buried their Hawkeye hatchets Thursday night, ending - or at least cooling - a long-running and very public feud surrounding Hawkeye Security Solutions, the non-profit organization heading the city's surveillance camera network project. "I have been a critic of the way things were being handled with Hawkeye," said council Vice Chairwoman Kathy Kane, who has engaged in several terse debates with city administration surrounding the secrecy she said shrouded Hawkeye's creation and operation. But, Kane said, all that changed during a recent meeting with City Administrator **J.J. Murphy**, Kane's most frequent foil during the Hawkeye debates. "I am comfortable right now with the way things are going," Kane said. "We had a very informative meeting, we had a very personable meeting."

The emphasis contrasted the May 5 council work session, during which Kane claimed **Murphy** treated her "like a military prisoner" during a private meeting to discuss Hawkeye. Mayor Tom Leighton, **Murphy** and Hawkeye, which is run by board members picked by the mayor, have taken steps in recent months to open themselves to outside eyes, including holding open meetings and adding Councilman Bill Barrett to the board at Kane's suggestion. The $2 million project will in coming months install more than 150 cameras around the city in parks, high-crime areas, parking garages and the downtown business district.

During Thursday night's meeting, council approved state and local tax breaks for 90 parcels in the city. The Keystone Opportunity Zone status must still be approved by Wilkes-Barre Area School District and Luzerne County before they can be sent along to the state Department of Community and Economic Development, city Deputy Administrator Marie McCormick said. The properties will be exempt from property, business privilege, mercantile and earned income taxes when developed and occupied for 10 years, as long as they are occupied before 2016. Council added 37 properties to the list holding the KOZ designation May 28.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
May 22, 2009

**Businessman set to sue city, college**
Author: Nicholas Sohr

A North Main Street nightclub owner alleges his business and clientele are being unfairly targeted by the City of Wilkes-Barre, which has stepped up police patrols in the area following a rash of high-profile violent crimes nearby. Thom Greco, the owner of The Mines and a long-time restaurateur, said he sent a letter outlining his complaint to city officials and King's College, located across the street from the bar at 105 N. Main St. City Administrator **J.J. Murphy** confirmed he had seen the Greco letter, which threatened a lawsuit against the city and King's, alleging The Mines has been singled out from the rest of the Main Street bar scene because of the customers there on Thursdays, Fridays and Saturdays.

**Murphy** denied Greco's club was the target of discriminatory policing tactics. He said the city increased patrols at the behest of students and parents worried about crime in the area. "We have deployed police officers in that area up and down Main Street," **Murphy** said after Thursday night's city council meeting. "There was a girl who was murdered on North Main just a few weeks ago. "I thought Mr. Greco would advocate, as he has in the past, for a safe downtown." Greco said the incidents in question could not be tied to his club. The Mines is being targeted because 25 percent to 30 percent of his customers are minorities, he said. The lawsuit will probably be filed within 45 days, Greco said, and he will "absolutely" be seeking monetary damages to make up for lost business. "It has to be uniform enforcement and uniform oversight," Greco said. "They have targeted and harassed our business so they can turn our business away." "What they've done is they've killed our crowds," he added later. "There's five bars, and they're leaving the other bars alone and targeting me."

Since March 27, a King's student was stabbed at Jackson and Washington streets, another claimed he was shot at in front of the Mines and another claimed he was held at gunpoint at North Main and Union streets. On April 18, a woman was stabbed to death a little more than two blocks up North Main from the club. There's no evidence any of the recent incidents were linked to The Mines. "My understanding is that the officers have been in front of all the establishments because of the rash of crimes in that area," **Murphy** said. "And I know for a fact that the other businesses in the area have complimented the city on the (police) presence." Greco said some of the policing has gone above and beyond the necessary presence, citing a "seatbelt checkpoint" complete with flashing lights on police cruisers stationed outside The Mines on Friday and Saturday night, and more than 30 city, county and state officials patrolling his block on a night earlier this month. "You can't harass and turn people away," he said. "You can't deprive us of enjoying the benefit of our building and the investment we've made." In an alert sent in early April to King's College students about ongoing crime around campus, college officials said they had been in contact with the state Liquor Control Board about "problems" associated with the club. When reached by phone Thursday, King's spokesman John McAndrew said he could not

comment as he had not seen Greco's letter. Bob Kalinowski, staff writer, contributed to this report.

The Times-Tribune
May 12, 2009

**Judge dismisses Scranton man's civil rights suit against Wilkes-Barre**

A federal judge has dismissed a civil rights suit filed against the city of Wilkes-Barre by a Scranton man arrested while carrying a sign critical of then-President George W. Bush during the city's 2005 St. Patrick's Day Parade. In a ruling issued Monday, U.S. District Judge James Munley rejected the arguments of Kurt Shotko, 41, that the arrest violated his First Amendment rights and that police had no grounds for the arrest. In rejecting the First Amendment argument, Judge Munley ruled Mr. Shotko filed his federal complaint more than two years after the arrest and the statute of limitations had run out on that claim. In dismissing the wrongful arrest argument, Judge Munley noted that a Luzerne County jury found Mr. Shotko guilty of four counts of disorderly conduct and one of resisting arrest and that the state Superior Court upheld all of the convictions except one. The defendants in the suit were the City of Wilkes-Barre, its police department, Mayor Thomas Leighton, police Chief Gerry Dessoye, city Administrator **John J. Murphy** and three city police officers.

Internet – Newspaper Archives Searches
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
May 6, 2009

**W-B councilwoman questions 'conflicts of interest' in Hawkeye leadership**
Author: Nicholas Sohr

WILKES-BARRE — City Council Vice Chairwoman Kathy Kane accused a high-ranking city official of treating her "like a military prisoner" when the two previously discussed the city-sponsored, nonprofit corporation overseeing the design and installation of the citywide surveillance camera network. The accusation came in a tense exchange with City Administrator **J.J. Murphy** during Tuesday night's work session after Kane again raised questions about Hawkeye Security Solutions — the nonprofit — citing concerns over potential "conflicts of interest" in the group's leadership. She did not elaborate further, and said she would soon submit questions regarding Hawkeye to city attorneys. "I don't think city council should have been left out of it from September to February," Kane said after the meeting. "I don't think the city solicitor should have been left out of it. "I worry about conflicts of interest, that's all."

**Murphy** and two members of the city IT department, Lou Lau and Frank Hershberger, have served on the board of Hawkeye since early April. Before that, they were consultants who were originally paid $6,000 total in stipends, but agreed to return the money after questions were raised. "Is there a reason you need three city employees on the Hawkeye board?" Kane asked **Murphy**. "The reason is Lou and Frank are IT guys," **Murphy** replied. "They bring expertise. It's a multi-million dollar project and I think you want that expertise." "OK, that's Frank and Lou. What about you?" "We need city people to sometimes be involved" in such projects, **Murphy** said later. Mayor "Tom Leighton asked me years ago to make sure Wilkes-Barre joined the communities across the country taking advantage of the (surveillance) technology."

Kane first publicly raised concerns over Hawkeye at the April 7 council work session, voting against a resolution to allow the group access to $2 million in state grants awarded to the camera project. That measure, which was passed on the votes of the other four council members, also made Hawkeye a "local agency," opening its meetings to the public and subjecting it to open records laws, part of a recent effort to make Hawkeye's actions transparent to city residents, and council. Council Chairman Tony Thomas Jr. said he asked **Murphy** in February to set up meetings with all the council members to explain Hawkeye's existence role.

Hawkeye was created in September to insulate the city from potential legal and financial liability associated with the camera project. "You sat behind your desk and treated me like a military prisoner," Kane said of the meeting. "And I don't need that from you."

"Don't disparage people in the military because you don't like me," **Murphy**, a major in the Air Force Reserve, said later. "Don't put that on me," Kane said. "You brought it on yourself, Kathy," **Murphy** said. **Murphy** accused Kane of launching the attacks because of a personal bias against him, a notion both Kane and Councilman Bill Barrett rebuffed later. "He thinks I hate him," Kane said after the work session. "I've never hated him. We just have issues."

City police, Frontier Communications, the Internet provider powering the citywide wireless network, and engineers with TAC, the company awarded the camera contract, have been scouting locations for the more than 150 cameras. City officials expect the network to be in place and operational in the early fall.

Times Leader, The (Wilkes Barre, PA)
April 24, 2009

**W-B OFFICIALS STRIKE BACK ON CRIME-FIGHTING COMMENTS**
Author: Bill O'Boyle

WILKES-BARRE - The city administrator took sharp exception to allegations made by a Crime Watch member who questioned the mayor's commitment to crime fighting. **J.J. Murphy** defended Mayor Tom Leighton and the city administration after Ray Arellano made the claims before council Wednesday night. Arellano said that at the last two Crime Watch meetings there has been no representation from the police department. "This is the first I'm hearing about this," **Murphy** said. "It is my understanding that the Crime Watch leadership has been pleased with the level of cooperation between the city, the police and Crime Watch. Make no mistake about it, there are some issues, but the statistics show that Wilkes-Barre is safer than most other towns of the same size."

**Murphy** said crimes are being solved in the city and there has been a significant investment in crime prevention. He cited the recent contract awarded for the installation of 150 surveillance cameras throughout the city and the application for a grant to hire five more police officers. City police representatives, along with **Murphy**, were meeting with Crime Watch representatives Wednesday night to discuss issues. Council approved the mayor's request to file an application with the U.S. Department of Justice's Office of Community Oriented Policing Services Hiring Recovery Program. He said the $500,000 grant would pay for five new police officers' salaries and benefits. Councilman Bill Barrett, a former city police chief, reiterated a comment he made at Tuesday's council work session, when he said that if the application is approved, one of the five new officers should be designated as a full-time crime-prevention officer. "I'd rather prevent crimes than investigate them," Barrett said. Councilman Mike Merritt agreed, saying the lack of a crime-prevention officer is the "missing piece" in the city's crime-fighting approach.

Lou Weihbrecht, owner of Outsiders Bar on South Main Street, asked council for permission to "make noise." Weihbrecht said he has received about 16 citations from the Pennsylvania Liquor Control Board enforcement division for loud noise at his bar. He said he has live bands that play inside. Weihbrecht said the LCB advised him to contact the city for a permit to allow for the loudness at his venue. Bill Vinsko, assistant city attorney, said he will contact the LCB and look into the matter.

**Murphy** announced the dates of the citywide white goods cleanup will be May 8 and 9. **Murphy** said there will be eight drop-off locations: Gordon Avenue and Willow Street, Franklin and Sullivan streets, High Street Fire Station, Mayflower near Stanton lanes, Coal Street Park, the city Department of Public Works garage, Scott Street Fire Station and the BOG parking lot. White goods are old metal household items like cabinets and desks, lawn mowers and major appliances. Electronics, box springs, fabric furniture and non-metallic items will not be collected, he said. Items must have a sticker supplied by the city to guarantee its pickup, **Murphy** said.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
April 21, 2009

**Judge to rule on city's appeal of arbitrator's award to firefighters**
Author: Nicholas Sohr

Luzerne County Judge Hugh F. Mundy will rule within a month on Wilkes-Barre's appeal of a $1 million arbitrator's award due to the city firefighters' union, the judge said at the conclusion of a Monday afternoon hearing. But, that ruling may not bring about the end of the legal battle. Wilkes-Barre Firefighters Association Local 104 filed a grievance in 2007, alleging contract violations that stemmed from yearly payments to police officers that started in 2002. The firefighters' contract at the time required the city to equally pay members of the union and their counterparts on the police force. Officers received between $1,300 to $1,500 annually, contingent on their maintaining state certifications.

An independent arbitrator decided Sept. 12 the city owed firefighters back pay equal to the bumps given to police officers, which would cost the city more than $737,000, and possibly up to $1 million. The city appealed the ruling in county court in October. Attorney Don Brobst, who is representing the city, spent much of the 30-minute proceeding on Monday introducing evidence that Mundy had already declined to consider twice. Mundy, in a March 9 ruling, wrote including the evidence would "be a giant step toward conducting a de novo (new) hearing," which falls outside the scope of the appeal.

The city's evidence includes statements from City Administrator **J.J. Murphy** and Director of Human Resources Christine Jensen, and a letter to the city from union president Tom Makar that the city argues shows he filed the contract grievance outside the statute of limitations. Those documents could be considered in Commonwealth Court should either side appeal Mundy's forthcoming ruling, said Stephen Holroyd, attorney for the firefighters' union.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
April 8, 2009

**City employees return money received for consulting on city camera project**
Author: Nicholas Sohr

WILKES-BARRE - Three city employees will return $6,000 in stipends they received for consulting work done for the city-sponsored, nonprofit entity created to oversee the city-wide surveillance camera project, city officials said Tuesday night.

"This project is too positive," said City Administrator **J.J. Murphy**. "If there's going to be a cloud over it because of the stipend, it's not worth the stipend." **Murphy** said the contract for the network will be awarded and presented to the public Tuesday, April 14. **Murphy** received $3,000 from Hawkeye Security Solutions, the non-profit overseeing the project. **Murphy**'s 2009 salary is $78,757, according to city documents.

City IT Director Louis Lau and IT Engineer Frank Hershberger were both paid $1,500 stipends by the Hawkeye board of directors. Lau's 2009 salary is listed as $62,832, and Hershberger's, $39,338. **Murphy**, Mayor Tom Leighton and Council Chairman Tony Thomas Jr. said the decision to return the stipends to Hawkeye was made before Vice Chairwoman Kathy Kane requested that the city's legal counsel investigate "the legality" of Hawkeye's existence. Kane voted against a resolution on Tuesday night's agenda to allow Hawkeye access to $2 million in state grants awarded for the camera project. The city must provide receipts to the state for completed work before the money is released. "Something about this just doesn't seem right to me," she said after the meeting. "There are pieces missing."

Hawkeye was incorporated Sept. 12, according to state records, and its address is listed as 40 E. Market St., which is city hall. Hawkeye is run by five board members: former Deputy City Controller Laura Brace, Wilkes-Barre Vo-Tech Principal Frank Majikes, former Councilman Phil Latinski, former police Chief Joseph Coyne and police Patrolman James Fisher, whose 2009 salary is $49.689. Leighton said the non-profit was created on "advice from the (city) attorneys" in the vein of city boards and authorities to insulate the city from legal liability. "It was determined we would create another entity to run this project because if you look around the country, most camera networks aren't run by cities for legal reasons," Leighton said.

The network will include more than 100 cameras throughout Wilkes-Barre, including in the downtown, neighborhoods and parks. On Tuesday, Hawkeye board members will choose a contractor to design, install and maintain the system from four IT companies: CDW-G, a subsidiary of CDW Corp.; T.A.C., a subsidiary of Schneider Electric; GTSI; and Let's Think Wireless.

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
March 17, 2009

**Wilkes-Barre will re-examine county-wide records program**
Author: Nicholas Sohr

Flush with state and federal funding, Wilkes-Barre is re-evaluating its role in a county-wide police record sharing program after learning the project has fallen out of favor with Luzerne County officials. In the last year, the city has seen $1 million come its way for the project — $500,000 in state gaming tax revenues awarded last March and another $500,000 earmarked by U.S. Rep. Paul E. Kanjorski, D-Nanticoke, in a spending bill passed earlier this month. The ultimately successful gaming grant application submitted to the state Department of Community and Economic Development says the program would "give law enforcement officers unprecedented and immediate access to local, state and national data and will facilitate data sharing and reporting between Luzerne County's many police departments ..."

The project, estimated at $3 million, included 150 computer workstations at 54 police and county agencies to allow them to share information on warrants, police reports and other filings. Luzerne County was to fund half, but informed the city of its intention to back out of the records portion this fall, City Administrator **J.J. Murphy** said Monday. "Because they seemed to be going away from the records management piece, they wanted us to take that on," **Murphy** said. "We're evaluating what we can do with the money. Whatever system we use, it will be one that can be used by other communities in the county."

The scope of Wilkes-Barre's project could also change, with the unexpected federal dollars making their way to the city's coffers. "We're going to have more money than we need for the Wilkes-Barre records management system," **Murphy** said. "Ultimately, the mayor will have to talk to the police chief and decide what the best use for the money would be in there's some remaining." **Murphy** said the city is crafting a new proposal to send to the state for the use of the gaming money. When the local share of the revenue from gaming taxes is divvied up each year, the state enters contracts with municipalities receiving awards to control how the funds are used. DCED spokeswoman Janel Miller said her department does work with towns to redeploy grant funding if the scope of their project changes, as long as the project meets the same criteria. The funds are doled out as reimbursements, not in up-front lump sums. Thus far, Wilkes-Barre has not drawn any money for its records management program from the state allotment, **Murphy** said.

Times Leader, The (Wilkes Barre, PA)
April 9, 2008

**PARADE PROTESTER SHOTKO SUES**
Author: Terrie Morgan-Besecker

A political protester who was convicted of disrupting the 2005 St. Patrick's Day parade in Wilkes-Barre filed a federal lawsuit Monday against the city and several police officers, alleging they violated his First Amendment right to free speech. Kurt Shotko, 40, of Moosic Street, Scranton, claims he was peacefully protesting against President George W. Bush when he was accosted by several officers who arrested him without just cause. Shotko and a co-defendant, Victor Bobrzyk, were convicted in January 2007 of three counts of disorderly conduct in connection with a protest on Public Square during the St. Patrick's Day parade on March 10, 2005. Shotko and Bobrzyk were carrying signs that were critical of the Bush administration. Police said Shotko and Bobrzyk became unruly after police asked them to move away from the crowd because the wind was blowing their signs into spectators. An appeal of the conviction is pending before the state Superior Court.

The lawsuit, which Shotko authored and filed himself, claims the men he and Bobrzyk were not disrupting the parade in any fashion. The suit says police were summoned to the area by City Administrator **J.J. Murphy**, who approached Shotko and demanded that he stop walking on the sidewalk near the reviewing stands. The suit says **Murphy** refused to allow Shotko to move forward, then made a call on his cell phone. Within a minute, police arrived and arrested the men. Shotko says police received no complaints from spectators, and that officers made no effort to speak to Shotko or Bobrzyk before arresting them.

The suit seeks unspecified compensatory and punitive damages. Named as defendants, in addition to the city and **Murphy**, are Mayor Tom Leighton, Police Chief Gerry Dessoye, Capt. Donald Crane and Officers Albert Rodriguez and Dwayne Price.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
***(Articles are in reverse chronological order)***

Times Leader, The (Wilkes Barre, PA)
January 26, 2008

**CITY WORKING TO EASE PARKING CRUNCH**
Author: Bill O'Boyle

WILKES-BARRE - Parking is at a premium in the downtown area since demolition began Wednesday at the Park & Lock Central. The city opened a vacant lot at South Washington and East Northampton streets to accommodate some of the displaced parkers. The lot at the site of the former Old Fell House contains an estimated 50 parking spaces. **J.J. Murphy**, city administrator, said the parkade remains open, but with reduced capacity because of the project. Vehicles can enter and exit the parkade from South Main Street. "The parkade is temporarily two-way, and that's caused a reduction in parking spaces." **Murphy** said the situation is temporary to allow for the Intermodal Transportation Center. The $25 million project is expected to be completed by the end of this year, he said.

Patrons of Movies 14 can still use the parkade, **Murphy** said, and are allowed to use the Old Fell House lot after 5 p.m. daily. **Murphy** said the city is looking for other available parking to accommodate theater patrons and downtown workers. An additional 30 parking spaces will be available along South Main Street between the Army-Navy Store and Bell Furniture. "We have been talking to displaced parkers and we are continuously trying to find more available spaces," **Murphy** said. "We understand this is an inconvenience and we are trying to ease that pain." **Murphy** said about 100 parking slots will be lost during the construction project.

Kristen Dallaverde, house manager at Movies 14, said patrons have been coping with the situation. She said she has heard a few complaints, though "not many." When the Intermodal project is finished, **Murphy** said an estimated 752 parking spaces will be available. Additionally, all public transportation vehicles will be moved from Public Square, creating additional metered parking there. "We understand this is an inconvenience and we are trying to ease that pain."

News-Item, The (Shamokin, PA)
January 19, 2008

**More News**
Author: Staff

WILKES-BARRE – City Administrator **J.J. Murphy**, a major in the U.S. Air Force Reserves, will be deployed to Djibouti, Africa, for a six-month tour starting in March to serve as a search and rescue controller. **Murphy**, a father of four girls, has spent over 10 years in the Air Force, more than six of which have been on active duty. The 36-year-old has never been deployed to a combat area overseas until now. After talking it over with his family and Mayor Tom Leighton, **Murphy** agreed to go to eastern Africa after his commander asked him. "The reaction by this patriotic community has been overwhelming thus far," **Murphy** said. "I know some people are confused about why I would want to go overseas and help in this global war. Maybe the great Thomas Paine said it best when he said, "If there must be trouble, let it be in my day that my child may have peace'."

**Murphy** and his wife Colleen have four daughters, ages 2, 3, 6 and 7. He said the most difficult part of his deployment is that he won't be able to see his family. "I am excited to help my unit and serve side-by-side with some great Americans, but I will be sad to leave my family and friends," **Murphy** said. "I think some people were shocked that I'm going, but everybody who has found out so far has been very positive and willing to help. They have been very supportive and that has been a source of strength for me."

**Murphy**, who is originally from Philadelphia, came to Wilkes-Barre in 1989 to attend King's College, where he received a bachelor's degree in political science in 1993. He later received a master's degree in public administration from Marywood University. While he was at King's, he completed an internship working with former city clerk Bill Brace. He later worked as former Mayor Tom McGroarty's assistant and was named deputy administrator in 2002. He has served as city administrator since Leighton took office in 2004. He became a second lieutenant in the U.S. Air Force after completing two years in Wilkes University Reserved Officer's Training Corps while attending graduate school. His Air Force career has taken him many places across the country. He said he looks forward to working alongside some of America's "bravest" men and women in Djibouti, Africa, which is bordered by Eritrea in the north, Ethiopia in the west and south, and Somalia in the southeast.

"There are active military operations in various locations throughout the world and this is one of those hotspots," **Murphy** said. "The war on terrorism is a global war and we have brave men and women on duty answering this country's call. I would much rather be overseas than having another Sept. 11. This is just **J.J. Murphy** doing his part. I'm honored to be asked and I'm proud to stand up and answer our country's call."

**Murphy** coordinated the Healing Field at Kirby Park in 2004, which consisted of more than 4,000 flags which honored people who died on Sept. 11, 2001 and military members who died

fighting the war on terror. He has been an integral part of such initiatives as establishing wireless Internet service and setting up surveillance cameras. "I will continue to move projects forward on a daily basis until I leave," **Murphy** said. "We have a good team here and I'm confident that they're going to continue Mayor Leighton's initiatives." Deputy Administrator Marie McCormick will fill in as acting administrator while **Murphy** is in Africa. A policy enacted during Leighton's administration allows **Murphy** and other employees who serve in the military to use accrued sick leave and continue to receive pay. The policy also establishes a bank for employees to donate sick or vacation days to military members. **Murphy** said he will use his accrued sick leave and still will receive a military paycheck when that time runs out. "This deployment will be more of an emotional hardship on my family," **Murphy** said.

Times Leader, The (Wilkes Barre, PA)
June 5, 2007

**W-B OFFICIAL: CITY'S DEAL FOR WI-FI REMOVES RISK**
**W-B HAS NOT HAD TO PUT ANY TAX DOLLARS INTO BUILDING THE SYSTEM.**
Author: Bill O'Boyle

WILKES-BARRE -- As far as wireless Internet projects go, Wilkes-Barre is no Lompoc, Calif., and residents of the city can thank the mayor and his staff for that. **J.J. Murphy**, Wilkes-Barre city administrator and chief executive officer of Wire Free Wilkes-Barre, says Lompoc's approach to become a wireless city was not the model to follow. **Murphy**, who lived in Lompoc while he was stationed at Vandenberg Air Force Base from 1998 to 2000 -- before the wireless project began there -- said he feels Wilkes-Barre's deal with Frontier Communications removes the financial risk from the city and assures a safer and more efficient operation.

Lompoc, a central California city of about 42,000, invested $3 million to blanket the city with a wireless Internet system, promising a quantum leap for economic development in the remote community near Vandenberg. Hard hit by cutbacks at the Air Force base, the Lompoc Net project is limping along, with a few hundred subscribers signed up, far less than the 4,000 needed to start repaying loans from the city's coffers, according to an Associated Press story. Securing a minimum requirement of subscribers doesn't apply to Wilkes-Barre's plan, **Murphy** said, because Frontier will own and operate the system and solicit subscribers.

'The difference here is that we partnered with Frontier," **Murphy** said. "It's their system. They will market the system and they will sign up subscribers. The success of our system is based on the business model that Frontier lays out. But the key component is that we already have four anchor tenants committed to the project." Those anchor tenants are Wilkes-Barre City, Luzerne County, Wilkes University and King's College. Unlike Lompoc, the city has not had to put up any tax dollars into the building of the system. The city will pay $75,000 per year for use of the system once it's up and running, a cost **Murphy** feels any city would gladly accept. "This system will aid our police department, fire department and other city services," **Murphy** said. "There are so many opportunities available through wireless that two years ago weren't even on the drawing board. Wilkes-Barre will be one of the most technologically advanced cities in the entire country. That's something we all can be proud of. Any city would jump at this deal."

**Murphy** said the city's downtown will be completely wireless by Aug. 18. He said traveling around the country to research wireless systems enabled the city to put together a plan that will provide wireless access at the least cost to taxpayers. "We looked at so many systems," **Murphy** said. "We took all that information and decided the best way to go was to find key partners and reduce the financial risk to the city and its taxpayers. We've done that and the entire county will benefit."

Lompoc and some other U.S. cities are finding their Wi-Fi projects are costing more and drawing less interest than expected. According to an AP report, more than $230 million was spent on Wi-

Fi projects in the United States last year and the industry Web site, Muni Wireless, projects $460 million will be spent by the end of 2007. Municipal Wi-Fi projects, AP reported, use the same technology behind wireless access in coffee shops, airports and home networks. Hundreds or thousands of antennas are installed atop street lamps and other fixtures. Laptop computers and other devices have Wi-Fi cards that relay data to the Internet through those antennas, using open, unregulated broadcast frequencies. In theory, one could check e-mail and surf the Web from anywhere.

**Internet – Newspaper Archives Searches**
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

Citizen's Voice
December 10, 2006

**Always someone watching**
Author: Denise Allabaugh

WILKES-BARRE — Everyone on Public Square is being watched through a tower of surveillance cameras. Many people say the cameras make them feel safer and deter crime downtown, while civil liberty advocates argue they are an invasion of privacy. The cameras on Public Square were installed as a test system at a minimal cost to the city to increase security downtown, said City Administrator **J.J. Murphy.** The city only paid for the shipping costs for these cameras, he said.

Elsewhere in the city, nine surveillance cameras were installed in city hall and nine in the Department of Public Works Garage. The city purchased the cameras earlier this year from Interlogic Technologies for $9,850. Mayor Tom Leighton said he can monitor the cameras in city hall from a television in his office. Wilkes-Barre Police Chief Gerry Dessoye and **Murphy** would not say who else is watching the surveillance tapes. Hidden cameras also were installed in other city locations, which **Murphy** and Dessoye would not identify. "We will not disclose all the locations and who is monitoring them. That's why it's a security system," **Murphy** said. "We don't want people to know who's looking at them, when and how often. If people aren't doing anything wrong, they have nothing to worry about."

Signs in city hall inform people that surveillance cameras are in place, but there are no signs in "troublesome" neighborhoods where cameras were installed, **Murphy** said. "There are some cameras you see, but some you don't see. It's the same way in banks," **Murphy** said.

Wilkes-Barre resident Tim Grier recently attended a city council meeting and submitted written requests asking for the locations of surveillance cameras. He also asked who can view images captured by the cameras, how long the images are stored and what measures are being taken to ensure the images are not "misused." City officials were "evasive" in their answers, said Grier, who created the Web site www.unamericanluzernecounty.org. "While bringing new business to the city is important for revitalization, ignoring the civil liberties of the average citizens, who make up the bulk of the tax base, most likely repels as many individuals as these pro-business policies attract," Grier said.

Larry Frankel, legislative director for the American Civil Liberties Union, argues there is no clear evidence that surveillance cameras improve security. When cameras are in public places, that limits people's rights to privacy, he said. He asked who decides where the cameras should be. "There are those who say they aren't accomplishing what they're supposed to," Frankel said. "The government ought to study if they really are helpful for how much they cost or can other measures be taken to make people feel safer." Although no statistics were available showing surveillance cameras improve security, Dessoye said he has been an investigator long enough to know the first thing police check at a crime scene is surveillance cameras. "I think the more

cameras, the better. If you commit a crime and you're on camera, it's a lot easier to identify you and prove the crime," Dessoye said. "I wish the whole downtown was covered with them. I wish the whole city was covered with them. If I don't want someone to see me, I won't go where the cameras are and I hope criminals think the same way."

Robert Finlay, president of Humford Equities, pays for surveillance cameras at the downtown locations he owns, including 15 Public Square, 39 Public Square, Midtown Village and the state Labor and Industry Building. Signs tell the public that these surveillance cameras are in place. Finlay has turned over many tapes to police. Thanks to these tapes, police were able to nab juveniles who desecrated the state Department of Labor and Industry building with graffiti. Cameras helped police catch two purse snatchers, Finlay said. Detectives are reviewing Finlay's tapes to look for a man who has been stealing laptop computers from downtown office buildings, he said.

Downtown Wilkes-Barre business owners interviewed said they are in favor of surveillance cameras. Ron Romanoski, owner of the new Fuse martini club, said he feels secure with Midtown Village covered in surveillance cameras. "I personally believe a system has to be set up with Big Brother watching," Romanoski said. "It brings a sense of security to residents, but we also need to watch crossing boundaries of people's private lives." Joseph (Tex) Clauss, owner of Campus Square Billiards, was unaware that surveillance cameras were on Public Square until a reporter told him about the tower. He doesn't see cameras as an invasion of privacy, but he was quick to add, "If the bad guys know they're there, they're a good thing." "Basically, they patrol the streets," Clauss said. "They should act as a deterrent."

More cameras will be installed in the future when the city establishes wireless Internet service, **Murphy** said. "It's a different society we live in today," **Murphy** said. "We are going have an extensive camera network set up in the city so people have an additional safety mechanism. Ultimately, this is what is going to separate Wilkes-Barre from other towns our size. "Scranton is following in Wilkes-Barre's footsteps. Installation of security cameras in Scranton is expected to begin early next year, city officials said. Siemens Building Technologies, of Buffalo Grove, Ill., was awarded a $219,985 contract for installation work.

Times Leader, The (Wilkes Barre, PA)
November 22, 2006

**CITY PURCHASES PROBLEM STRUCTURES DURING COUNTY TAX SALE OFFICIAL: PROPERTIES ON HANOVER AND RIVER STREETS BOUGHT OUT OF FEAR NEW OWNERS WOULDN'T PROPERLY REPAIR THEM**
Author: Jennifer Learn-Andes

WILKES-BARRE - Arthur Ward had it all planned out. He would live the rest of his days in the well-kept Hanover Street row home that he and his wife shared for 53 years. "Our vacation was our front porch. That house was our pride and joy," the 80-year-old said on Tuesday. But that changed at 1 a.m. March 22, when fire in an adjoining property forced him to move to an apartment. The fire had followed months of loud noise, round-the-clock traffic, code violations and crime problems at the adjoining 148 Hanover St., he said. Wilkes-Barre officials hope the city's purchase of the eyesore property for around $5,000 at Monday's Luzerne County back-tax sale will give some relief to Ward and other neighbors who have complained repeatedly for more than a year.

The county sold the property because owner Renee Morinelli owed taxes from 2004 or earlier. City officials plan to hire a demolition contractor to figure out a way to cut out the charred remains while leaving the adjoining properties and the entire façade intact, said city Administrator **J.J. Murphy**. The city also purchased an eyesore property at 445 S. River St. with an adjoining lot for around $20,000 from Monday's back-tax sale. The city bought the properties fearing that they would be snatched up by people who buy them cheap without the funds or desire to properly repair them, **Murphy** said. He cautioned that city inspectors will keep tabs on absentee landlords who bought these properties to make sure they bring them up to code. "If they think this is the Wilkes-Barre of old, they are wrong. It's not a place where you can come in and take advantage of our residents," **Murphy** said.

The 445 S. River St. property has been written up for code violations for at least five years. **Murphy** said the owner, James Morrison, is in prison. City officials visited him in prison encouraging him to sell it to the city, but **Murphy** said he wasn't interested. **Murphy** and other city representatives checked out the property after Monday's sale to make sure it was secure, and he doesn't think it will be cost efficient to fix it up for habitation because "it's falling over." The city will figure out what funds are available and explore possible uses for the property, **Murphy** said. "I'm sure the mayor will talk to residents. The residents down there are some of the most active people in the community and aggressive in their crime-fighting," **Murphy** said. Morinelli said the city's work may allow him to sell the old homestead. He said he doesn't have the energy to redo the place and move back. "My house is completely gutted. My house still stinks of fire," he said. "This ruined our lives."

Internet – Newspaper Archives Searches
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
April 23, 2006

**More News**
Author: Denise Allabaugh

WILKES-BARRE - The city's newly formed Community Action Team will not be the "media circus" the former Neighborhood Impact Team was, Mayor Tom Leighton said. The Neighborhood Impact Team, an initiative of former Mayor Tom McGroarty, often alerted the press before condemning problem properties. Leighton, who disbanded the NIT when he took office, announced the creation of the Community Action Team at a press conference last month. He said although the goal of cleaning up neighborhoods remains the same, the new initiative will be more low-profile.

Leighton said it's not a tenant's fault if a landlord fails to keep a property safe, and he doesn't want to make the resident's problems public. He said he will not tell the media before the city shuts down problem houses. "We want to make sure that we're not violating anyone's rights," Leighton said. "I'm not out to embarrass tenants." The team consists of officials from the mayor's office, building inspector's office, health department, legal department, police department, fire department and zoning office. They inspect properties two to four days a week, the mayor said.

Since March 30, about 50 homes have been inspected, said Greg Barrouk, who serves as community revitalization coordinator and Leighton's assistant. Since Barrouk was named the contact for the Community Action Team in March, he has been fielding a steady stream of complaints about nuisance properties around the city. Three homes have been posted unfit for human habitation, Barrouk said. Six tenants were evicted from an apartment building at 40 Irving Place on Friday, and the city kicked three people out of a condemned property at North Washington and Bennett streets that had no running water. "Major complaints from people are about trash build-up in backyards or siding falling down on houses." Barrouk said. "We are going through the legal process about the more serious complaints."

Some homes that city officials condemned were already vacant, Barrouk said. When occupied homes are shut down and families need to be re-located, city officials contact the Commission on Economic Opportunity to provide shelter, he said. City Administrator **J.J. Murphy** said the team's ultimate goal is not to displace residents, but to clean up neighborhoods. "Although sometimes a family must be evicted if the property is uninhabitable, it at least sends a message to the rest of the neighborhood that we're serious about cleaning up the city," **Murphy** said.

**Murphy** also stressed the differences between the Community Action Team and McGroarty's Neighborhood Impact Team, which was the target of several lawsuits. Landlords claimed the city violated the 14th Amendment to the U.S. Constitution, which protects rights of property owners. The lawsuits were settled out of court. Assistant Solicitor Bill Vinsko said the new team is "making sure the legal avenues are covered so that we can really make an impact." Team members can only enter a home if they have the property owner's permission or if they have

"probable cause" to be there, Vinsko said. If a police officer responds to an incident and spots code violations, he can notify the code enforcement department, he said. "You can't just walk in and start inspecting properties without being invited in or permitted in without a search warrant," Vinsko said.

The media is not notified every time the Community Action Team inspects properties, although the media was notified of every Neighborhood Impact Team inspection. **Murphy** said it will not be the "spectacle" the Neighborhood Impact Team was. "The TV cameras and the media are not going to be with us in a way that they intimidate people or embarrass them," **Murphy** said. Tenants cause some problems and landlords cause some problems in blighted properties and "the problem infests itself into the neighborhood," **Murphy** said. He feels it is not "appropriate" to notify the media every time a home is being posted unfit for human habitation and a family is being evicted. "You can't go and take pictures and videos of kids getting thrown out," **Murphy** said. "Although the action might be appropriate, putting that family on the news or putting a picture of them and their home in the paper is not appropriate. We're trying to clean up the city without all the glamour and glitz."

Sally Healey, who headed up the Neighborhood Impact Team, said she believes "working with the press is of paramount importance." "You can't embarrass an errant landlord or a drug dealer too much," Healey said. The press can show the conditions of the houses in blighted condition and when they are cleaned up, Healey said. "The Neighborhood Impact Team was very visible. I believe the visibility of the team gave people hope and gave them knowledge that we were out there posting homes," Healey said. "I welcomed the presence of the press. We had nothing to hide."

McGroarty was known to accompany the Neighborhood Impact Team and often badgered landlords with questions about when they planned to clean up their properties. Leighton has not accompanied the Community Action Team in the field. "I have confidence they can do the job without me leading them and without my interference," Leighton said. "They're responding to problem properties and we're following up on them. They're not just hitting them and going on to new properties. They're repeatedly going back to make sure they (problems) are corrected."

Times Leader, The (Wilkes Barre, PA)
March 1, 2006

**W-B TIGHTENS RELEASE OF INFO TO MEDIA/ REQUESTS FOR INTERVIEWS WITH OFFICE HOLDERS OR DATA MUST NOW GO THROUGH A COORDINATOR.**
Author: Jon Fox

WILKES-BARRE - The city has enacted a new media inquiry policy that requires reporters to go through administrative coordinator Bridget Giunta for requests for information or interviews. City Administrator **J.J. Murphy** said the policy is an effort to streamline communication with the media and more quickly disseminate information. "We're hoping it improves the process," he said. The policy is something Mayor Tom Leighton and members of his administration have been discussing for a few weeks, and it was officially put into place this week, **Murphy** said. "There's been too many instances where the media has been trying to get into touch with us, and we either didn't know about it or didn't get back to them in a timely manner," he said.

**Murphy** said there have been times he didn't get a message from a journalist until after 5 p.m., and he would have been able to easily respond to the question had he gotten word earlier. Funneling requests for information through Giunta, a former intern hired in January 2005, should minimize situations like that, he said. As part of the new procedure, the city fire department will make press releases about incidents available at its headquarters on Ross Street. Such press releases were previously not produced. Police or fire officials will be able to provide basic information such as would be provided in a press release at the scene of an event or after hours, **Murphy** said. A recent situation where a reporter standing next to a city official at the scene of a partial building collapse was unable to interview the official until Giunta was contacted was a mistake, **Murphy** said. The policy should not have prevented the official from discussing the situation, he added.

In the first two years of Leighton's tenure at City Hall, **Murphy** said the administration has had its hands full addressing problems lingering from the previous administration. The new media policy is something they finally got around to, he said. Since the policy's implementation, there have been instances of city officials declining to speak to members of the press until the request went through Giunta. But **Murphy** says the policy is not an attempt to hinder the media or filter comment from key city officials. "If you see a department head they don't need to get permission to speak," he said. "People are going to have the freedom to express how they're going to implement Mayor Leighton's vision in their departments."

Times Leader, The (Wilkes Barre, PA)
February 22, 2006

**A CAMPAIGN OF HIS OWN?**
**LEIGHTON'S RIGHT-HAND MAN J.J. MURPHY IS CONSIDERING A RUN FOR KEVIN BLAUM'S 121ST DISTRICT SEAT**
Author: Jon Fox

WILKES-BARRE - During a lengthy city council meeting earlier this month, Mayor Tom Leighton leaned over to whisper in **J.J. Murphy**'s ear. The young city administrator, seated to the mayor's right, silently rose and walked out of council chambers. When he returned, he handed a cup of water to the mayor who would go on to talk at length with residents voicing their concerns about what seemed to be escalating crime in their neighborhoods.

**Murphy**'s was a small task, but it shouldn't belie the increasingly important role the 34-year-old has come to play in Leighton's administration. In the mayor's absence, **Murphy** fields complaints and requests from city council. **Murphy** has also taken the reins of both the city's Wi-Fi initiative and a move to install security cameras across the city.

And as administrator, it's **Murphy** who manages the day-to-day operations of Wilkes-Barre. He's assumed the mantle of the mayor's right-hand man, but with a possible run for state Rep. Kevin Blaum's seat, where does that leave Leighton and the city? "My number one focus is going to be continuing to push forward the initiatives as city administrator," **Murphy** said Monday.

While he hasn't yet made his official announcement to run, **Murphy**, a Democrat, said a series of meetings last week resulted in a "very positive" response from local business and political leaders. He expects to decide this week. If he does run for Blaum's 121st District seat, **Murphy** said, "I'd be doing my day-to-day city job like I do now and would be running a campaign mostly at night." Blaum announced that he would retire at the end of 2006. The opening has tempted a host of possible candidates to test the waters for their chances at what will be a hotly contested seat. **Murphy**'s tenure with the city spans two mayors and includes two breaks for active-duty service with the Air Force.

A 1993 graduate of King's College, **Murphy** worked for the city in 1996 and 1997 as part of a task force focusing on increasing occupancy rates downtown. **Murphy** left the area to serve as a public information officer at the Vandenberg Air Force Base in Southern California and was hired under Mayor Tom McGroarty as a deputy city administrator when he returned in 2002. For about six months he worked on smoothing over the city's then-rocky relationship with Wilkes University and King's College before being recalled to active duty coordinating search-and-rescue teams at Langley Air Force Base in Hampton, Va. He remains an active reservist.

When he returned at the end of 2003, he was tapped by then-mayor elect Leighton to serve as city administrator. **Murphy** said he has discussed a possible run with the mayor and that Leighton encouraged him to go out and get a sense of how much support he could expect. "We

talked about a lot of issues, and I told him before the final decision was made we'd sit down and talk about all the pros and cons," **Murphy** said. "I relish the job I have now," he said. If **Murphy** does launch a campaign, it could mean a lot of busy evenings in the three months leading up to the May primary. With four small children that's something he said he and his wife have thought quite a bit about.

His brother Patrick's bid for the U.S. House or Representatives is another factor complicating his decision. Patrick **Murphy**, a 32-year-old former Army captain and West Point professor, served in the 82nd Airborne in Iraq from 2003 to 2004. As one of a number of Iraq war veterans running for public office, his campaign has been the focus of some national media attention, appearing on MSNBC's show "Hardball" last week. He's running in Pennsylvania's 8th District, in the Philadelphia suburbs, in an attempt to bounce freshman Republican Michael Fitzpatrick from office. In the Democratic primary, he faces Andrew L. Warren, a former Bucks County commissioner and Republican who switched parties 10 months ago. **J.J. Murphy** had hoped to help his brother in his suburban Philadelphia race, but if he's running a race of his own, that could be all but impossible. "That's what's making this decision difficult," he said.

Times Leader, The (Wilkes Barre, PA)
November 19, 2005

**COPY FEES IRK W-B COUNCIL CRITIC**
**PROPOSED CITY BUDGET FOR 2006 NOW ONLINE**
Author: Jon Fox

WILKES-BARRE - Residents interested in taking home their own copy of the city's proposed 2006 budget must pay $33 in fees at the city clerk's office. "I think that's a crime," Walter Griffith said after Thursday night's council meeting, where he criticized the copying fees. "I feel the residents of the city should have access to the information at no charge," said Griffith, who speaks frequently at council meetings. Residents can view the budget and other public records for free. The city charges 50 cents per page for copies of public records, $1 for double-sided copies. City Administrator **J.J. Murphy** and Mayor Tom Leighton have described the 50-cent fee as covering not only the copying cost, but also the time spent by employees searching for records. "If a hundred people come and ask for copies, it just doesn't happen over five minutes. You have to take someone off whatever other job they have," **Murphy** said. "We just don't have extra employees that don't have anything to do that can make copies all day."

The state law governing open records states that the cost of copies must be "reasonable" and based on "prevailing fees" for copying at local businesses. Staples, an office supply store in Wilkes-Barre Township, charges 6 cents per page. Making copies of documents "takes away from other work that could be done," **Murphy** said. As the city proceeds with a plan to modernize its copy machines, the cost to the city of making a copy could drop to as little as a penny per page, **Murphy** said earlier this month. "In my opinion that fee is excessive and inconsistent with the Right to Know Law requirements," said Teri Henning, an attorney with the Pennsylvania Newspaper Association. Henning added that a recent state Commonwealth Court ruling in April determined that a copying fee of 25 cents per page was reasonable and allowable. County offices charge 25 cents per page.Part of the function of public employees is to serve the public, Henning said. Although she said she doesn't expect an employee's entire day to be filled with copying documents, "it's not unreasonable to suggest that a portion of their duties include responding to public inquires."

City Clerk Jim Ryan said his office does not keep records on the number of requests for documents or the number of copies made for residents, but recalled that several people asked about obtaining copies of the proposed budget. Griffith was the only person who paid the fee to get the budget, Ryan said. In the past, residents have made numerous requests for documents that they never picked up from City Hall, **Murphy** said. "Is that fair?" he asked. "When there are taxpayers out there abusing the system, then maybe that 50 cents is not high enough for someone like that," **Murphy** said. The city, he said, will make an effort to post more documents to the city's Web site. During an interview on Friday, he said he would attempt to put the budget online by the end of the day. But that doesn't change an agency's obligation to produce paper copies at a reasonable cost in line with the state's Right to Know Law, Henning said. "I feel the residents of (Wilkes-Barre) should have access to the information at no charge."

Times Leader, The (Wilkes Barre, PA)
November 17, 2005

**W-B OFFERS DIRECT POTHOLE PATCH**
**RESIDENTS CAN FILE COMPLAINTS ONLINE**
Author: Jon Fox

WILKES-BARRE - Cold winters are a fact of nature in Northeastern Pennsylvania. Cycles of freezing and thawing churn roadways to rubble. Water seeps into pavement, freezes and expands, forming skull-jarring, alignment-fouling potholes. It's nothing new. But now the city is offering pothole-dodging motorists a novel way to complain: on the city's new Web page. Since the site's launch in June shortly after Mayor Tom Leighton's highly publicized "I believe..." speech, the city has received about 50 pothole complaints via the Internet. Navigating from the site's main page, visitors can click on a link to "city services" and then "road maintenance" to fill out a form pinpointing a pothole's precise location. After an initial rush of tips, pothole notifications filed on the site have dropped off since the summer, said Greg Barrouk, an aide in the mayor's office. "I haven't got one in a while," he said.

And after a peak of more than 70,000 hits in June, traffic to the site has tailed off to slightly more than 21,000 visits in October. For a mayoral administration that has stressed technology in its bid to rev up the local economy and awaken a slumbering downtown, the Web site is a basic tool. "The mayor really wanted the public to have the opportunity to see Wilkes-Barre on the Web," said City Administrator **J.J. Murphy**. What people see when they visit the site designed by the city's in-house information technology department is an "I believe..." logo slung across an image of the city skyline on a sunny day. Peppered with exclamation points, the site's copy is drenched in the unbridled optimism characterized by Leighton's "I believe..." speech. In fact, the entire text of the speech can be found on the site along with links to aging press releases.

**Murphy** acknowledges that "it's just a very bad time" for the slightly out-of-date Web site. The information technology department, assembled during Leighton's tenure, only has three employees and is struggling to make due with limited staff, **Murphy** said. The city is pursuing a municipal wireless Internet network and preparing to install a municipal software package that will computerize many of the paper records housed in endless filing cabinets. "We could probably use 13 (employees) in the next couple of months," he said.

**Murphy** said there are plans to add other services to the city's "baseline" Web site. The city "is not taking requests for snow and ice removal," but that will be added soon, according to the site. "Please check back at a later date. Thank you!" the reader is reminded. People appreciate the around-the-clock convenience and the ability to interact with the city administration on their schedule, **Murphy** said. "They seem like little things, but the residents really like that," he said. "Some people work the third shift, and they don't live in the 9-to-5 world."

Internet – Newspaper Archives Searches
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

Citizen's Voice, The & Sunday Voice (Wilkes-Barre, PA)
September 18, 2005

**W-B officials defend trips**
Author: Denise Allabaugh

Wilkes-Barre Mayor Tom Leighton has traveled 3,800 miles at the cost of $4,079 to taxpayers since taking office 20 months ago. The trips have been well worth the miles and the dollars, Leighton said, since they've helped him dig the city out of the more than $10 million debt inherited from the previous administration. But critics, including former city council candidate Walter Griffith Jr., believe these expenses are high. He calls the travel reimbursements "expense gouging," and plans to address city council about the costs at a meeting Thursday at 6 p.m. Records show since 2004, Leighton made two trips to Washington, D.C., eight to Harrisburg, two to Philadelphia and two to New York. He used his own vehicle. "I hate to travel, but it has to be done. These are not fun trips. These are trips we prepare for weeks," Leighton said. "On all these trips, we came back with some really great results."

Financial records show Leighton, three members of his administration and city council members were reimbursed a total of $16,651.33 in travel expenses since 2004. City Administrator **J.J. Murphy** was reimbursed a total of $2,281 for one trip to Washington D.C., five to Harrisburg, five to Philadelphia and two to New York. **Murphy** used a city car. Since 2004, city Planning and Development Director Butch Frati was reimbursed $1,265; Leighton's administrative assistant Greg Barrouk was reimbursed $763; city council members were reimbursed a total of $8,263.

Griffith complained the mayor and city council members continually say the city has no money to repair roads or dilapidated fire stations, "but they continue to abuse the taxpayers by their ability to take reimbursement for travel even though the budget is tight." When asked about travel expenses, Leighton and **Murphy** said they are small compared to the millions of dollars generated for the city as a result of these trips. Leighton, Koval and **Murphy** said it is difficult to quantify the amount of money generated from their travels, but they provided documentation of several trips that saved the city money:

Soon after Leighton took office in 2004, he, **Murphy** and Koval traveled to New York to meet with the bond assurance firm AMBAC to help re-finance the city's pension bond. That saved $14.4 million and helped offset a 24-mill tax increase projected for 2006, Koval said. Trips to Harrisburg to meet with the representatives of the firm of Public Financial Management also helped with pension bond refinancing and helped the city sell the vacant call center on South Main Street, Leighton, **Murphy** and Koval said. On a July 21, 2005, on a trip to Washington D.C., Leighton and **Murphy** met with Congressman Paul Kanjorski, Sen. Rick Santorum and a top official for Sen. Arlen Specter to lobby for $50 million for the Solomon Creek flood control project. Kanjorski recently announced the House approved that $50 million. The Senate and president still must approve the money.

Other trips helped the city obtain funding for the South Main Street redevelopment project, the streetlights, the proposed intermodal transportation center and the Hotel Sterling project, Leighton, **Murphy** and Koval said. The primary goal behind the trips was to rebuild the city's financial structure, Leighton said. When the mayor took office in 2004, the city faced $10.1 million in unpaid bills, a checking account balance of $37,881 and a projected budget shortfall of $3.89 million, Koval said. Now, the city has an $830,000 surplus in the general fund.

"These trips had a large impact on the future of the City of Wilkes-Barre and where we are going on the financial side," Leighton said. "The city was in financial distress. I'm very proud that we paid all our bills and our vendors." Of the seven Wilkes-Barre council members, Councilwoman Kathy Kane spent the most for travel with a total of $2,800. Kane, a member of a Human Development Committee, said she attends conferences dealing with health care and education and brings back information to the city. Many are National League of Cities conferences. "You can go to a convention and do nothing. I don't do that," Kane said. "They're not joy rides at all. Some involve 9 to 5 meetings and working through lunch."

Councilman Jim McCarthy, chairman of the Northeast Region of the Pennsylvania League of Cities, was reimbursed $2,510 for travel since 2004. He said conferences help the city obtain grants. "They are learning experiences," McCarthy said. "You find out what other cities are doing to improve their government and you find out what grants are available. You get to talk with other council members and mayors to see what they're doing to make things better." Councilman Tony Thomas was reimbursed $1,401 for travel expenses, including $517 for a National League of Cities conference in Nashville, Tenn. and $594 for the International Association of Amusement Parks and Attractions Convention Show in Orlando, Fla.

At the National League of Cities conference, Thomas said he learned more about the $52 job tax. Thanks to the IAAPA conference, attended by 8,000 vendors, Thomas learned about the Healing Field, the Sept. 11, 2001, tribute that graced the lawn of Kirby Park. The city made $55,000 from the Healing Field, Thomas said. Thomas said he learned how the city could repair the Coal Street Park pool instead of building a new pool. He estimated that saved about $800,000. He found benches for Kirby Park and a company to repair the fountain on Public Square. He also learned more about playground equipment for Kirby Park. Thomas said he paid half the cost for the IAAPA conference since he also learned about ways to help his own business, Tony Thomas Deli and Catering on South Main Street, which operates snack bars at Kirby Park and Coal Street Park. "I will stand by these expenses 100 percent because of how much we saved by going to these conferences," Thomas said.

Since 2004, Councilman Mike McGinley was reimbursed $961. Councilman Bill Barrett was reimbursed $589 for airfare and the fee to attend a National League of Cities conference last year in Indianapolis, Ind. Council Chairwoman Shirley Vitanovec and Councilman Phil Latinski received no travel expenses since 2004, records show. Barrett said the National League of Cities conference had a very good program designed to teach newly elected officials how to deal with the media. "I learned how to do the most for constituents and how an ordinance is constructed. Just that information alone for me was worth the expense," he said. Griffith complained,

however, that city council members travel to these conferences "on taxpayers' money year in and year out and the city still seems to be in a state of disrepair and disorganization." Christine Katsock, president of Wilkes-Barre Taxpayers Association and a former candidate for mayor, also feels travel expenses are high. "Knowing that he (Leighton) raised every tax possible against the taxpayers, to spend money that way seems a little irresponsible," Katsock said.

Internet – Newspaper Archives Searches
John J. "J.J." Murphy
*(Articles are in reverse chronological order)*

Times Leader, The (Wilkes Barre, PA)
June 7, 2005

NAMES AND FACES

Wilkes-Barre City Administrator **J. J. Murphy** will be honored by King's College with the Leo Award during Reunion Weekend at the College's Sheehy-Farmer Campus Center. The Leo Award is presented to an alumnus/alumna within 15 years of graduation who has demonstrated outstanding achievement in his/her professional or community activities. The award is named for the King's College mascot; it suggests the energy, pride and sense of purpose which the recipient personifies.

**Murphy** of Wilkes-Barre is a 1993 graduate of King's College. He has distinguished himself in military and civil service, while spending many hours volunteering in the communities in which he has lived. As a military officer, **Murphy** volunteered over 3,000 hours and received the 2001 Volunteer of the Year award. In civilian life, he is currently the youngest city administrator in the history of Wilkes-Barre. As founder and president of GOALS Foundation, he is dedicated to helping children afford youth sports programs. He has coached, tutored, refereed, trained hockey officials and coordinated visits to multiple Department of Veterans Medical Centers.

King's College is honoring Elmer "Tippy" Kozick and Lucy Wujcik Baloga with the Robert J. Ell Award for Service to Alma Mater during Reunion Weekend at the Sheehy-Farmer Campus Center. Named for Robert J. Ell '50, the first director of Alumni Affairs who served in that position until his retirement in 1991, this award is conferred upon an alumnus/alumna for extraordinary service, dedication and commitment to King' College. Kozick of Wilkes-Barre graduated from Coughlin High School and served in the U.S. Navy during WW II. He transferred from Villanova University to King's College in his sophomore year and quarterbacked the fledgling football team. He was captain of the team and also vice president of the first graduating class in 1950.

Baloga, a certified school psychologist and Pennsylvania licensed psychologist, is a private practitioner as well as a guidance counselor at Hanover Area High School. She is active in many educational and counseling associations, and has dedicated much time to Special Olympics, officiating at track and field meets, and to King's College. Baloga volunteered in almost every Alumni Phonathon, usually serving as class or section chairperson. In 1994, she served as chairperson, raising $365,693. She is the 1985 American Business Women's Association Community Woman of the Year and also is an active member of Holy Redeemer parish, serving 13 years as a CCD teacher and lector. Baloga, of Plymouth, is a 1975 graduate of King's College.

Times Leader, The (Wilkes Barre, PA)
December 14, 2004

**TOW CO. OWNER SUES W-B OVER REPAIR BILL**
Author: Lane Filler

WILKES-BARRE - City Wide Towing owner Bob Kadluboski says the city owes him nearly $8,000 for repairs done to a work truck, but refuses to pay, according to a lawsuit. The suit alleges that City Wide repaired truck No. 181 in 2003 and sent the bill in September 2003. After receiving no payment, City Wide resent the bill two months later. Filed in July, Kadluboski's suit says he next hand-delivered the bill to then-Mayor Tom McGroarty's desk in December, sent another bill in January 2004, and mailed yet another in February to City Finance Director John Koval via certified mail. Kadluboski alleged that when he talked to Koval, he was told the bill had been lost. He faxed a copy of the bill, which was also lost, the suit says. Kadluboski then hand-delivered a copy of the bill to Koval, and was later told by City Administrator **J.J. Murphy** that the bill was ``padded."

Kadluboski is in the center of several feuds with the city. His company recently lost the city's exclusive towing contract, for which he paid no fee. City Purchasing Director Ronnie Trimble, acting as arbitrator, ruled the city could end the contract. Kadluboski had been accused of being rude to customers and refusing to present them with itemized bills. He is also crusading for the state to take a harder look at the city's finances and claims the pension system for elected officials is wrong and illegal. Contacted about the suit, Kadluboski had little to say, commenting only that, ``We're trying to get it settled." Asked how much money he would take to settle it, he answered, ``All of it."

**Murphy** said he believes the truck was 10 years old or older and that the city has questioned what Kadluboski did to it, adding, ``We have no paper work on it." Mayor Tom Leighton said he could not comment on the matter because it is in litigation. The case is scheduled to be heard before District Justice William Amesbury on Jan. 13.

Times Leader, The (Wilkes Barre, PA)
November 19, 2004

**W-B OFFICIAL'S HOME TARGET OF INVASION ATTEMPT**
**THREATENING NOTE LATER FOUND**
Author: Jon Fox

WILKES-BARRE - A man tried first to talk his way into the home of city Administrator **J.J. Murphy** and then tried to barge in Wednesday afternoon, police said. It appears the unidentified man was motivated by animosity toward **Murphy** and Mayor Tom Leighton. Police, who are investigating the incident, say a man who identified himself as a city employee approached **Murphy**'s wife in the yard of their South Wilkes-Barre home at about 4 p.m. and said he had been sent by the mayor and **Murphy** to check the water pipes in the house. The man also said he had just left the mayor's home. **Murphy**'s wife, who was home alone with her three young daughters, locked her door and called her husband to verify the man's story. **Murphy** then called police. The man then tried to open the locked door, shouted an obscenity and left the property. On Thursday an unsigned handwritten note was found in **Murphy**'s mailbox indicating the man had been harmed by a decision made in City Hall and that the mayor and the city administrator would get "our just due," **Murphy** said. "I'm not going to be intimidated," **Murphy** said Thursday. "I'll be at work bright and early tomorrow morning."

Chief Gerry Dessoye said an attempt of this type perpetrated on any resident would be a serious matter, but added "I'm looking at this differently." "This is more than just a threat against an individual," he said. This appears to be an attempt to terrorize public officials and affect the government of the city, he said.

Times Leader, The (Wilkes Barre, PA)
April 8, 2004

**CITY HALL VISITS TO GET A BIT EASIER**
**WILKES-BARRE REORGANIZING OFFICES TO MAKE BUILDING MORE CUSTOMER FRIENDLY.**
Author: Kasia Kopec

WILKES-BARRE - Securing a building permit from City Hall for home improvements has meant getting plenty of exercise climbing steps, or punching a lot of buttons on the elevator. For starters, permit-seekers had to visit the code enforcement office on the second floor to fill out an application. Next, they ascended the stairs to the third floor to obtain approval from the city's zoning officer. Then it was back down to the first floor to pay, and yo-yo back up to the second floor to pick up the permit. Then back down to the first floor to leave the building. That will soon change.

``Things weren't set up in a very customer friendly way," said City Administrator **J.J. Murphy**, who is coordinating a building-wide reorganization aimed at simplifying traffic patterns for residents and others with city business. The code enforcement office is among those in the process of relocating as part of the ongoing reorganization, said **Murphy**. It will now be housed on the third floor, adjacent to zoning. In addition, the controller's office will move down from the third floor to the second, nearer to the city's finance office. Beatrice Bolacker Reiss, who mans the mayor's helpline on the fourth floor, heads to the first floor. ``Having Beatrice on the first floor will make it easier to get information in person, especially for seniors," said **Murphy**.

But even with the tweakings, City Hall visitors will still find they have to go somewhat out of their way. For example, those in need of building permits will be able to accomplish most of their business on the third floor. However, they will still have to make a trip to the first floor to pay, and then return to the third floor to collect permits. **Murphy** said the city's new computer system, expected to be up and running within six months, will enable staffers to print permits in the same place payment is taken, eliminating the need to trek or ride back upstairs.

Internet – Newspaper Archives Searches
**John J. "J.J." Murphy**
*(Articles are in reverse chronological order)*

Times Leader, The (Wilkes Barre, PA)
November 13, 2003

**ACTIVATED ARMY RESERVIST J.J. MURPHY'S JOB IS SLATED TO BECOME HALF-TIME NEXT YEAR.**
Author: Michael McNarney

WILKES-BARRE - Deputy City Administrator **J.J. Murphy** was in town Wednesday to close on the sale of his Parrish Street home, but says he wants to come back and serve in the administration of Mayor-elect Tom Leighton once his Air Force tour is finished. ``I certainly think it's a very exciting time in Wilkes-Barre," **Murphy** said. ``As for as what my role is, I guess it's open." **Murphy**, a Air Force Reserve captain, was called to active duty in April. He helps coordinate search-and-rescue operations from Langley Air Force Base in Virginia. He said he'll remain on duty until April, at least. **Murphy** got Election Day off and wore a ``Leighton for Mayor" button at Leighton's headquarters. He also donated $125 to Leighton's campaign. ``I have not talked to him about my position, but I hope he considers me for a position within his administration," **Murphy** said.

**Murphy** technically remains a city employee, though he is not paid his $51,900 annual salary. He and his family still take city health benefits; federal law requires employers to continue benefits while reservists are on active duty. **Murphy** sold his home at 295 Parrish St. because it was getting too hard to keep it as well as the apartment he took in Langley because of the lack of on-base housing. His wife - who is expecting - and their children split time between her parents' house in New York and his folks' house in Hershey. **Murphy** said he will take an apartment in Wilkes-Barre to maintain a residence here.

**Murphy**'s situation is unique because federal law requires employers to hold open the jobs of reservists who are on active duty. However, the law doesn't keep an employer from eliminating the position outright. McGroarty, in his proposed 2004 budget, reduced **Murphy**'s position to half-time. ``If the job was going to be going away regardless of his military situation, then he has no comeback" said under federal law, Army Lt. Col. William DuPont. DuPont works with Employer Support of the Guard and Reserve, a Virginia-based group that advocates for reservists.
Leighton said he'd talk with **Murphy**. ``I would definitely encourage him and anyone else interested in working in my administration to apply. He possesses some talents and experience and I'd be willing to sit down and listen to hear how he can be an asset on my team."

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 11*

# *Christopher "Chris" R. Philbrick*

# *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

CHRISTOPHER RONALD PHILBRICK
[redacted]

August 26, 2016

Colin Baenziger & Associates
2055 South Atlantic Avenue, Suite 504
Daytona Beach Shores, FL 32118

Dear Colin,

I recently received the recruiting announcement for the City Manager position in Port St. Lucie, Florida. I would like to apply for the position.

As you will see from the enclosed resume, I am an outstanding leader and manager with over 25 years of experience leading and directing day-to-day operations for fast paced complex organizations as well as partnering with elected officials and staff to solve problems while also being a supportive and trusted advisor. I excel in building high performance, citizen-friendly communities utilizing a patient, strong, confident and independent leadership style that emphasizes collaborative efforts with all citizens. This leadership and management skill set has been successfully tested in diverse organizations and highly-visible situations. I am a senior management executive as comfortable in leading change and process transformation as advising elected leadership on key community issues impacting mission success.

In addition, what I bring to this managerial and leadership philosophy, is the capacity as a strong, highly motivated leader and manager to rapidly solve problems when they occur, as well as the ability to partner with leaders and engaged citizens to chart the way ahead while providing reasoned and rational solution sets to address community issues and challenges. I am a tested, proven, open minded leader who is skilled in municipal management activities as well as how best to navigate necessary changes to process/program management while infusing an energy, enthusiasm, and passion into my efforts to solve city issues. My diverse experience, knowledge, skills and abilities helps me be a resolute manager and leader who works to build teams and always strives to be part of the solution. I have an outstanding record of building partnerships with diverse groups and truly enjoy working with members of the community.

With this background, as well as my two Masters Degrees in Strategic Planning and Management, I am certain I can be a valuable and contributing member as the next City Manager for Port St. Lucie. I look forward to hearing from you.

Sincerely yours,

*Christopher R. Philbrick*

CHRISTOPHER RONALD PHILBRICK [redacted]

[redacted] Email: chris.philbrick@hotmail.com

## SUMMARY

Twenty-five plus years of responsible government experience and expertise in the following areas:

- Leadership
- Staff Development
- Public Safety
- Problem Solving
- Analytics
- Labor/Union Negotiations
- Budget/Finance
- Strategic Planning/Vision
- Community Relations

An innovative, achievement-oriented leader with a demonstrated track record of accomplishment as well as success in leading teams of varying sizes to meet difficult goals in tight time frames. Experienced in fiscal operations, change management and specializing building teams. Community-oriented, ethical and transparent municipal management professional, with a broad perspective of leadership and management that has been successfully tested in critical situations.

## RELEVANT MUNICIPAL GOVERNMENT EXPERIENCE

*Garrison Commander (City Manager)*, Fort Irwin, CA (2005-2008)

Fort Irwin is a full service city with a diverse population of 23,000 covering over 1000 square miles. It is situated in the Mojave Desert in San Bernardino County, California (population 2.08M). It is located 37 miles northeast of Barstow, California, and 152 miles from Las Vegas, Nevada.

*Duties and Responsibilities:*

- Chief executive officer and supervisor of a full-service city with 2000 full time employees and a $278 million city budget. Direct reports include: public safety (police, fire, and security); finance; public works; housing; parks & recreation; administration; community relations; city utilities (sewer, water, gas and power); transportation; and logistics.
- Direct supervision of 18 managers, with responsibility for execution of programs and policy directed by seven administrators.
- Preparation and administration of the City's operating and capital budgets, administration of the city's day-to-day operations as well as identification and resolution of long range issues.
- Responsible for city compliance with County, State and Federal regulations such as health, environmental, transportation, public safety, labor and equal employment opportunity.

*Achievements:*

- Restored morale and built a high performance management team by restructuring, retraining and developing existing staff. Eliminated redundant layers of bureaucracy to become more responsive to community needs while reducing chaotic reactions to leadership requests.
- Cut city budget by 10% while maintaining existing levels of service. Overhauled financial system cycles. Shifted budget focus from "salami-sliced" funding approach to annual budgets based on agreed targets, forecasts and plans. Efforts resulted in FY 2007 Budget Award.
- Served as city lead during the design and development of an $18M downtown economic development project for 26,000 square-feet of retail space, apartments, and community plaza.

- Led city effort to improve housing quality & availability through a $500M private/public housing development venture that led to the creation of over 400 new homes and revitalization of 645 existing single family residences in a three-year period. Enhanced quality of life for the city and directly contributed to new economic development while improving retention rates of critical workers and professional employees by 27% in a two period.
- Led the design, funding, construction and administration of a $100M water treatment facility allowing for vital expansion of city infrastructure and community economic development.
- Led a series of city wide information technology management initiatives, including a new evaluation system, employee satisfaction surveys & "high performance organization" analytics.
- Restored financial integrity to infrastructure sustainment and modernization operations; reduced operating expense by 9% and increased city facility modernization efforts by 15%.
- Led city solid waste recycling (federal & state grants) program that achieved a 33% increase in total tonnage collected and 24% decrease in land fill use in 1st implementation year. Savings paid for project ($2.7M) within 26 months.

*Battalion Commander (Deputy City Manager),* Fort Rucker, Alabama (2000-2002)

Fort Rucker is a city with a diverse population of 21,000 covering over 25 square miles. It is located in the southeast part of Alabama within Dale and Coffee Counties. It is situated 93 miles south of Montgomery, Alabama.

*Duties and Responsibilities:*

- Deputy Chief Executive of a full-service community with 875 full time staff and $235.9M budget.
- Direct supervision of 8 managers, responsible for program/policy execution directed by five administrators.
- Led preparation efforts for the City's operating and capital budgets
- Provided support to the City Manager by serving as a liaison on major projects; supervising and directing staff; and expedited resolution of matters as directed by the City Manager.

*Achievements:*

- Planned, coordinated and directed an extensive facilities management program for the city involving 223 separate buildings, 375K square feet of space and $7.5M/year budget.
- Developed and directed the implementation of "high performance organization" metrics to support financial management and office services programs for the City Manager.
- Designed City-wide analytical program designed to capture financial data necessary to support mid/long-range strategic decision making processes.
- Served as principal advisor to the City's Economic Development, Regional Transit, and Public Safety Councils with responsibility for far-reaching policy issues and applicable regulations.
- Led City Negotiation Team during three separate union contract negotiations. Team was praised for leadership & cooperation skills handling complex issues efficiently and effectively.
- Served as city liaison to four local colleges and universities.

***Principal Municipal Advisor, Ministry of Defense, Baghdad, Iraq*** **(2008-2009)**

The Ministry of Defense is the Iraqi government agency responsible for the security of Iraq. It directs all Iraqi Armed Forces (Army, Air Force and Navy) and has over 300,000 personnel.

*Duties and Responsibilities*:

- Provided counsel to the Minister of Defense (MoD) on all aspects of military & civil municipal operations during the design and development of Iraq's fledgling military force.
- Led a ten person bi-lingual/bi-cultural strategic policy training team responsible for providing development advice and implementation strategy for the $50B municipal reconstruction effort.
- Negotiated with public and private sector entities on multiple municipal construction projects.

*Achievements*:

- Served as principal advisor to the Minister of Defense on all functions related to budget, facility operations, client services, energy/environmental initiatives, and business systems.
- Negotiated multi-year funding, coordination, and implementation for Iraqi military training facility infrastructure valued in excess of $500 million that supported 28 separate facilities.
- Led the transition from a monetary based patronage system of selection for Iraqi Civil Servants to a cutting-edge, educational achievement based human resource model. Program was recognized by Iraq's President and graduated 200 civil servants in the first program year.
- Recognized for "building the path for reconstruction" by using intellect, energy, patience, and enthusiasm while constantly seeking ways to improve efficiency, effectiveness and productivity.

**Management Consultant, Dumfries, VA (2011-Present)**

Independent expert specializing in government consulting with a municipal management focus. Activities involve identifying critical resources while working with diverse organizations to distinguish best practices and develop and implement innovative "high performance organization" process improvement models, initiatives and programs. Experience includes working with municipal, state, and federal agencies to adapt to rapidly shifting environments while generating support for change at all organizational levels. Sample Engagements:

- Nebraska City, Nebraska: Guided Mayor in the development of city manager position requirements in order to recruit an experienced, well-rounded professional to work creatively with the City Council in order to realize the City's vision and strategic goals.
- International Critical Incident Stress Foundation (ICISF): Advised the Chief Executive Officer on innovative process improvement methodologies to provide leadership, education, training, consultation, and support services in comprehensive crisis intervention and disaster behavioral health services to public safety organizations, and communities worldwide.
- US Army: Provided a program assessment of "lessons learned" with respect to environmental, material, physical and behavioral health conditions, and gaps in Army health promotion policy and program implementation. Results helped identify challenges confronting soldiers and families requiring urgent solutions to reduce stress and enhance team effectiveness.

## ADDITIONAL GOVERNMENT EXPERIENCE

**Department of the Army (1981-2011)**

The United States Army is one of three military departments (Army, Navy and Air Force) reporting to the Department of Defense comprised of 600,000 personnel tasked with national defense. During a thirty-year career, I rose in rank from second lieutenant to colonel with corresponding increases in duty and responsibilities. Prominent positions included:

- Principal advisor to the Secretary of the Army and Vice Chief of Staff, Army, with direct oversight of the US Army's world-wide health and well being programs.
- Chief of Staff for the Headquarters Activities, Joint Cross Service Group (JCSG), reporting to the Secretary of Defense to address Base Realignment and Closure (BRAC) implications for common business-related functions and processes across the Department of Defense.
- US Army Liaison to the Departments of Veterans Affairs, Homeland Security, Health and Human Services, and Congressional Committees on Health Promotion related programs and policies.
- Selected for six command positions as well as two combat tours in Iraq.

## EDUCATION

Master of Arts – Strategic Planning, US Army War College, Carlisle, PA – 2003
Master of Arts - Management, Webster University, Saint Louis, MO – 1994
Bachelor of Arts – Government, Norwich University, Northfield, VT – 1982

## AWARDS

Distinguished Service Medal 2011
Legion of Merit Medal 2009, 2008, 2005
Meritorious Service Medal 2002, 2000, 1998, 1996, 1993
Bronze Star Medal 1991
Community Volunteer Award 2008, 2002, 1998, 1993

## PROFESSIONAL AFFILIATIONS

International City/County Management Association (ICMA)
Military Officers Association of America (MOAA)

# *Candidate Introduction*

## CHRISTOPHER R. PHILBRICK

### EDUCATION

Master of Arts-Strategic Planning, US Army War College, Carlisle, PA 2003
Master of Arts-Management, Webster University, Saint Louis, MO 1994
Bachelor of Arts-Government, Norwich University, Northfield, VT 1982

### EXPERIENCE

| | |
|---|---|
| Management Consultant | 2011 – present |
| Director, Headquarters, Department of the Army, Washington, DC | 2009 – 2011 |
| Principal Municipal Advisor, Ministry of Defense, Baghdad, Iraq | 2008 – 2009 |
| City Manager, Fort Irwin, CA | 2005 – 2008 |
| Chief of Staff, Department of Defense, Washington DC | 2003 – 2005 |
| Deputy City Manager, Fort Rucker, AL | 2000 – 2002 |
| Various Positions of Increasing Responsibility, United States Army | 1982 – 1999 |

### BACKGROUND

Fort Irwin is a full service city with a diverse population of 23,000 covering over 1000 square miles. It is situated in the Mojave Desert in northern San Bernardino County, California (population 2.08M). It is located 37 miles northeast of Barstow, California, and 152 miles from Las Vegas, Nevada. It serves as the United States Army's premiere military training facility for brigade-sized (5000+ personnel) training operations. The city is home to a wide range of organizations including the 11th Armored Calvary Regiment. Operations Group and the 916th Support Brigade. Major capital improvement projects include construction of 550 new homes, new downtown retail shopping mall, new transportation facilities, new electrical sub-station and new water distribution plant. Fort Irwin's General Fund budget comprised $168.7 million and the total budget was $278.3 million in 2008. That excluded major capital projects such as the ongoing road improvement project budgeted at $100 million, $75 million sewage treatment plant and $18 million downtown development effort. The City has 2000 full time employees with twenty-eight departmental directors/managers reporting directly to the City Manager. The city also supported four schools, two childcare facilities, three lodging facilities and four dining establishments.

The three most significant issues facing the City were:

- Revenue reductions. During my three-year tenure, budget reductions reduced by nearly 18%, available revenue for federally mandated functions (functions the City must perform). These functions had increase user rates by 22% during the same timeframe. Budget adjustment and program deferrals were required to make up cost differentials.

- Aging infrastructure. Thirty-seven different facilities of varying size and function, built during 1965-1975, served the city workforce. Most had significant health and safety (H&S) issues with antiquated HVAC systems, lead paint, and asbestos contamination. All but three buildings were not in compliance with federal ADA mandates. Two new LEED Gold certified administrative buildings were constructed (total project cost-$58 million) to help alleviate H&S issues. Two more public safety construction projects were programmed for future budget cycles to eliminate remaining H&S issues.
- Downtown city commercial/housing development. The city has had great success designing and developing single-family homes in various neighborhoods in the previous two years. We had not achieved the same success with apartments and other low density dwellings. Additionally, a total lack of retail food and shopping establishments in our city center created second and third order impacts on quality of life issues for many of our younger residents. The problem exacerbated challenges with recruiting and retaining a high skilled workforce. An $18 million downtown economic development project has helped address these issues and help the city recruit and retain a highly skilled workforce.

## GENERAL. MANAGEMENT STYLE AND EXPERIENCE

I am interested in this position because it is part of a vibrant full-service community providing world-class business opportunities, jobs, culture, recreation, and core infrastructure to a significant and diverse population. These dynamics, coupled with the challenges and issues that will need to be addressed to move Port St. Lucie forward as an exciting, dynamic and progressive community, propelled my desire to apply for this great opportunity. This position is a perfect fit for my personal career goals because I believe the city is seeking to hire someone with the qualifications and skills that I bring to the table. Over the past twenty years, I have held increasingly responsible positions as a senior level government executive who has made long term commitments to achieving success. I believe I have unique interpersonal and communication skills coupled with integrity, honesty and a public service motivation that is second to none.

The management style I bring to this position has been developed in multiple positions of executive responsibility. In general, I always strive to provide clear direction to team members while endeavoring to remain hands-off, but always ready and available to interject and offer guidance, expertise, and help when needed. In terms of what makes my style distinctive, I go out of my way to make sure I know when my team or individual employee needs help. I don't hang around and wait to be called upon by my direct reports—I go to them. That means plenty of informal check-ins, both on the work they're doing and on their general job satisfaction and mental well-being. I am extremely adaptable and utilize a collaborative approach to problem solving that had been tested in the most demanding and extreme of environments. In every organization where I have served in a leadership position, I have found professionals who operate with minimal input while others need significantly more feedback and oversight. Some of the latter, even after very reasonable effort has been made, just do not succeed. Over the

course of my career I have taken almost every personnel action possible, both positive and punitive. Except in extreme cases, I've been able to approach actions in a rational manner such that employees had opportunities to remedy their issues and were not surprised by my actions.

Every member of the team I have ever worked with has taught me something new, and I believe that many would say they have learned something for me as well. I have always believed in building a strong bench that has depth and is ready to adapt to change and adversity. Municipal management organizations are highly dynamic and evolutionary and a static management style is ineffective. In my experience it is not the team with the smartest employees that succeeds. It is the one that is most adaptable to change. Unexpected occurrences/situations happen all the time-from key personnel choosing to leave the organization, to changes in strategic directives or unforeseen emergencies. As a result, I have always sought to coach, teach and mentor employees to develop their skills and enable them to take control in any situation, so they can ensure continuity, effectiveness and achieve success. Maintaining this adaptability has sometimes required unique administrative/management actions such as: adaptive training; professional development; compensation; position reclassification; policy revisions; staff restructurings; union negotiations; and performance review assessments.

The officials I have served would say that I am an experienced, motivated and personable team player who is a highly skilled and action oriented achiever. In addition, they would add that I am an innovative and creative thinker who has successfully planned, organized and administered billion dollar projects that supported millions of people worldwide. Peers would say that I am an exceptional teacher and trainer who is dedicated, resilient and decisive. Staff would say they appreciated my flexibility, availability, teamwork, clarity, leadership, commitment, support, high standards, technical know-how and recognition of accomplishments. All three groups would see me as a leader and manager who knows how to accomplish the mission, lead others, extend influence beyond the immediate team, lead by example, create a positive work environment and master resources, processes and systems. Examples include: city-wide solid waste recycling program that achieved a 33% increase in total tonnage collected and a 24% decrease in landfill use in the 1st implementation year and completion of highway upgrades to a politically and environmentally sensitive area, 200K under budget and three months ahead of schedule.

My greatest strengths are my leadership and management skills. I know how to build teams, build trust and empower subordinates. These strengths include: the ability to assign, review, and supervise the work of others; objectivity and fairness in judging people on their ability, and situations on the facts and circumstances; the ability to adjust to change, work pressures, or difficult situations without undue stress; a willingness to consider new ideas or divergent points of view; and the capacity to "see the job through." The approach I utilize brings together visioning, planning, budgeting, designing, project management, operations, and stakeholders. A recent project involved conversion of city public housing to a public entity. It included the challenge of laying groundwork to establish a long term lease of government land to a private housing development company. The public/private venture (PPV) project also encompassed retraining of housing staff to provide government oversight to the PPV along with the funding

and construction of over 500 new homes and revitalization of 645 existing single family residences in a three-year period. The significant number of stakeholder groups, fierce opposition to changes to the status quo and the potential environmental impacts of these dwellings presented unique challenges and required singular leadership and management skills.

In terms of weaknesses, I recognize that at times my tendency to "provide as much information as possible" to the team was an obstacle. Past experience has taught me that "too much information" can be almost as damaging as "too little information." I have worked hard to overcome the tendency of providing loads of extraneous data by writing and/or verbally communicating in a clear, concise, organized, and convincing manner for my intended audiences. In this manner, I have applied past constructive criticism to improve my delivery methods while remaining positive and ensuring diverse perspectives are carefully and thoroughly considered.

I am proud of my leading role in the city effort to utilize rigorous performance measures to improve housing quality & availability through a $500M private/public housing development venture that led to the creation of over 500 new homes and revitalization of 645 existing single family residences in a three-year period. This effort immeasurably enhanced quality of life for the city and directly contributed to new economic development while improving retention rates of critical workers and professional employees by 27% in a two period. The private/public venture (PPV) partnership I helped develop was the first of its kind in California. It provided award winning single-family homes for city residents in general and for numerous city employees in particular. The results were significant quality of life improvements in twenty-five applicable city management performance metrics. Housing wait times, work order completion rates, customer satisfaction analysis and key personnel retention rates all improved by a minimum of 18% as a result of this PPV initiative. The city received numerous local, regional and national awards as well as countless requests from other cities to share city metrics, lessons learned and best practices. An unexpected second order effect of this effort was evident in our ability to recruit new employees. Previously, the lack of quality family housing had deterred many from considering Fort Irwin as an employment location. Data collected during new employee applications and interviews indicated a 43% increase in the number of individuals who were considering moving to Fort Irwin for job opportunities because of our new housing. The PPV project remains exceedingly successful over a decade later. City performance measures and specific quality of life metrics designed and implemented to monitor the end results of this effort have improved in every category.

In terms of misgivings, I regret not being able to consistently deliver youth sports quality of life improvements for the community. Due to significant budget cuts during the 2006-2007 budget cycles, dramatic cuts were required to balance the city budget. One area that suffered greatly was our community youth sports programs, particularly those offered as after-school alternative activities. The loss of these programs resulted in an increase in juvenile issues and incidents across the city. It also placed an increased burden on many single parents who relied on these youth sports programs as a safer alternative to children being at home alone after the end of the

school day. I learned that the budget cuts and program reductions were reflected in significant changes to city crime & incident metrics. Utilizing this data as evidence of a cause & effect, I communicated a need along with evidenced based facts, for additional financial resources for the 2008 budget. I was happy to be able to restore these programs before my departure.

Have I fired people? Yes, I have. Though never easy, for the Port St. Lucie to succeed, I will have to make tough decisions on those we employ. Without making those tough decisions, the city could fail to accomplish its mission and everyone who works might be at risk for continued employment. As it relates to process, I will handle employee termination in accordance with established policy, procedure and legal directives. I recognize these facts, so while I may not enjoy the task, I also know that it is these types of tough decisions that help ensure organizational success and face head-on, difficult personnel situations.

The challenges I see facing Port St. Lucie are being able to maintain the outstanding quality of life and remain a place where the citizen's feel comfortable letting their children ride their bicycles to the local park, when measured against the near term challenges of the cost of infrastructure debt, organizational stability, tight financial budget cycles, development concerns, infrastructure upgrades, strategic plan implementation and rising traffic issues across the city.

During the first six months my efforts will involve:

1. Acquire needed local knowledge quickly
   - Meet with Council, staff, other elected officials, citizen groups, media, and with the blessing of the Council, county/state/federal officials to assess city operations, concerns, positions, and dynamics.
   - Master city policies, processes, programs and procedures.
   - Assess the city's financial position and review/anticipate future financial trends.
   - Assess current performance measures that are used to determine if staff and city manager are meeting organizational goals.
2. Establishing new working relationships
   - With the City Council in order to learn and understand the "why" behind their respective goals and perspectives -- this effort will be critical to directing and driving the city's strategic direction.
   - With the department/office heads, city staff and key union officials to build trust and forge a path forward to success.
   - With civic groups, citizens' groups, business councils/committees, local and state media, neighboring communities and other key players in the regional area.
3. Deal with both organizational and interpersonal transition issues
   - Some will desire that I effect immediate change, while others will crave the old ways.
   - Manage expectations -- the board, staff and citizens are watching (and waiting), some want me to succeed, other hope I fail.
   - Create momentum-generate enthusiasm for the way ahead and necessary changes.

- Examine citizens' expectations and expand (if required) on city-wide customer survey analysis -- the effort should include initiating revisions and clarifications as necessary to identify new assessment and analysis opportunities.

4. Champion my priorities of learning, visioning, and coalition building.
   - I will not be able to take action and achieve city goals unless I have mastered these priorities. As the "new guy" I'll have much to learn.
   - I must have a strong base of support and clear picture/image of Port St. Lucie's future.
5. Maintain a personal equilibrium
   - To be effective, I have to stay focused, clearheaded, and emotionally stable.
   - Take time for physical activity and personal interests. Stay "rested" not "ragged."

I have extensive experience with the media and have always had a collegial, professional relationship, regardless of the issue or circumstance. My goal is to ensure transparency as much possible while trying to endorse accurate, timely and quality media coverage to help inform all citizens. My previous efforts included extensive use of various social media outlets to "highlight and inform" viewers on ongoing city efforts and issues as well as interviews with members of the city staff in an ongoing effort to connect with those we serve. With the support of the Council, I try to make myself available to all reasonable media requests, but will always defer to the city's elected leadership to speak on behalf of the administration and on all relevant community issues.

I am not aware of any community activist group or individual contacting the City of Port St. Lucie with any derogatory information regarding my selection as a finalist for this opportunity. I know there are those who have disagreed past decisions I have made, but I'm not aware of any that would cause embarrassment to the community.

In my leisure time, I enjoy outdoor sports, spending time with my family and walking our dog.

## SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Accountable
- Adaptable
- Accessible
- Decisive
- Highly Ethical
- Passionate

## REASON FOR DEPARTING CURRENT POSITION

Following retirement from the United States Army after a distinguished thirty-year military career, I have worked as a Management Consultant specializing in identifying critical resources and best practices in order to develop and implement innovative "high performance organization" process improvement models, initiatives and programs. I miss the challenges and rewards that come with serving as a member of a municipal management team as well as the camaraderie and personal growth that are an integral component of city government leadership opportunities. I am eager to begin work immediately as a partner and trusted advisor to the City Council and look forward to making a long term commitment to the city and the citizens of Port St. Lucie.

## CURRENT / MOST RECENT SALARY

My current annual compensation as a Management Consultant is $130,500.

# *CB&A Background Checks*

## Background Check Summary for
## CHRISTOPHER "CHRIS" R. PHILBRICK

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Record Found |
| County | |
| Prince William County, VA | No Record Found |
| San Bernardino County, CA | No Record Found |
| Dale County, AL | No Record Found |
| Coffee County, AL | No Record Found |
| State | |
| Virginia | Records maintained by county of Residence. See above |
| California | Records maintained by county of Residence. See above |
| Alabama | No Record Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Prince William County, VA | No Record Found |
| San Bernardino County, CA | No Record Found |
| Dale County, AL | No Record Found |
| Coffee County, AL | No Record Found |
| Federal | |
| Virginia | No Record Found |
| California | No Record Found |
| Alabama | No Record Found |

| | |
|---|---|
| **Motor Vehicle** | |
| Virginia | No Record Found |
| **Credit** | Excellent |
| **Bankruptcy** | No Record Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

# Background Check Summary for
## CHRISTOPHER "CHRIS" R. PHILBRICK
### Personal Disclosure

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## Personal Disclosure Questionnaire

Name of Applicant: Christopher R. Philbrick

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?

   Yes ☐ No ■

2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?

   Yes ☐ No ■

3. Have you ever declared bankruptcy or been an owner in a business that did so?

   Yes ☐ No ■

4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ■

5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No ■

6. Have you ever been convicted of driving while intoxicated?

   Yes ☐ No ■

7. Have you ever sued a current or former employer?

   Yes ☐ No ■

8. Do you have a personal My Space, Face Book or other type of Web Page?

   Yes ☐ No ■ LinkedIn only

9. Do you have a personal Twitter Account?

   Yes ☐ No ■

10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?

    Yes ☐ No ■

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant

Attested to: C R Philbrick

**Signature of Applicant**

**Please email this form via PDF DOCUMENT to Lynelle@ch-asso.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/06/16.**

**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

## Section 11

# *CB&A Reference Notes*

# Reference Notes
# Chris Philbrick

**General Peter Chiarelli (Retired) – CEO, One Mind, Seattle, WA 254-449-0580**

Mr. Chiarelli first met Mr. Philbrick in approximately 2009 when Mr. Chiarelli was the Vice Chief of Staff for the Army. The two gentlemen worked together until 2011 and they continue to have occasional contact.

Mr. Philbrick is an amazing person. He did wonderful work while serving with Mr. Chiarelli at the Pentagon, especially in regards to helping lower the suicide rates of servicemen and women. He always took an innovative approach to providing resources that were necessary to help others.

In terms of strengths, Mr. Philbrick has superb analytical skills. He understands the issues and finds solutions that will long outlast his time at any organization. He is a strong team builder who is unflappable even in tough situations. He takes the necessary actions to resolve issues and make decisions in a measured and decisive manner while staying calm throughout the entire process.

Mr. Philbrick is a fantastic communicator and always kept Mr. Chiarelli informed of what was happening in his area of responsibility. He was also just as thorough and informative when dealing with the public. In his duties with Mr. Chiarelli he was constantly under a microscope because of the nature of the work with which they were dealing and he handled it very well.

Mr. Philbrick is a leader and could not have gotten as far as he has if he were not. He worked extremely hard to ensure that much attention was given to the work they were doing regarding the high suicide rate within the Army. He worked tirelessly on a 2 year discussion on ways to identify the issues surrounding the problem and then how to tackle it.

Mr. Chiarelli is not aware of Mr. Philbrick ever having been involved in anything controversial or embarrassing since he has known him. He possesses all of the skills that anyone might be looking for in a Municipal Manager.

**Words or phrases used to describe Chris Philbrick:**

- Leader,
- Transparent,
- Team builder,
- Attention to detail,
- Understands that bad news does not get better with age, and
- Analytical, but at the same time, solution driven.

**Strengths:** Innovative leader who is results oriented.

**Weaknesses:** Not a self-promoter and stands back from his accomplishments when, at times, he needs to be more forward in that area.

# Reference Notes
# Chris Philbrick

**Rick Barton – CEO, International Critical Incident Stress Foundation, Ellicott City, MD**
**410-750-9600**

Mr. Barton and Mr. Philbrick have known each other since 2013. They met as a result of Mr. Philbrick applying for a job in the County where Mr. Barton once worked and where his wife continues to work. She happened to see his credentials and background and knew that the two gentlemen needed to meet. Mr. Barton reached out to him after the interview process was complete and now Mr. Philbrick works with Mr. Barton in a pro-bono capacity per Mr. Philbrick's wishes.

Mr. Barton is grateful to have come into contact with Mr. Philbrick because he has been unbelievably instrumental in helping him to develop his veterans programs for his foundation. He has done an outstanding job and has a tremendous amount of knowledge and insight. He could not rate him any higher if he tried.

Mr. Philbrick is a wonderful communicator and can explain complex problems and programs in a way that Mr. Barton can understand them, without talking down to him. In his travels he often deals with people individually as well as in groups and he interacts well with them. His communication skills are inclusive and Mr. Barton can see that translating easily into a city management position.

In terms of decisions, Mr. Philbrick is always well prepared and thoughtful. He considers all of the alternatives and options to each situation and does his homework before moving forward. He pays attention to the rules of unintended consequences and wants to know the outcomes so that he is prepared for them. He uses intelligence, experience, and great common sense when making any decision. He can also put himself in other's shoes and see things from their standpoint thus helping him to make the right decisions for each situation with which he is faced.

Mr. Philbrick is a combination of someone who is innovative, a change agent, and someone who maintains his organization at a high performance level. He is willing to make changes measuring the associated risks and ensuring that the reward is worth those risks. He recognizes when change is needed and adapts and adjusts because he knows that they will positively affect the organization.

When Mr. Philbrick and Mr. Barton first began working together to establish programs to assist military veterans Mr. Philbrick's research, combined with his experience, specifically guided Mr. Barton away from his initial plan of action. He knew that Mr. Barton would not have been effective with that course of action and he helped him to adapt a new strategy to make a winning decision. This area is where his humility serves him well because he guides others to make the right decisions for themselves rather than just telling them how to get things done.

Mr. Barton is not aware of Mr. Philbrick being involved in anything controversial since he has known him. He would be shocked to hear if the press was to find anything embarrassing in his background. He would hire him in a heartbeat and has tried, but Mr. Philbrick insists on giving

of his time as a volunteer. He would want him working for him, or alongside him, anytime or anywhere. He is fortunate and blessed to have worked with him. His advice, guidance and wealth of knowledge have been immeasurable.

**Words or phrases used to describe Chris Philbrick:**

- Confident,
- Incredible wisdom,
- Humble,
- Intelligent,
- Leader, and
- Excellent manager.

**Strengths:** Outstanding leader with tremendous insight and knowledge. One of the best people with whom to work.

**Weaknesses:** At times can be too humble and not willing to accept the high quality person he is.

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**Susan Duncan – Private Consultant, Annapolis, MD 410-320-1805**

Ms. Duncan first met Mr. Philbrick in approximately 2008. They worked together as colleagues at the Department of the Army from that time until he left in 2011. They have continued to stay in touch since that time.

Mr. Philbrick's job performance was excellent. While he worked with Ms. Duncan the soldiers and civilians were their customers. They were in charge of the civilians who worked for the Army, in particular the hiring of psychiatrists, psychologists, and mental health workers for returning soldiers. He did a fantastic job of getting the programs and policies into place for their department.

When Mr. Philbrick says he is going to do something, he does it. He is detail and results oriented, smart, forms coalitions well, and will see things through to the very end. He looks at all sides of an issue and is balanced at how he arrives at a solution to a problem or a decision. He takes all complaints and issues seriously and will resolve them to the satisfaction of the person(s) involved.

Mr. Philbrick is a combination of someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. He had to be innovative when he was working with the suicide program because it was a new issue with the soldiers coming home after the war with PTSD. People loved working with him because of his flexibility, creativity, and how well he kept the Department running.

Ms. Duncan is not aware of Mr. Philbrick ever being involved in anything that would be considered as controversial. She has no knowledge of him having any item in his background that would be looked upon as unflattering if the press were to investigate. He would be an excellent Municipal Manager because his experience and his calm personality are conducive to that kind of environment. She would definitely hire him if she were given the opportunity.

**Words or phrases used to describe Chris Philbrick:**

- Innovative,
- Trustworthy,
- Consensus builder,
- Detail oriented,
- Ethical,
- Loyal, and
- Mission oriented.

**Strengths:** Extremely experienced individual who is knowledgeable and results oriented.

**Weaknesses:** At times can be bogged down in the details of things.

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**Bruce Shahbaz – Senior Evaluator, U.S. Peace Corps, Washington D.C. 571-277-9102**

Mr. Shahbaz first met Mr. Philbrick in approximately 2009 when they were both working with the Secretary of the Army and Vice Chief of Staff for the Army. Mr. Shahbaz reported directly to Mr. Philbrick until he left in 2011. The two gentlemen have continued to stay in contact both professionally and socially.

Mr. Philbrick did an exceptional job while he was working with Mr. Shahbaz. He is the single greatest person when it comes to developing working coalitions with people who have competing agendas and backgrounds. He is fairly unflappable, calm, and level headed. He has an immense amount of experience being in meetings at extremely high levels, such as at Congress and the White House, where he has set a professional and composed tone.

Mr. Philbrick is absolutely both innovative and a change agent. Because theirs was a new organization and a novel way of how the Army approached its problems, he rocked the boat, but not enough that it took on any water. He worked for several Generals and part of his task was to influence them so that they wanted to change and not shy away from it. In addition to this task he had to ensure that those changes did not impact the daily business of the organization.

When it came to decisions, Mr. Philbrick looks at all the pros and cons. He welcomed solicited input from the various stakeholders that provided data to him. He then would take that

information, synthesize it, make his decision, and then present it to his bosses in an articulate and clear manner and they would make it happen.

Mr. Philbrick absolutely ensured that the lines of communication were open for his entire team. He knows the importance of keeping the staff on the same page. He is also not just a leader who rallies his employees around the vision of the organization, but he sets the vision for the organization. What they were working on was a new venture that came as a direction from the President of the United States to the Surgeon General to update the Nation's Suicide Prevention Strategy for the Army. Two people were designated to ensure that it happened, one of which was the Secretary of the Army for whom Mr. Philbrick worked. It was up to him to figure out how to minimize the Secretary's stress of the daily operations of what they were doing. Mr. Philbrick and his staff took on a huge amount of responsibility to make that happen and they effectively articulated things to the Secretary to make his job easier.

Mr. Shahbaz is not aware of Mr. Philbrick ever having been involved in anything controversial. He is not aware of him having anything in his background that would be looked upon as embarrassing if the press were to go digging. He has been thoroughly vetted with his previous positions and has worked at a very high clearance level for the Army. Mr. Shahbaz would hire Mr. Philbrick in a minute and would gladly work for him again. He would be a wonderful municipal manager and any community would be fortunate to have him as its leader.

**Words or phrases used to describe Chris Philbrick:**

- Leader,
- Collaborator,
- Smart,
- Mission oriented, and
- Enjoyable.

**Strengths:** An exceptional leader who builds consensus, is a visionary and extremely experienced.

**Weaknesses:** None identified.

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**Jackie Denton – Human Resource Director, Ft. Irwin, CA 760-380-3077**

Ms. Denton first met Mr. Philbrick in 1998 which was previous to his command in Ft. Irwin. However, she did not work with him until he was the Commander in Ft. Irwin from 2005-2008. They continue to have occasional contact even though he is no longer there.

# Reference Notes
# Chris Philbrick

Mr. Philbrick's job performance was exceptional. He is easy to work with and talk to. He looks at issues holistically. He takes into consideration all sides before moving forward on a decision in order to make the most informed decisions.

Ms. Denton would characterize Mr. Philbrick as someone who is a change agent as well someone who maintains the organization at a high performance level. He made Ft. Irwin a better place to work and live. He kept the organization running above expectations. He was a family, soldier, and community oriented person.

Mr. Philbrick has experience dealing with the public. He interacted with both military and civilian personnel. He also worked with elected officials in nearby cities to get the military more involved in various parts of the community outside the base. He was very visible and represented their community and the military quite well at various functions.

Being a leader who rallies his staff around the organization's vision comes naturally to Mr. Philbrick. He encourages everyone to be involved and is right out there working alongside them. He also is quite good at dealing with the daily operations of a manager when necessary. Additionally, he is a fantastic communicator who kept his staff informed on a weekly basis of what was happening in the organization. If issues arose he communicated to the necessary parties and did a fine job of keeping the lines of communication open at all times.

Ms. Denton is not aware of Mr. Philbrick being involved in anything that would be considered controversial. She is not privy to any information from his background that might reflect poorly on his character. She would absolutely recommend him as a municipal manager and no organization would go wrong with hiring him.

**Words or phrases used to describe Chris Philbrick:**

- Open,
- Sensitive to others' situations,
- Honest,
- Hard worker,
- Outgoing, and
- Team player.

**Strengths:** Easy person to work with who is an excellent problem solver and an experienced leader.

**Weaknesses:** None identified.

# Reference Notes
# Chris Philbrick

**Scott Larese – City Manager, Titusville, FL 321-567-3702**

Mr. Larese first met Mr. Philbrick 2005. Their paths have crossed on several occasions throughout their careers. While they were both serving as Garrison Commanders in 2005-2008 they collaborated many times regarding best practices. They continue to stay in contact.

Mr. Philbrick and Mr. Larese share the same passion for working in the public sector. Even though he was a Garrison Commander in the military, the majority of the work force was civilian. He is a good motivator and a leader who looks at things differently than a traditional manager, therefore taking his workforce to new heights.

Mr. Philbrick is a combination of someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. He will identify change where it is necessary and then make those changes at the pace that is best for that particular environment. He will try new approaches and will implement the best practices for the betterment and efficiency of the organization.

From Mr. Philbrick's very early developmental stages in the military he was trained to make decisions and resolve issues while at the same time adapting to many different types of situations. He definitely knows how to make solid decisions and solve problems even in conditions in which normal, everyday people are not exposed.

As a Garrison Commander Mr. Philbrick was like a City Manager/Mayor. He had to be involved in the community on base as well as with the surrounding civilian communities. He did an excellent job of keeping those communities and stakeholders informed of what was happening and interacted quite well with them. He was also very good at keeping the lines of communication open with his own staff. He was a successful leader because he was a good communicator.

Mr. Larese is not aware of Mr. Philbrick being involved in anything controversial or embarrassing. Mr. Larese would definitely hire Mr. Philbrick if he were given the opportunity and knows that he will be a top notch municipal manager.

**Words or phrases used to describe Chris Philbrick:**

- Leader,
- Manager,
- Innovator,
- Care and compassion for his workforce, and
- Strives to make his workforce better through professional development.

**Strengths:** Outstanding leader who has a passion for public service.

**Weaknesses:** May not know much about economic development, but only because he was never exposed to it.

# Reference Notes
# Chris Philbrick

**Tom Young – Retired Garrison Commander, Fort Rucker, AL 256-617-1347**

Mr. Young and Mr. Philbrick were neighbors and first met in 1999. They then served together in Fort Rucker where Mr. Philbrick reported to Mr. Young for about 1 year. They continue to have occasional phone contact.

Mr. Philbrick did an excellent job in Fort Rucker. He is level headed and has a calm demeanor in any given situation. Given any circumstances he has a plan of attack. He is always thinking ahead and has a plan for whatever needs correcting.

Mr. Philbrick is innovative, a change agent, and someone who maintains his organization at a high performance level. He was highly involved with implementing the Malcom Baldridge Quality Assessment Process at Fort Rucker. It was a huge change historically in procedure for Fort Rucker, but it improved services immensely. Furthermore, it was a good change for soldiers and families across the entire military once it was implemented.

Communication was always a priority for Mr. Philbrick. He did an excellent job of keeping Mr. Young informed of what was happening in his area of responsibility on a daily basis. With guidance he implemented a briefing system where he allowed his subordinates the opportunity to brief Mr. Young on the status of each of their units instead of Mr. Philbrick doing it himself. This gave his staff the chance to grow and learn, but at the same time kept Mr. Young informed of the inner workings of the organization.

Mr. Philbrick is a leader with great management skills. He establishes a vision and then charts a course to reach that vision. He inspires his subordinates to take that vision on as their own, but at the same time ensures that the daily business of the organization gets accomplished.

Dealing with the public was something that Mr. Philbrick did quite a bit of at Fort Rucker. Each unit is assigned a partnership with one of the surrounding communities where partnerships with the Fire and Police Departments were established. Additionally, he liaised with the local colleges and universities on a regular basis regarding various programs and issues. He had a plethora of opportunities to interact with the public.

Mr. Young is not aware of Mr. Philbrick being involved in anything controversial, nor does he have knowledge of any item in his background that would be considered embarrassing. He would be a fine candidate for a municipal manager position.

**Words or phrases used to describe Chris Philbrick:**

- Leader,
- Team player,
- Insightful,
- Perseverance, and
- Goal oriented.

# Reference Notes
# Chris Philbrick

**Strengths:** Motivating leader who is level headed and always has a plan of action.

**Weaknesses:** None identified.

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**Michael "Jake" Johansson – City Manager, Port Orange, FL 410-533-2234**

Mr. Johansson first came into contact with Mr. Philbrick in about May of 2015. They have never met in person but have communicated via emails and phone calls on a regular basis since that time. They both have served as Garrison Commanders and are transitioning from military to civilian management.

Mr. Philbrick leads from the front and is very focused on building a consensus within and outside of his organization. As a municipal manager he will be very forthcoming in his communication and will work well with others. He will not hesitate with decision making, but will not be a yes man.

By virtue of Mr. Philbrick's prior success at Fort Irwin, and from what Mr. Johansson has gathered from their conversations, he is innovative. From Mr. Johansson's research he delegated tasks to his staff to execute innovative programs on base especially with the wastewater treatment plant and the public/private housing. He came up with innovative ways to improve the housing quality and retain change in that area which resulted in a better living environment.

From Mr. Philbrick's military background he has been trained extensively how to deal with diverse cultures and people. He can adapt and adjust to different cultures and his surroundings quite easily. These skills helped him tremendously in being a partner in the community and not just active on the base.

Mr. Johansson is not aware of Mr. Philbrick being involved in anything controversial since they have been acquainted. He has no knowledge of anything in his background that could possibly be embarrassing. He would hire him if given the opportunity and knows that he would absolutely make a good municipal manager.

**Words or phrases used to describe Chris Philbrick:**

- Leader,
- Accountable,
- Passionate,
- Responsible,
- Concerned,
- Enthusiastic, and
- Dedicated.

# Reference Notes
# Chris Philbrick

**Strengths:** Experienced and dedicated leader who is genuinely passionate about public service.

**Weaknesses:** None identified.

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**Bryan Bequette – Mayor, Nebraska City, NE 402-209-7602**

Mr. Bequette and Mr. Philbrick first met in late 1989 to early 1990. They served together at Fort Riley, KS and were later assigned together in the Washington D.C. area. Their careers have crossed on several occasions over the years and they continue to stay in contact both personally and professionally.

Mr. Philbrick did an outstanding job at Ft. Riley and really took his unit to the next level. He is detailed, on time and has a good work ethic. He puts in the work to get things accomplished. He is talented at communicating with others to find common ground and build consensus.

Mr. Philbrick is a combination of someone who is innovative, a change agent, and someone who maintains his organization at a high performance level. He expects a high level of work from those with whom he works. If the proper resources are provided and the people are willing he will take the organization to the next level.

Dealing with the public is essential for Garrison Commanders as well as while one is in combat. Mr. Philbrick was quite successful dealing with people in the public both one on one and in a group in both of these roles. He always cooperated with the members of the community within his command and civilians outside the base.

Mr. Bequette is not aware of Mr. Philbrick being involved in anything controversial or embarrassing. He would definitely hire him if he was given the opportunity. He would be a fantastic municipal manager. In fact, when Mr. Bequette became the Mayor he reached out to him for advice because of his extensive experience as a Garrison Commander.

**Words or phrases used to describe Chris Philbrick:**

- Hard working,
- Always looking for additional resources to better the organization,
- Loyal, and
- Innovative.

# Reference Notes
## Chris Philbrick

**Strengths:** Experienced individual who is a skilled communicator, consensus builder, and leader.

**Weaknesses:** Can be a workaholic at times.

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**Prepared by:** Heather Linares
Colin Baenziger & Associates

# *CB&A Internet Research*

Virginian-Pilot, The (Norfolk, VA)
July 28, 2011

**ADS Tactical terminatEs its $204M stock offering, blames poor conditions**
Author: Robert McCabe

ADS Tactical Inc. announced Wednesday that it was terminating its $204 million initial public offering because of unfavorable market conditions. The company had been on track to sell stock to the public starting Friday. While that won't happen, ADS said it had not pulled its filing with the Securities and Exchange Commission. That means ADS could bring the deal back at a later date. "We terminated the IPO due to adverse market conditions," said **Chris Philbrick**, vice president/marketing at ADS, in an email. "We have not withdrawn our filing with the SEC and will continue to monitor market conditions." **Philbrick** declined to comment further, citing the SEC's "quiet period" restriction for companies making initial public offerings.

The Virginia Beach-based company became a $1 billion-plus business over the past decade, securing a niche as a kind of middle-man for the Pentagon as the wars in Iraq and Afghanistan unfolded in the wake of the 9/11 attacks. The stock offering was initially disclosed in a Feb. 8 SEC filing. In the filing, ADS said the proceeds would be paid to its three stockholders: Luke Hillier, its CEO and chairman; R. Scott LaRose, a director; and Daniel Clarkson, the chief operating officer, vice president, treasurer, secretary and a director.

In March, the company issued $275 million in debt, and much of that money - $217.1 million - was paid out to Hillier, LaRose and Clarkson. The three have been on the hook for taxes on the company's income because ADS is an "S corporation," which means it passes profits directly to shareholders who must report it as income and pay the taxes. After taking on the debt, the stock offering was revised so that the company's proceeds would be used mostly to pay down the debt.

Last week, ADS disclosed in another SEC filing that the offering would include 12 million shares at a projected price of $16-$18 each. Of the shares to be sold, 9 million were to be offered by the company and 3 million by the three shareholders. While ADS attributed its decision to shelve the IPO to market conditions, a business professor at the University of Virginia said other factors might also have played a role. "In some sense, they structured a deal that made them more or less dependent on having strong market conditions, and the market has not evolved that way," said Susan Chaplinsky, a professor at the Darden School of Business.

While the market certainly might have overshadowed the deal, there were some red flags from an investor's standpoint, too, she said. For example, the proceeds were to be used largely to pay down the debt taken on to pay the shareholders, rather than to generate growth, Chaplinsky said. Also, because the shareholders are reducing their ownership in the company by cashing out shares, it might appear to some potential stock buyers that the executives have less at stake in its future, she said. "These were things that were question marks about the deal that any investor would see," Chaplinsky said.

The company's stock offering was 1 of 12 with trade dates set this week, according to Greenwich, Conn.-based Renaissance Capital, which tracks IPOs. ADS' offering and those of two other firms - Orchid Island Capital Inc. and Union Agriculture Group Corp. - were listed as "postponed" on Renaissance Capital's website Wednesday. One IPO that was successfully launched this week was that of Dunkin' Brands Group Inc., the parent of Dunkin' Donuts, Chaplinsky said there were parallels between the offerings of Dunkin' and ADS in that a significant share of the proceeds were to be used to pay down debt incurred to pay hefty dividends to the companies' owners. "Those conditions aren't always a show-stopper for an IPO," she said.

Dunkin' Brands, which sold for $19 a share and began trading Wednesday, closed at $27.85. Unlike ADS, however, Chaplinsky said, Dunkin' has a very well-established brand name and business model and doesn't have to worry about possible cuts in defense spending. It's plausible that discussions in Washington haven't helped solidify investors' confidence that ADS' business model won't be affected by some of the defense cuts being proposed, Chaplinsky said. "I think you have a combination of a less well-known firm than a Dunkin' Donuts and, you know, pretty significant headwinds on the economic-market front," she said.

NBC - 3 WSAV (Savannah, GA)
February 22, 2011

**Army Releases New Data on Soldier Suicide Rates**
Author: Crystal Bruce

Among active-duty soldiers, there were 15 potential suicides. One confirmed, 14 under investigation. That's up from December when the Army reported 12 potential suicides among active-duty soldiers. One was confirmed, the others are under investigation. "Army wide efforts implemented during 2010 to improve the health of the force and enhance our overall resiliency will continue to be a focus for all members of the Army family in 2011," said Col. **Chris Philbrick**, deputy director, Army Health Promotion, Risk Reduction Task Force.

"We must continue to examine our risk reduction and health promotion programs to ensure that in every instance they are readily available and accessible to those in need. Informed and engaged leaders are vital to these efforts and continue to be the most effective resource in this endeavor," **Philbrick** said. Soldiers and families in need of crisis assistance can contact the National Suicide Prevention Lifeline.

Trained consultants are available 24 hours a day, seven days a week, 365 days a year and can be contacted by dialing 1-800-273-TALK (8255) or by visiting their website at http://www.suicidepreventionlifeline.org.

US Fed News (USA)
October 16, 2010

**STIGMA FOR SEEKING MENTAL HEALTH DECREASING**

WASHINGTON, Oct. 13 -- The U.S. Army issued the following news release:

Openly discussing the damage stigma does to Soldiers in need of mental health services is a step toward eradicating the problem, said an Army suicide-prevention leader Tuesday. Stigma and fear of career repercussions are top reasons Soldiers are reluctant to seek mental health assistance, said Col. **Chris Philbrick**, deputy director of the Army Health Promotion, Risk Reduction Council and Task Force. "The issue of stigma in the Army is real," **Philbrick** said and explained that while the culture of the Army seems to be changing in regards to mental health, the 'tough guy' mentality has not disappeared.

**Philbrick** said that today, Soldiers are expected to deal with traumatic events and "drive on." And while that attitude is still necessary to accomplish missions, **Philbrick** explained that leaders now recognize that some Soldiers need to get help in order to successfully return to their units. He also said that the resilience and anti-suicide educational products being refined each year are making a difference. "We're no longer providing you with Power Point slides and saying, 'have a nice day,'" he said of the Army's current push to promote suicide prevention. "It's not effective." **Philbrick** said new realistic training videos, resilience classes for basic trainees, and endorsement by senior Army leadership to eradicate the problem have heightened suicide awareness for all Soldiers.

He also encouraged Soldiers to continue seeking help up to the next level of their chain of command until they get the assistance they need. Many times, he said, Soldiers or their Families say they didn't know where to turn when in need of mental health services. "I believe that if you get turned away at the first door, go knock at the next one, or if need be, kick it down," he said, encouraging Soldiers to continue seeking help. He noted that Soldiers and their Family members have many places to turn when in distress: a supervisor, commander, chaplain, behavioral health services or a hospital. **Philbrick** stressed the importance of first-line supervisors, and explained that they play a major role in spotting changes in Soldiers' behavior.

With the Army's suicide rate reaching about 21 Soldiers per 100,000, the ratio is slightly higher than the national average. However, **Philbrick** said he believes the concentration on suicide prevention and open discourse among senior Army leaders on the topic will move to decrease both suicide rates and stigma. "We believe that the Army's adjustments will continue to move the Army forward," he said.

Virginian-Pilot, The (Norfolk, VA)
February 21, 2009

**Business news Military supplier buys Beach building as new headquarters**
Author: Josh Brown

ADS Inc., a company that supplies special operations gear to the military, announced Friday that it had purchased a Lynnhaven office building for $7.5 million to be its new headquarters. The company was recently awarded a two-year contract worth up to $487.8 million from the Defense Supply Center Philadelphia. The contract has three one-year options. Because of the contract, ADS said it plans to add 75 workers in the next two years. It already employs 195 locally.

Luke Hillier, the company's president and chief executive, said in a news release that the new headquarters will allow the company to be more productive. "It will also provide a superior environment for the men and women currently working at ADS," he said, "and allow for future expansion of our work force."

The Lynnwood Plaza building at 621 Lynnhaven Pkwy. was owned by Jackson, Miss.-based Parkway Properties Inc. The 82,000-square-foot building is 97 percent leased, said Jim Ingram, Parkway's executive vice president and chief investment officer. ADS leases 21,000 square feet of office space at the Pinehurst Centre on Viking Drive.

Initially, the company will occupy 40,000 square feet at its new headquarters and lease the rest of the space, said **Chris Philbrick**, its vice president of marketing. ADS likely won't move in until next year. ADS began in 1979 as a division of Lynnhaven Dive Center, run by Hillier's father, Michael. It was spun off in 1996. Initially called Atlantic Diving Supply, the business has branched out to provide items such as body armor and night-vision aids.

Desert Dispatch (Barstow, CA)
May 23, 2008

**New command at Fort Irwin**
Author: Aaron Aupperlee

FORT IRWIN — To one side stood a company of military police, dressed in basic Army uniforms and standing at attention. To the other side stood a group of civilians, some wearing suits and ties, others in blouses, some in mechanic shirts with their names on them. They, too, stood at attention. In the middle stood Col. **Chris Philbrick**, who for nearly three years has commanded both an army of soldiers and civilians as the garrison commander at Fort Irwin. Friday marked **Philbrick**'s last day of command, and during a ceremony at the Sandy Basin Community Center, he handed control of the post's garrison to incoming commander Col. Jim Chevallier. "I was not eager to relinquish this command," **Philbrick** said, "but I leave today cognizant that Jim and June (Chevallier's wife) Chevallier will embrace the U.S. Army Garrison family and the National Training Center community and take this team to the next objective. Good luck to you Jim."

Many took time on Friday to thank **Philbrick** and his wife, Tami, for their work at Fort Irwin. Brig. Gen. Dana J.H. Pittard, the commanding general at Fort Irwin, commended the **Philbricks** for their 35 months of service to the post, the longest tenure of a Garrison commander in the National Training Center's history, Pittard said. Pittard credited **Philbrick** with creating a building boom at Fort Irwin and improving the conditions on Fort Irwin Road, on which there were no fatal collisions on the precarious stretch of road from Interstate 15 to Fort Irwin during the 2007 fiscal year.

In addition to making Fort Irwin Road safer, **Philbrick** also oversaw the spending of $50 million in projects at Fort Irwin to improve the quality of life for soldiers, civilians and family members, said Randall Robinson, the director of Installation Management Command - West. Under **Philbrick**'s command, three barracks were renovated and more funding was secured for other improvements to barracks. Several new housing developments, including Sandy Basin, were also built during **Philbrick**'s command, shortening the average wait for housing at Fort Irwin from six months to two weeks, Robinson said. "Three years ago, **Chris Philbrick** came to Fort Irwin with a vision to transform the installation into a vibrant organization and prepare it for future success," Robinson said. "Under **Chris'** leadership, Fort Irwin has successfully met the challenging demands to support the global war on terrorism and Operation Iraqi Freedom."

**Philbrick** thanked many during a speech at the ceremony, including Tami who logged hundreds of volunteer hours during her time at Fort Irwin, and his son, Sean, for enduring the harassment that comes with being the garrison commander's son. "It is not enjoyable being the son of the garrison commander," **Philbrick** said. "He didn't make the helmet rules, pass curfew laws or have law enforcement folks chase teenagers around post, that was his father." He also thanked the "awesome" community Barstow for providing continued support of Fort Irwin, its soldiers

and family members. He said that if one were to look in the dictionary under what right looks like when it comes to supporting a military community, one would find a picture of Barstow. **Philbrick**'s next post will be in Iraq, where he will serve as an advisor to the deputy chief of staff for training and doctrine. Tami will stay state-side in Virginia.

Chevallier comes back to Fort Irwin from MacDill Air Force Base in Florida. There he served as the chief of the United State Central Command's Counter Improvised Explosive Device Task Force. He had previously been a scenario writer for the National Training Center's Operations Group and an observer controller at Fort Irwin. He said that he will continue the work of **Philbrick** and ensure that Fort Irwin is a great post at which to live, serve and raise a family. "You can leave toward your next adventure knowing that your efforts have made a significant difference in the lives of soldiers, civilians and family members," Chevallier said to **Philbrick**. "Thank you for your service."

Soldiers and civilians from many different aspects of the Fort Irwin community attended the ceremony to bid farewell to the **Philbricks**. Representatives from Barstow, the Silver Valley School District and other civilian entities said they were sad to see the family leave. However, the true measure of the community's appreciation could be seen in the faces of the men and women, not dressed in uniform, at the front of the room. While a commander could order the military police to stand at rigid attention throughout the ceremony, the civilians volunteered.

Did you know? Col. **Chris Philbrick**'s change of command ceremony, normally an outside ceremony, was held inside at the Sandy Basin Community Center. The reason, according to **Philbrick**, was out of concern for the weather so common at Fort Irwin throughout the summer. Friday, though, was an exception. "We thought it would be hot, not wet," he said.

Desert Dispatch (Barstow, CA)
May 5, 2008

**Around and About: Fort Irwin's tours give civilians a peek**
Author: BETTE MOSES

Fort Irwin gave civilians and a sergeant major a chance to see what goes on in the Army-occupied desert about 30 miles from Barstow. The tour of Fort Irwin originated from the Harvey House last Tuesday morning. We were met at the gate by Col. **Chris Philbrick**, where we boarded a big bus from which **Philbrick** could use a microphone and tell us about what we were seeing. The first stop was the National Training Center Headquarters, where we assembled in the conference room. **Philbrick** briefed us on mission and training methodology. He said that they train units from the Army, Marines, National Guard, CIA and other civilian forces. Visiting troops are usually trained on a 28 day rotation basis. When we were there the 2nd Brigade, 4th Infantry Division from **Fort** Carson, Colo. was in the field.

Brig. Gen. Dana J.H. Pittard popped in to welcome us. He said he is constantly striving to make the training more realistic. Little did we know that we would find out what he meant out in one of the Iraqi villages we would visit later in the day. He also said his aim is to make the quality of life at Fort Irwin continually better and that he hopes to have a high school on base within five years. **Philbrick** showed us many slides that defined what was going on worldwide, and how the National Training Center was involved. He also told us many interesting things including that since the fort is on one meter with Southern California Edison, they are the largest power user in Southern California. The plan is for a solar farm to be built on the base so they will be self sustaining. A bit of history he imparted was that when the area was called the Desert Training Center, Gen. George Patton trained his tank battalions there before World War II.

To me, the most interesting thing I learned is that because of privatization with Clark, Pinnacle and others not one dime of defense money is used for so many of the wonderful new complexes, including new housing and community centers on base. The Town Center will break ground in Jan. 2009 and should be completed in 18 months. Jim Milligan, vice president of Pinnacle for all operations west of the Mississippi was with us on the tour as was A.J. Caputo from Clark. These bigwigs were very proud of what their staffs have accomplished at Fort Irwin.

After the briefing we were joined by Veronica Pawlow, Protocol Specialist and again loaded onto the bus and went to the new housing complexes. Sandy Basin has 197 new homes which are slated for senior non-commissioned officers. Sleepy Hollow will have 182 three and four bedroom homes with about 1,700 square feet each. These should be ready to move in about September. At the new Community Center at Sandy Basin, where Lady Blair has transferred her housing operations, the ballroom was five or six times larger than the Jack Rabbit Room at the Hampton Inn and Suites. Marcia Bond, general manager of the Hampton was the first to exclaim that it was.

This ballroom will be the setting for **Philbrick**'s change of command on May 23. Quite different than sitting out in the sun with the troops assembled. **Chris** will be headed for Iraq and will be sorely missed. His wife, the ever-charming Tami, and their remaining Silver Valley High School student will head for their home in Virginia, which the **Philbricks** purchased when he was at the Pentagon. Their other son, formerly a star athlete at Silver Valley, is in college. We also passed by all the schools, Weed Hospital and Mary Walker Medical Clinic, named for the first woman Medal of Honor Winner in theCivil War as well as other buildings of interest before having a sumptuous lunch.

The next part of the tour was under Maj. Carl Hennemann. We loaded in to protocol vans which were given United Nations designations at the check point where we hit the road for the Iraqi villages. My driver was Spc. Torres with 1st Lt. Ian Zapotocky in charge and he took very good care of us. We toured Medina-Jabal and Medina-Wasi. The realism the general talked about was vividly expounded on in Monday's Desert Dispatch. The bloody soldiers we saw were so real and when I realized this was to train the medics as well as soldiers not to panic when they might see the blood and guts on the battlefield it all made sense.

The next stop was Command Headquarters and goodbye to those that gave us a great day's experience. Those going on the tour arranged by Darrell Kemp included Jeri Justus, Diana Ross, Mary Bogdan, Sgt. Major Michael Berg, Marcia Bond, Lori Whiting, Joyce Wiltson, Jim Milligan, A. J. Caputo, Edwin Garcia, Terry Vaughn, Alyx Burnett and yours truly. I believe that those at Fort Irwin are planning more community tours like this, and if you have the opportunity to go, don't miss doing so.

Desert Dispatch (Barstow, CA)
May 1, 2008

**Secretary of Army tours Fort Irwin barracks**

FORT IRWIN — In the aftermath of a controversy over the poor conditions of soldiers' barracks at Army posts, Secretary of the Army Peter Geren took a look at the rooms where Fort Irwin soldiers sleep when they are not training troops in the desert during a stop at the post. After visiting barracks at Fort Bragg, N.C. on Wednesday, where the controversy first came to light, Geren toured barracks at Fort Irwin on Thursday, seeing some of the best and worst rooms the post has to offer. While Geren said all the barracks he saw were livable, some needed attention. "One of the barracks here does have some issues that we've identified. There's no health, life or safety issues. They're all safe; they're all healthy. There's no threat at all to the soldiers," Geren said. "There are some modifications that would be important to improve their quality of life."

The Army ordered a worldwide assessment of barracks after the father of a paratrooper in the 82nd Airborne Division posted a video on Youtube showing peeling paint, broken plumbing and mold in his son's barracks at Fort Bragg. As part of the assessment, Garrison Commander Col. **Chris Philbrick** was asked to talk to The Desert Dispatch about the condition of the barracks. "We have some barracks that are in need of some revitalization," **Philbrick** said. "No one's health, life or safety is being compromised." The heating, ventilation and cooling system raised concern in one set of barracks lived in by soldiers from the first squadron of the 11th Armored Cavalry Regiment, **Philbrick** said. Soldiers have complained about temperatures, a concern during the chilly winters and blazing summers at Fort Irwin, and mold growing in the bathrooms. **Philbrick** said post maintenance workers were aware of this problem before the Fort Bragg incident and said a contract to completely reinstall the heating and cooling system will go out for bid soon. In the meantime, **Philbrick** said crews scrape the mold off walls and tiles and add a mold-resistant paint.

However soldiers who live in the barracks said the conditions are terrible. Pfc. Sean Borchmann said a fellow soldier who had lived in the barracks for the 82nd Airborne at Fort Bragg was shocked when he saw the condition of the Fort Irwin rooms. Borchmann said the rooms at Fort Irwin are outdated, run down and much worse than the new barracks that soldiers in the second squadron of the 11th ACR live in. Spc. David Orrell said there are leaks in some of the bathrooms, mold growing under sinks, and something breaks in the barracks almost every week. He said when soldiers make a work request, the repair is made quickly, but he is tired in living in sub-standard housing. "It's pretty much like living in a jail cell," Orrell said. "It's demoralizing." Orrell and Borchmann said they would like to see their barracks demolished and a new one built.

Geren said they Army is looking at how much it would cost to update barracks in the Army right now. "We're working to put together a plan to address those concerns," he said. "We want to do everything that we can do to make sure that our soldiers and their families have the quality of life equal to the quality of their extraordinary service."

Another issued raised in the video of the dilapidated barracks at Fort Bragg was how the Army could allow a soldier returning from a war zone to live in such conditions. **Philbrick** said it is policy at Fort Irwin that when a unit deploys to Iraq or Afghanistan, workers begin fixing up their barracks. When the 21 soldiers of the 171st Movement Control Team Detachment deploy this month, repair work will begin, **Philbrick** said.

Many of Fort Irwin's barracks have been built in the last 20 years. Last year, the post spent $2 million to update an older set of barracks for wounded soldiers. Spc. Joseph Michel lives in one of these rooms, complete with flat screen televisions mounted on the walls and wireless Internet connection. During his deployment with the 101st Airborne Division in 2005 and 2006, arthritis in his knees flared up, he said. He is a week away from completing his rehabilitation and said the wounded soldier barracks at Fort Irwin have been some of the nicest. "It's a whole lot better here," he said. "The other rooms that I've been in on post look like prison cells."

Sgt. Terrell Scott also thinks his room looks like a prison cell. He stays in Fort Irwin's second oldest barrack, built in 1967. Scott's sink stopped working a few days ago, but beyond that and the size of his room, he had no complaints about the conditions. He said he put in a work request to fix his sink and said the repair staff responds quickly. "Barracks are going to be what they are — barracks," Scott said. "There are going to be negative things somewhere, and there are going to be positive things somewhere."

Scott's barracks, where a majority of soldiers in the operations group stay, is first on the list for a $2.9 million renovation, said John Wagstaffe, spokesman at Fort Irwin. The work was scheduled before the Fort Bragg photos became public.

Geren: A piece of Iraq right here in the desert While sitting down for a cup of tea in one of Fort Irwin's Iraqi towns in the desert, Secretary of the Army Peter Geren asked the mayor of the town if he enjoys working at Fort Irwin. "I love what I am doing. It's the least I can do for my brothers and sisters," the Iraqi man said.

During the secretary's visit to Fort Irwin, he met with many of the Iraqi role players, soldiers and contractors who pool together to offer realistic scenarios for soldiers' training. He said that the contributions of all who have carved out a little piece of Iraq in the Mojave Desert have had a large impact on the war effort. "It's just remarkable what has been accomplished here," Geren said, "and the results are soldiers who hit the ground running over there, hit the ground prepared." Geren also met with the wives of soldiers from Fort Irwin deployed to Iraq or Afghanistan and voter readiness and retention staff during the visit. Following Fort Irwin, Geren will travel to Fort Lewis in Washington.

Barrack numbers

Fort Irwin has 18 different barracks buildings. There are a total of 1196 rooms that can house 1822 soldiers. The Army has set a goal that by 2013, each soldier will have his or her own room.

Desert Dispatch (Barstow, CA)
March 17, 2008

**Fort Irwin opens investigation in blood pinning**
Author: Aaron Aupperlee

FORT IRWIN - Authorities at Fort Irwin are investigating allegations of blood pinning at a recent award ceremony. Gen. Dana J.H. Pittard, Fort Irwin's Commanding General, last week appointed Garrison Commander Col. **Chris Philbrick** to lead an investigation into whether expert Infantry badges were pinned through soldiers' uniforms and into their chests during an award ceremony two weeks ago, said John Wagstaffe, a spokesman for Fort Irwin. Pittard was not on post when the alleged incident occurred, Wagstaffe said, but took swift action when he returned. "When Gen. Pittard heard about it, he was appalled," Wagstaffe said. "Upon arriving back on post, he has spoken with the leadership of the Cav (11th ACR)."

The alleged pinning took place during an award ceremony on March 5 for 11th Armored Cavalry Regiment soldiers who received an expert Infantry badge after passing a series of rigorous tests over the course of a couple of days. Of the 288 soldiers who started testing for the badge, only 94 passed. Wagstaffe said that Command Sgt. Maj. Bobby Moore also met with all senior noncommissioned officers on post.

Wagstaffe could not go into detail about the meetings with post leadership or the alleged incident because it is currently under investigation. He said that Pittard expressed concern to the leadership "that incidents like this do not repeat." He expected the investigation to last anywhere from one week to 60 days. Soldiers on post would also not comment, citing the investigation. The expert infantry badge features a long rifle set against a blue background. It is fastened to a soldier's uniform by two short pins at either end.

Sun, The (San Bernardino, CA)
March 8, 2008

**Bases aim to expand**
Author: Lauren McSherry

Two military bases in the High Desert are undertaking expansion plans that will widen the territory used for war games crucial to training soldiers and Marines being deployed to Iraq and Afghanistan. The Marine Corps Air Ground Combat Center in Twenty nine Palms has announced its intention to extend its boundaries. The process could take years.

Gunnery Sgt. Chris Cox, a public affairs officer, estimated that 50 percent of the combat center - which encompasses 932 square miles, an area about half the size of Rhode Island - is unusable. This is because tracts of land are too mountainous, provide habitat for endangered species or are too close to civilian areas, which would be disturbed by the noise and tremors that accompany explosions. "That's the conundrum: Where do we go? What do we do?" Cox said. "That's why it's going to take such a long time to figure out a course of action." The extent and timeline for the expansion remains unclear.

Cox would not disclose what areas are under consideration - or even what geographical direction the expansion might take. The problem is the base needs more space to execute training exercises, and military leaders are anticipating a future increase in Marines undergoing battlefield exercises, Cox said.

All Marines that go to Iraq are sent to the base for the month long "Mojave Viper" training. The training prepares Marines for the hardships of living in the desert, for vehicle checkpoint procedures and for combat operations. Up to 450 Marines can participate in the training at one time, but the goal is to be able to train an entire battalion, up to 1,000 Marines, at once, Cox said. The planning process is being led by the Defense Department and the Navy, he said. Notices were sent to residents in July about the expansion plans, Cox said.

The expansion is necessary because it will enable training that is crucial to limiting Marine casualties in war zones, he said. "The Marine Corps in the High Desert realizes we are part of the community," he said. "We're not in the business of keeping secrets or doing things that aren't good for our neighbors. "At the same time, we are in the business of saving lives." The Bureau of Land Management confirmed Friday that the combat center had not submitted an application to change its boundaries, which typically involves a review of environmental impacts. Meanwhile, Fort Irwin is moving ahead with its expansion, which was divided into three phases.

The first phase, extending the eastern boundary to include 45,000 acres, was completed last summer, said Col. **Chris Philbrick**, garrison commander at Fort Irwin. The second phase, moving the southern boundary to encompass 22,000 acres, is still undergoing environmental impact assessment, but could be complete by this fall, he said. The third and largest phase,

absorbing 65,000 acres to the west, is not expected to be complete until next year, **Philbrick** said. Service members from all branches of the military are sent to the base.

Because of its size, Fort Irwin is a key training location for soldiers and Marines going to Iraq and Afghanistan, **Philbrick** said. The training grounds prepare troops for communicating, planning logistics and executing combat operations over the vast geographic areas they will encounter overseas, he said. "There's a difference between going a mile and practicing and going 100 miles," **Philbrick** said. "We like to use the old football analogy - you wouldn't go from the team that's at summer camp to the Super Bowl. You've got to have some training in there." But by pushing its borders westward and southward, Fort Irwin has encountered a couple of stumbling blocks.

The military base is encroaching on areas occupied by the desert tortoise, which is federally listed as a threatened species. The base is developing a plan to mitigate the impact on the desert tortoise. The area is also home to the Lane Mountain milkvetch, an endangered plant species only found in the expansion area, said Ileene Anderson, a wildlife biologist with the Center for Biological Diversity. Fort Irwin's plans have raised concerns about the future of the two species, she said. "We don't see how running tanks are going to be compatible with species conservation," she said.

Desert Dispatch (Barstow, CA)
January 15, 2008

**Civilian layoffs not expected at Fort Irwin**
Author: Aaron Aupperlee

Col. **Chris Philbrick** never thought they were coming, and now he has the paperwork to prove it. "I'm no longer planning for what to do with a civilian furlough," **Philbrick** said on Tuesday. During the month of December, **Philbrick**, the garrison commander at Fort Irwin, was suspicious of the possibility of civilian layoffs at Fort Irwin due to Department of Defense budget woes. With that in mind though, he still developed a plan for how the desert post would function if civilians had to be let go. A few weeks ago, **Philbrick** said he received a message from the Department of Defense saying those plans were no longer needed.

Just before the holidays last year, the Army braced for a potential round of layoffs for civilian employees after a spending bill for the wars in Iraq and Afghanistan stalled in Congress. Army posts across the country were asked to cut spending and prepared for furloughs for as many as 100,000 civilians and 100,000 contract employees by mid-February. However, with Congress returning to session for the first time in 2008, Army officials in Washington and at Fort Irwin are confident the money woes will be solved without sending civilians home. "We're confident Congress will take action," said David Foster, an Army spokesman in Washington, D.C.

Congress' inability to act, in part due to partisan arguments over funding for the war and disapproval from the president, threatened key funding. First, Congress failed to push through a supplemental war budget for Iraq and Afghanistan, causing the Army to dip into funds mark for civilian employees. Next, Bush vetoed the 2008 Defense Authorization Act, which sets military spending for 2008, just after Congress recessed in December. That froze funds, including bonuses given to new recruits and soldiers who reenlist, and froze a pay raise for the troops.

President Bush had rejected an earlier version of the legislation because he said it would expose the Iraqi government to expensive lawsuits. Democrats on Tuesday planned to send the bill back to the House Armed Services Committee, which then would quickly redraft the measure to address Bush's concerns and send it back to the floor for a final vote by week's end.

The new bill is expected to increase troop pay by 3.5 percent, retroactive to Jan. 1. Overall, the bill authorizes about $696 billion in defense spending, including $189 billion for the wars in Iraq and Afghanistan. In addition to setting pay raises for service members, the bill's primary purpose is to guide Pentagon policy, including setting restrictions on the Pentagon's multibillion-dollar acquisition program.

Desert Dispatch (Barstow, CA)
October 4, 2007

**Fort Irwin Road goes one year without a driving death**
Author: AARON AUPPERLEE

FORT IRWIN — A giant sign at the gate to Fort Irwin has read zero for 365 days, quite an accomplishment for the post. The sign tracks the number of driving fatalities along Fort Irwin Road, and for the 2007 fiscal year, which ended in September, there have been none. "It's a measure of success achieved," said Fort Irwin Garrison Commander Col. **Chris Philbrick**. "Our goal is always safety." The road, which connects Interstate 15 with the post and is traveled by more than 5,000 vehicles a day, has not had a reputation for safety. During the two fiscal years before 2007, eight people died in collisions or rollovers on the road. However, a $22 million road improvement project that wrapped up in November 2006 sought to change that.

**Philbrick** said the project resurfaced the road, added passing lanes and paved the shoulders, cutting back the dangers of the bumpy road known for dangerous passes and a soft shoulder responsible for many rollovers, known to Fort Irwin Road veterans as the "desert tumble." Motorists who veered off Fort Irwin Road found a sand shoulder which would catch a vehicle's wheels and send it tumbling across the road when drivers attempt to correct the vehicle. "With the paved shoulders, you now have a smooth, safe surface to correct back to normal," **Philbrick** said.

Some do not blame the road, but blame the drivers. Bill Frasier, a Barstow resident who works in the transportation division at Fort Irwin, drives the road almost every time he goes to work. He welcomes the improvements to the road, but said dangerous drivers still complicate his commute to work. "You still get some knuckleheads," he said, "but with the passing lanes, that relieves things a bit. ... In general, the road conditions are better. It's been a good, positive thing getting those roads fixed up."

Officer Greg Smoak of the California Highway Patrol said with the unsafe drivers on FortIrwin Road, the improved road conditions help. He said he patrols the road often, and it does not take long to make a traffic stop for someone speeding or passing illegally. "We're still getting calls of people passing illegally, the speeds are still high out there," Smoak said. "The road improvement are nice, and those aspects make the road safer." Fort Irwin authorities are still investigating the death of a soldier killed in a collision at FortIrwin. Sgt. Jonathan M. Tidwell, 28, died September 27 at Loma Linda University Medical Center from injuries sustained when his motorcycle collided with a truck near the intersection of Outer Loop Road and Lane Mountain last week.

Fort Irwin Road, by the numbers

$22 million — cost of road improvement project
55 mph — speed limit

**Internet – Newspaper Archives Searches**
***Christopher Philbrick***
**(Articles are in reverse chronological order)**

3 — Driving related fatalities in FY05
5 — Driving related fatalities in FY06
0 — Driving related fatalities in FY07

Desert Dispatch (Barstow, CA)
April 3, 2007

**Ft. Irwin to show Bush a 'normal day'**
Author: STEVIE ST. JOHN

FORT IRWIN - At the Army's National Training Center, an upcoming visit from President George W. Bush on Wednesday means not only the excitement of a high-profile guest but also recognition from the commander in chief. John Wagstaffe, the public affairs officer at Fort Irwin, said that it is exciting whenever the president comes but that it is even more so because of the work Fort Irwin does to train troops. "The President is coming to Fort Irwin because it is a major training hub for the global war on terror," said Blair Jones, a White House spokesman. "He would like to thank the brave men and women of the armed services for their dedication and service."

Wagstaffe said he didn't have details about the president's schedule but that Bush's day on base will include a private session with soldiers and their families. "To me, it means that he does care," said Spc. Maribel Perrio, who will deploy to Iraq this summer with the 557th Maintenance Company. "I think the soldiers are going to appreciate him showing up."

Col. **Chris Philbrick,** garrison commander at Fort Irwin, said Bush's day on base will probably include a tour and demonstrations of military equipment. "We welcome the opportunity to showcase our efforts to support the global war on terror," he said. Although people are excited, **Philbrick** said that there won't be a lot of changes at Fort Irwin in preparation for the president's visit. He said that would send the wrong message. "We're not repainting the rocks or trimming the trees," he said. "We're proud of our post every day. It will be a normal day at the National Training Center with a special visitor."

**Internet – Newspaper Archives Searches**
***Christopher Philbrick***
**(Articles are in reverse chronological order)**

Desert Dispatch (Barstow, CA)
March 27, 2007

**Cordova's party honors his dedication, promotion**

Around and About by 'Bee Jay'

Col. **Christopher Philbrick** lauded Anthony Cordova's outstanding dedication to his job by relating one incident when Tony personally inspected every building on the base to see if there were any leaks during the freeze in January. When he found one, he made sure it got fixed. He could have delegated this chore but chose to do it himself. While I have known Tony through Military Affairs Committee for about three years now, I never knew the full range of his responsibilities. They included everything from taking care of noisy neighbors or coyotes running through back yards to major problems.

On Friday the military honored Tony with a promotion to Command Sgt. Maj. His 9-yearold daughter, Sarah, helped fasten one of the new epaulets with the wreath in it on his uniform as the old ones were removed. Jill Cone was on hand for the festivities. She said that the only reason Brig. Gen. Cone was not there was because he was being flown all over Afghanistan to familiarize him with his new command prior to being transferred there this summer.

Tony said repeatedly that he was so very happy and honored that everyone chose to be there. He was especially pleased that his parents, Peter and Delia Cordova, were there, as was his younger brother, Drew. Another special person he was especially pleased that came was Eugene O'Connor, the recently retired director of public works at the fort with Mrs. O'Connor. At the head of the room were crossed flags: the American flag and the recently completed Ft. Irwin flag. The presentations, all of the pictures and the receiving line were in front of these flags.

Tony leaves April 9 for Brussels. His family will stay here until Anthony Jr. graduates from Silver Valley Hi in late May. Tony will return for graduation. At that time, the whole family will move to Belgium. We'll all look forward to hearing about the Brussels post but will miss all the family, especially the charming and beautiful Michelle. She's always so helpful and much fun. Others at the party and in the long receiving line included Robert Lewis (he's retired army and runs Wal-Mart like a command) and his wife, Sfc. Daina Lewis. (She was posted to Ft. Irwin when her tour ended in Iraq.) Also Command Sgt. Maj. Pring of the 11th ACR, Tami Philbrick, Chaplain Col. Walter Davies and Diane, Sfc. Jim Folwell, Sgt. Boyink, Dave Booze, Bob Lucas, John Wagstaffe and many, many others.

I'm looking forward to meeting Tony's replacement: Mark A. Harvey from Ft. Leonard-Wood, Missouri. He's going to have tall boots to fill.

Sun, The (San Bernardino, CA)
November 11, 2005

**Soldier describes struggles in Iraq at veterans home**
Author: CHUCK MUELLER

BARSTOW Assignment to a combat engineer company in Iraq is anything but routine reconstruction duty, a young Army officer told a Veterans Day crowd here Friday. As a platoon leader, 1st Lt. Patrick Armstrong led soldiers on patrols into an area near Baghdad last year to find and rebuild broken sewer and water lines and schools and hospitals in disrepair. "Although each patrol was designed to bring stability to the area, the threat of enemy attack was always imminent,' the 25-year-old officer from nearby Fort Irwin said.

Members of the 58th Combat Engineer Company spent a harrowing year in Iraq, returning without loss of life five months ago. But the experiences of Armstrong's platoon evoked memories of combat long ago for men living in the California Veterans Home of Barstow. "I went through the Battle of the Bulge in World War II and was among the first soldiers to cross the Remagan Bridge in Germany,' said John van Son, 85, a resident of the veterans' home since 2001.

Combat for infantrymen six decades ago in the freezing European forest was different than battles fought today, van Son said. "It is much faster today with the use of sophisticated weapons,' he said. "And I expect future battles will be even faster.'

For van Son and another resident, World War II Navy veteran James Thomas, 81, the tributes paid to graying warriors is touching and appreciated. "It's really wonderful to see our young military men and women pay respects to us oldtimers,' said Thomas, who enlisted in the Navy when he was 17 and served in France and Italy from 1942 to 1946. Other speakers took the podium in the veterans' home dining hall to honor the veterans and military men and women on active duty. "Our veterans have all sacrificed so others can live in freedom,' said Louis Koff, veterans' home administrator, who noted that 73 of the home's 143 residents served in World War II.

Col. **Chris Philbrick**, garrison commander at the Army's National Training Center at Fort Irwin, saluted the crowd of veterans. "I express my heartfelt thanks for the sacrifices you have made for our nation,' he said.

Col. Steven Thompson commanding officer of the Marine Corps Logistics Base here, said veterans have set aside their own personal interests for the benefit of a grateful nation. "We honor you for helping ensure our nation remains strong,' he said.

And Bob Smith, a field aide to Assemblyman Bill Maze, R-Visalia, said America's military veterans stood watch over the nation's peace, guaranteeing its freedom. "We are eternally

grateful to you for that sacrifice,' he said. "You have handed down a great tradition for our current soldiers to follow.'

In his address, Armstrong told the crowd that his patrol came under fire from an enemy sniper while securing the only gas station to serve hundreds of thousands of Iraqis in Sadr City. Three soldiers were shot. "Chaos is the only way to describe (the situation) at this gas station,' Armstrong said. While on one mission, the platoon found 106 antitank mines destined to be used against American and Iraqi forces.

Last January, their duties shifted to ensuring the safety of Iraqi voters. "Coalition forces closed down all major roads leading into the city,' Armstrong said. 'We spent all night emplacing concrete barriers and concertina wire to deny access to anyone attempting to disrupt the election.' The company also placed obstacles in the path of potential car bombs to help protect voters. Armstrong said his 58th Combat Engineer Company returned home in June, and some of its soldiers have moved to new duty stations or entered civilian life.

The Southeast Sun
June 27, 2002

**Philbrick passes on leadership of 1-210th to Ulses**
Author: Kay Kirkland

The incoming commander of the 1st Battalion 210th Aviation Regiment pledged to reinforce the "great work" of his predecessor by instilling a sense of pride, poise and teamwork. Lt. Col. Robert L. Ulses thanked Lt. Col. **Chris Philbrick** for turning over to him a battalion that operates efficiently with a high standard of excellence. "I am deeply honored to be your commanding officer," Ulses told the soldiers on the field representing the units within the battalion. "I look forward to the many challenges ahead." Ulses said the battalion, with its military police, firefighters, engineers and the Army Band, represents a deeply diverse organization that contributes in many ways to the success not only of the Fort Rucker mission but the overall Army mission.

A former collegiate football player, Ulses said his coach instilled in the philosophy that to be truly successful, an organization must have a sense of pride, a sense of poise and a sense of team. He pledged to reinforce the success of **Philbrick's** leadership philosophy by focusing on pride, poise and teamwork. He praised **Philbrick** for his service to the battalion for the past 29 months and assured him, "all future success of this battalion is due in part to your leadership."

Col. Davis Tindoll, garrison commander, also commended **Philbrick**, saying **Philbrick** was tasked with leading a uniquely diversified organization consisting of both U.S. Forces Command units and Army Aviation Center directorates. "Lt. Col. **Philbrick** has actively participated in all aspects of this command, leading from the front with a caring, yet forceful presence," Tindoll said, telling the crowd at Howze Field that **Philbrick** was committed to ensuring that all personnel from the warrants to the colonels knew they had his support to accomplish their daily tasks.

**Philbrick** watched over a number of deployments, including F Company 58th Aviation Regiment, and B Company 46th Engineers. He has also been the mobilization commander for three battalions taking part in the nation's war on terror. "Lt. Col. **Philbrick** is a soldier's soldier," Tindoll said. "The men and women of the battalion know him as a 'be, know, do' type of leader. Since the events of Sept. 11, Lt. Col. **Philbrick** has exemplified that leadership as he and the officers, NCOs and soldiers of this battalion carried the load of duties for anti-terrorism force protection."

Tindoll said the military police, firefighters and Alabama National Guardsmen have performed the duties necessary to ensure that the personnel of Fort Rucker operate in a safe environment. The soldiers and leadership at Fort Rucker have recognized **Philbrick's** positive attitude, confidence and sense of duty, Tindoll said. "My peers on this installation and commanders in the field all have praise for your soldiers' ability to get the job done," he said. "**Chris**, this is the greatest tribute you can receive today."

Tindoll also thanked **Philbrick's** wife, Tami for her support and leadership and wished the outgoing command team well as the **Philbricks** move on to Carlisle Barracks, Pa. Tindoll also welcomed Ulses and his wife, Kathleen, to Fort Rucker and said the 1-210th is getting a "first class, top notch command team." Ulses came to Fort Rucker from the Pentagon, where he served on the Army staff as a strategic planner, Army Initiatives Group, Office of the Deputy Chief of Staff, G-3. Tindoll expressed confidence in Ulses, who he said has an outstanding background of leadership. "I did observe that he is a warfighter with a solid background in air assault and attack helicopter operations. The Army has prepared him well for the command of this battalion," Tindoll said.

**Philbrick** also welcomed Ulses and his wife to the Aviation Center team, assuring them that they have much to look forward to and he expressed confidence that "you two will take this organization to new places we only dreamed of reaching." **Philbrick** offered advice for the new commander, saying, "your most meaningful memories will be the times when your character, integrity, endurance, stamina or fortitude is most challenged and you had the courage to do the right thing," he said. "The things that will make you feel best about yourself will not be the things you do for yourself but the good things you do for these soldiers on the field."

**Philbrick** urged Ulses to "always do the best job at the job you have right now." He said the experiences in life that truly elevate the human spirit will not come from material rewards, "but from the moral and spiritual rewards that attend virtues of sacrifice, duty, honor and courage." **Philbrick** said Ulses should take advantage of the monumental moment in his life. "Listen to the wind and hear the wisdom that surrounds you today - your seniors, your peers, your spouse, your children and your family members all contribute to that wisdom. Remain united with them into your future."

**Philbrick** thanked the command group, the community members and the battalion staff and personnel for their support during the past 29 months. He offered a special thanks to Tindoll and his wife, Dayle, for their support and friendship. Expressing love and gratitude for his sons and his wife, **Philbrick** said his wife's efforts to support soldiers and family members of the installation have been from the heart.

**Philbrick** told the soldiers of "Battle Line the Sky" that he has enjoyed his command and he thanked them for their outstanding work. "I'll see you on the high ground," he said. "God bless the United States Army and the United States of America."

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Research Compiled by: Amanda Kuhl
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 12*

# *Francine L. Ramaglia*

# *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

# FRANCINE L. RAMAGLIA, CPA, AICP, ICMA-CM

[redacted]

FrancineRamaglia@gmail.com

[redacted]


August 27, 2016

Mr. Colin Baenziger
Mr. David Collier
Colin Baenziger & Associates

Re: Port St. Lucie City Manager Position

Dear Mssrs. Baenziger and Collier:

In response to your advertisement for the City Manager position for Port St. Lucie, my resume is attached. I am a demonstrated leader in all facets of local government with over 30 years' local experience, not only as a practitioner but also in providing a myriad of professional services to clients in the public sector.

I am quite passionate about public service and all that we do. I enjoy collaborative engagement, partnering with a wide range of people and finding creative, innovative yet practical ways to communicate and deliver services. My extensive financial background combined with strong operational skills gives me a unique perspective. I have the ability to rapidly find solutions to existing problems as well as the ability to foresee potential problems and design/implement strategies to avoid them. I am a leader and a teambuilder and am always willing to try something new, or to do something differently, to make traditional approaches deliver better results. I love a challenge and I have proven my ability to transfer knowledge into action. I am forthright, yet diplomatic. Further, I am extremely comfortable and effective in making presentations and synthesizing sometimes complicated matters into easy to use and understand information. I am recognized for my positive outlook, energy, enthusiasm and ability.

Having spent my career in a "go to" position at two of the largest and most dynamic cities in Palm Beach County, I have had the opportunity to establish and/or to manage virtually all municipal operations at one time or another and to implement a wide variety of systems and programs. I have also been mentored by one of the most highly regarded City Managers in the profession and 20 year Port St. Lucie City Manager, Mr. Donald B. Cooper, for the last two years in Delray Beach. Perhaps most importantly, I was privileged to design and to implement the financial framework that enabled Wellington to achieve fiscal sustainability while maintaining significant reserves at one of the lowest tax rates in the state and with an AA+ and Aa3 bond rating from Fitch and Moody's, respectively. Wellington's capital program (which included property acquisition/land sales, long term master planning and partnering with developers, businesses and other community agencies) was implemented with limited debt, all of which will has already been retired.

The Port St. Lucie City Manager position appeals to me as it offers a unique opportunity where both my experience and my personal commitment are well suited to lead the organization and to serve the community while at the same time it offers tremendous professional learning and growth. I look forward to the opportunity to take the successes along with lessons learned in my career as an Assistant

Manager and to bring them to the next level as City Manager in Port St. Lucie. I hope that you will give me the opportunity to do so! I very much look forward to hearing from you soon.

Best regards,

*Francine L. Ramaglia*

Francine L. Ramaglia, CPA, AICP, ICMA-CM

# FRANCINE L. RAMAGLIA, CPA, AICP, ICMA-CM

[redacted] • FrancineRamaglia@gmail.com

## PROFILE

An innovative, creative, energetic senior leader recognized for passion for public service, entrepreneurial spirit and technical expertise along with ability to build consensus, manage change and guide the organization towards its mission, vision and goals. 30 years local government experience, from both a public and private sector perspective, in a "Go To" position with demonstrated success in:

- Strategic organizational alignment, from planning framework to service delivery model to funding hierarchy/budget to performance management to transparent reporting
- Financial sustainability based on data-driven analysis, results-oriented solutions, cost effective funding alternatives, service adjustments as well as long-term planning and forecasting
- Human resource and performance management, organizational design, employee engagement, enablement and development
- Open government accessible, collaborative, participative and transparent to/with residents, local businesses and other stakeholders
- Economic development and community development, including all aspects of long-range and current planning, zoning & building to community engagement to business/project development and neighborhood resources to strategic partnerships

Unique career opportunity incorporating my own hometown community to a full service municipality from a special purpose taxing district. Designed, crafted/authored, implemented and updated legislative framework, policy, programs, structure, systems and processes in virtually every area of local government finance/administrative services, operations and service delivery. Strong background in special assessments and alternative funding models.

## CORE COMPETENCIES

- Strategic Planning /Alignment/Execution
- Integrating Technology & Business Service Model
- Budget, Financial Management and Capital Planning
- Communications/Cross-Functional Collaboration/Leadership
- Organizational Culture, Development and Change
- Economic Development
- Community Outreach and Engagement
- Customer Service
- Project/Program Management
- Outsourcing/Contract Negotiations
- Talent Management and Training

## SELECTED CONTRIBUTIONS AND ACCOMPLISHMENTS

- Have acted in capacity of Assistant City Manager for over 20 years:
  - Directly support CM in all aspects of organizational management, internally & externally, including program oversight and evaluation; task forces, special projects and policy proposals/updates; strategic planning, budget development and capital planning; develop/negotiate/manage



## EXPERIENCE

**Assistant City Manager**
Delray Beach, Florida
2014-Present

Budget: $175 million
Employees: 800 FTE
Population: 66,000

**Assistant City Manager**
Wellington, Florida
1994-2014

Budget:
Operating: $78 million
Capital: $80 million
Employees: 290 FTE
Population: 58,000

**Senior Manager**
KPMG, South Florida Practice 1984-1994

Selected Clients:
Cities of Ft. Lauderdale, Plantation, Hallandale, Coral Springs
Various Special Districts and Pension Trusts
Port Everglades Authority, Downtown Development Authority
Performing Arts Center Authority

## INDUSTRY RECOGNITION

Bond Ratings:

| | |
|---|---|
| Moody's | Aa3 |
| Fitch | AA+ |

Certificate of Achievement for Excellence in Financial Reporting; Popular Reporting

Distinguished Budget Presentations Awards

# FRANCINE L. RAMAGLIA, CPA, AICP, ICMA-CM

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interlocals and other operator contracts & agreements; serve as Acting Manager.

- Key city contact/executive board member/liaison to wide variety of external organizations, groups and efforts including: CRA, DDA, Delray Beach Marketing Cooperative (DBMC), Old School Square (OSS), Arts Garage, other cultural/business/grassroots/civic groups and community agencies/NGOs; key city contact for wide variety of groups/organizations.
- Key member of transition team to establish and link level of service to cost of service; build accountability & transparency into operations; evaluate, redesign and implement updated organizational structure, service delivery methods, citywide technology and capital infrastructure, etc; negotiate/renegotiate agreements/contracts; update policies, procedures & systems citywide; served as acting department director in various departments while reorganizing and recruiting new management team.

- Established and provided line supervisory responsibility for the following departments: Economic Development, Strategic & Long-term Planning; Planning, Zoning & Building; Community Services; Special Events; Communications and Social Media; Information & Technology; Financial Management & Budget; Customer Service; Human Resources & Risk Management; Purchasing & Business Services; Audit & Compliance; Clerk; Executive Office.
- Developed strategic plans and corresponding LOS-driven budgets, action/business plans/capital improvement programs and messaging
- Formulated and led Economic Development initiatives; actively led master planning efforts, corridor studies, formation of a medical arts district, creation of a residential overlay zoning district, flex zoning district, with associated expedited permitting process, as well as addition of a sustainability and other specialized elements to Comprehensive Plan
- Coordinated and managed numerous community outreach programs including volunteers, Residents Academy, Budget Challenge; created Safe Neighborhoods Office; facilitated numerous community led and grassroots efforts such as Human Powered Delray
- Evaluated, redesigned and implemented updated organizational structure, service delivery methods, citywide technology and capital infrastructure
  - Facilitated organizational redesign and technology implementation to increase services while eliminating positions and reducing annual budget by over 40% or $50 million
  - Developed and executed both a reduction-in-force strategy based on performance as well as an early retirement strategy resulting in over 50 departures over a 2 year period
  - Developed organization-wide systems to improve efficiencies and productivity; performed benchmarking analyses and cost benefit analyses including studies of privatizing versus publicizing various functions and services
  - Modernized utility function to include entire meter-base change out and implementation of a fixed-based reading system through municipality-wide wireless broadband system.
  - Led variety of initiatives from SAS to virtualized servers to mobile/cloud

*since 1995 with outstanding and special recognition several times*

Gold Leadership Circle for Government Transparency

Gold LEED City Hall/Gold LEED City

**PRESENTATIONS**

Active presenter and panel member at National, State and regional level for variety of organizations

Taught courses in transparency, open government, budgeting & finance, capital planning, benchmarking & performance management, succession planning, and strategic alignment, GIS, employee & community engagement, economic development, urban planning

**PROFESSIONAL AFFILIATIONS**

Alliance for Innovation/Transforming Local Government - Partner Program

International City/County Management Association (ICMA); Florida City/County Association (FCCMA); Palm Beach County City/County Managers Association (PBCCMA)

Women Leading Government Coalition

American Society of Public Administration

# FRANCINE L. RAMAGLIA, CPA, AICP, ICMA-CM

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computing to open data to crowd sourcing to engagement tools and software solutions such as ESRI, Sharepoint, Granicus, Laserfiche, NeoGov, Clearpoint

- Revamped Customer Service philosophy and delivery systems, from e-government to queuing and lobby management to cross training to customer satisfaction

- Maintained strong financial position (general fund reserves > 30%, Disaster Reserves at $3 million, Building Reserves at 50%, Enterprise Funds reserves > 25% with replacements reserves fully funded) while maintaining one of the lowest millage rates (under 2.5 mills) in Palm Beach County and holding user rates at competitive levels based on regular rate studies
- Guided all debt financing programs including refinancing, eliminating restrictive bond covenants while realizing savings, and implemented early retirements to lower future debt service costs
- Participated in labor negotiations; served on General Employee Pension Board
- Implemented market-driven performance pay plan along with career progression and performance management plan
- Redesigned recruiting and selection efforts aimed at hiring well qualified, "right fit" candidates while providing an opportunity for succession planning and employee advancement
- Designed and implemented all employee benefit programs including conversions from/to defined benefit plans, offering consumer driven health plans and conducting focus group efforts to evaluate alternative benefits
- Structured employee driven initiatives for technology solutions, engagement, recognition and wellness including policy and program development
- Implemented programs to supplement current staffing levels through volunteers, professional internships, fellowships, and partnerships with local universities and colleges

## EDUCATION

**Florida Atlantic University, Boca Raton, Florida**

Bachelor of Business Administration-Accounting, with Honors

Graduate Studies, Business Administration/Public Administration/Urban Planning (40+ hours non-degreed)

**International City and County Managers Association Credentialed Manager**

**American Institute of Certified Planners**

## PERSONAL

Professional Auntie, life-long learner, traveler, ballroom dancer, gardener and wine enthusiast

## REFERENCES

Available upon request

(ASPA)

American Planning Association, Economic Development & Technology Sections (APA); Florida American Planning Association (FAPA); Palm Beach County Planning Congress

Government Finance Officers Association (GFOA) – Economic Development and Capital Planning Committee. Instructor for professional development programs.

Florida Government Finance Officers Association (FGFOA)– Served on Board of Directors for 10 years; chair and member of variety of FGFOA committees; Past President of Palm Beach County Chapter. Frequent speaker/instructor at past annual conferences & School of Government.

Florida League of Cities Municipal Finance and Taxation committee

Investment Advisory Board of the Florida Municipal Investment Trust, a $1+ billion local Government Investment Pool

Wellington Charter Review Task Force

# *Candidate Introduction*

## EDUCATION

**Florida Atlantic University, Boca Raton, Florida**
Bachelor of Business Administration-Accounting, with Honors
Graduate Studies, Business Administration/Public Administration/Urban Planning
(40+ hours non-degreed)
**Certified Public Accountant**
**International City and County Managers Association Credentialed Manager**
**American Institute of Certified Planners**

## EXPERIENCE

| | |
|---|---|
| Assistant City Manager, Delray Beach, FL | 2014 – present |
| Assistant City Manager, Wellington, FL | 1994 – 2014 |
| Senior Manager, KPMG, South Florida Practice | 1984 – 1994 |

## BACKGROUND

My career began serving a wide variety of public and private sector clients, many of them very large cities such as Fort Lauderdale, Coral Springs and Plantation. I also had the privilege to incorporate my hometown, Wellington, and help it grow to one of the largest cities in Palm Beach County with a permanent population in the 65,000+/- range. As the Winter Equestrian Capital of the World, it is an international destination with a seasonal and service population bringing it closer to 90,000 or more. The total operating budget has been as high as $120 million with nearly 400 employees, excluding public safety which while managed locally is provided through County contracts and the MSTU.

Delray Beach is a two-time All American City award winning community and, among many other things, the Most Fun Small Town in America with a permanent population of roughly 66,000 residents and a service population approaching 100,000 or more. It is a major destination known for its lifestyle, beaches, entertainment, special events and international tennis. I-95 runs through the City as do two railways, one of which will be Brightline. While more than 90% of businesses are smaller and locally owned, Delray is emerging as South Florida's entrepreneurial green and orange economy with a growing cluster of clean energy/sustainable technology sector businesses as well as fine and performing arts, architecture, fashion, design, and film industries.

Delray Beach's General Fund budget comprised $110 million and the total budget is proposed at $191 million in 2017. That excludes nearly $22 million in 2017 capital expenditures for the first year of the City's multi-year major capital improvement program including significant deferred

maintenance along with new construction. The City has 800 employees with approximately 20 departmental directors reporting the City Manager and two Assistant City Managers.
The three most significant issues facing the City are legacy issues:

- Financial Sustainability. I am part of the team overhauling the financial structure and reporting systems including implementing an outcome based, LOS driven budgeting, a comprehensive capital planning process and long range strategic planning. Although also one of the largest cities in Palm Beach County, resources are very limited and we have become more than adept in finding ways to move important initiatives forward.
- Infrastructure Reinvestment. Both technological and physical infrastructure have not been addressed systemically in a number of years. Accordingly, this past year and moving forward, we have begun to implement R&R programs, identified necessary facility upgrades and replacements, and are implementing an ERP and other technology throughout the City to improve customer service, business operations and reduce personnel costs by improving efficiency
- Economic Development & Redevelopment. The City has newly adopted CBD LDRs and design guidelines, but there are over 22 master plans, outdate along with outdated and sometimes conflicting codes. In addition to consolidating the many plans into implementable neighborhood reinvestment, we are also updating our comp plan as well as our codes. We are also in process of a corridor study of a 4.1 stretch of road anticipated to be the Next Great Street in Delray from an economic development perspective.

## GENERAL, MANAGEMENT STYLE AND EXPERIENCE

My career has been as a "go to" person. I rapidly find solutions to existing problems as well as foresee potential problems and find ways to avoid them. I enjoy collaborative engagement, partnering with a wide range of people and finding creative, innovative yet practical ways to communicate and deliver services. Further, I am extremely comfortable and effective in making presentations and synthesizing sometimes complicated matters into easy to use and understand information. The approach I use keeps everyone on the same page, provides opportunities for sometimes hard conversations, creates transparency and trust and therefore ability to understand, embrace or at least accept the direction we take. With my strong technical skills, adaptability and agility, a situational or highly adaptive management style has been the hallmark of my career.

Both Wellington and Delray are considered leaders in local government, both synonymous with innovation, creativity and resiliency. As ACM in both cities, I worked very well with various groups and stakeholders addressing issues ranging from demographics and cultural diversity to preservation to coastal and environmental issues to service deliver--whether customer service, aesthetics, public safety or technical- issues--on a one on one basis and in groups. I am an inclusive and collaborative consensus builder, even in new and/or demanding circumstances:

- In Wellington, bringing forth the "2060" economic development and strategic plan (see http://www.wellingtonfl.gov/home/showdocument?id=980 and discussion below) required the buy in of not only Council and the community, but a wide array of stakeholders ranging from individuals; civic organizations and other groups; individual landowners to possibly annex; neighboring communities; the County, other governing agencies, districts and authorities; multiple chambers and business organizations; potential investors and so on. We "took the show on the road" and took every opportunity to engage at the individual level, in groups, at meetings and workshops, etc. through conversations, presentations, branded marketing materials and videos, lobbying trips, etc.
- In Delray, I am the liaison to our community organizations--all passionately providing sometimes similar, sometimes competing services and programs. I have brought the groups together to rebuild a spirit of collaboration rather than competition. A stakeholder's group, led by me, worked together for 18 months on Special Events, controversial with respect to both the problem and the solution. Following a hotly debated pilot period, Commission recently adopted a revised ordinance, policy, permitting process, application & fee structure, and guidebook.

I ask people to stretch beyond their comfort zones and for that I believe in market based, performance driven compensation. I believe in providing opportunities, tools and resources for people to not only do their jobs, but to grow and learn. It goes both ways: early on I was told that the key is to hire people who can take your job and I know I have. My staff would say that I am first and foremost a coach, mentor and number one fan—making people feel appreciated and valued, giving credit where due and praise for job well done while at same time providing encouraging and effective feedback in the not so good situations. They would say I am always fairminded and thoughtful, set challenging but achievable goals, hold people accountable, inspire others to find better solutions/new ways of doing things, and that I am a recognized leader and have a great professional network and can get/provide information and support quickly.

Elected Officials would say that I am diplomatic yet direct and straightforward; honest, ethical and transparent; knowledgeable yet open minded; well prepared yet quick on my feet; easy to work with and accommodating yet will stand my ground; factual not political; responsive and reliable; recognized and committed professional that gets the job done that represents and interacts with the community very well. Both groups would likely say that I am insightful and intelligent, visionary yet practical, both strategic and tactical, a "can do" and "go to" person that gets the job done. They would say I am a very positive person who sees the best in people and situations and can find a way to get us where we need to be.

My greatest strengths: my energy, enthusiasm and ability. A quick study, I keep sight of the big picture without losing sight of the details. I am creative and strategic, tending to think long term even with short term issues. Flexible and thoughtful problem solver, decisive and fair. I am a teambuilder, happy to play any position on the team, strive for consensus where possible. I believe in accountability, and am supportive of staff and a willing partner. Perhaps my greatest strength though is my willingness to challenge the status quo.

It is said that the only constant is change. My greatest weakness, although perhaps also a strength, is that I understand the need for and have an enormous capacity for continuous change and for multiple priorities, both of which are demanding and require a level of agility that sometimes individuals and the organization do not have. At times, I can also switch direction, in conversation and in action, faster than others can keep up with. I tend to compensate, especially where structure and other resources don't exist, by readily accepting "pushback" and either accepting alternate timetables, approaches and deliverables or finding other means/methods of achieving intended outcomes, even in some instances by taking on a greater measure of the workload myself. That being said, I also have a tendency to stay out of the limelight, try not to draw attention to myself and have not taken or given myself credit for personal and organizational accomplishments and successes. Lastly, I tend to avoid conflict and will resist giving in to toxic behavior at any cost. I have tremendous tolerance outwardly while most often internalizing my stress &/or frustration.

In both Wellington and Delray Beach, we have moved towards outcome based budgets and have established performance measures and benchmarks for all departments and operations. My work in Wellington has been emulated in many places and is considered best practice by ICMA. I have attached the links: http://www.wellingtonfl.gov/home/showdocument?id=3922
http://www.mydelraybeach.com/E-Proposed%20Budget%20FY%202016-2017.pdf

During my career, I've had the opportunity to establish and/or manage virtually all municipal operations at one time or another. I consider myself one of the most specialized generalists in the profession given that I am a CPA, an AICP and an ICMA-CM. Although I am an ICMA-CM and an AICP, it is my financial acumen that has often aided me best:

- Perhaps most notably, I was privileged to design and to implement the financial framework and business model that enabled Wellington to achieve fiscal sustainability while maintaining significant reserves at one of the lowest tax rates in the state and with an AA+ and Aa3 bond rating from Fitch and Moody's, respectively. During my tenure, Wellington constructed over $200 million in facilities and infrastructure projects as well as implemented systemic annual maintenance programs for infrastructure in all significant operational areas. The capital program was implemented with limited debt, all of which has been retired. Also part of the capital program was property acquisition/land sales, long term master planning and partnering with developers, businesses and other community agencies.
- I created and was responsible for all economic development, sustainability and community outreach programs in Wellington. For instance, I assembled and led the team that created the very first economic development initiatives--8 concepts for the Future--ultimately branded "Wellington 2060." This very successful program encompassed placemaking, main streeting/boulevarding, sustainability (including specific comp plan element), commercial and residential redevelopment, neighborhood revitalization and outreach, job creation, flex use zoning/business districts, medical arts district, educational partnerships from elementary schools through creation of the Florida Atlantic University Living Lab and the Lake Erie College of Medicine partnership. The program included creation of specific overlay districts,

comp plan amendments, design elements, infrastructure analysis and financing models, interlocal agreements and legislation, grant applications, partnering/outreach with varied investors, stakeholders and affected agencies as well as with state agencies. The entire 2060 program, including Medical Arts and the WIZ (innovation zone), were widely accepted and embraced by the community as well as by the local BDB and by the state. Much of the 25 year program was accomplished in a 2-5 year window; moreover, each of these initiatives are built to last and while the names have changed and tools/locations adapted to current political and economic environment, the implementation is ongoing.

These achievements—for the community, for the organization and for the employees and elected officials who made them possible---are the reason public service is its own reward.

They say there are no failures, just practice for future success. So I have two great learning experiences to share, both in Wellington. One, very simply put: I hired the wrong CFO which in 9 months marred 2 decades of stellar performance and teamwork, resulting in the first management letter finding that ultimately I found and resolved. The second was a matter of timing: I believe in one stop shopping for the community and built a consolidated, full service frontline function. After a year of metrics, the data clearly showed among other things that we had reduced customer complaints and increased transactions handled with an average customer experience time of under 10 minutes. The metrics also showed the need to improve service on more complex, technical transactions. Unfortunately, I was unable to break the silos in building and utility departments quickly enough to address those needs; therefore, the frontline was once again split between departments.

I have had to handle a wide variety of terminations—from individual performance issues to reductions in force to early retirements to resignations and reorganizations. None are easy, but I always recall the words of a former mentor: you are not the reason you have to let an employee go. Keeping this in mind, I do what has to be done. I have always endeavored to be kind, compassionate, discrete and above all, fair—to both the organization and the individuals. Wherever possible, I have assisted in career transitions both before and after termination. Perhaps for that reason, I have been referred to as the patron saint of dearly departed employees.

The challenges I see facing the City of Port St. Lucie are very similar to some of the legacy issues facing Delray and current issues facing many primarily suburban cities-- growth and development, housing issues including sober homes & code enforcement, unique litigation, and matters relating to constitutional law. Additionally, I would look to:

- Reenergizing and establishing stability for the PSL team, building morale and managing transition in leadership internally and externally as we revisit our vision and priorities with newly elected council
- Invigorating economic development, including revisiting past decisions and future opportunities along with best financing structure and mechanisms.
- Building financial sustainability by analyzing and reviewing strategic plan as well as

linkage to budget and other funding mechanisms and policies; evaluating budget philosophy, capital funding priorities resource allocation, intended outcomes and performance metrics/benchmarks; identifying needed technology and other infrastructure; and looking at organizational approaches with staff to seek opportunities for streamlining and increasing efficiency and effectiveness.

During the first six months my efforts will involve:

- Meeting with staff, City Attorney, elected officials, citizen groups, local businesses and grassroots organizations, and to some extent City/state officials to assess city operations, concerns, positions, and dynamics
- Learning the Council's goals and perspectives -- this effort will be the key to formulating the appropriate strategic directions as will assessing the City's financial position and reviewing anticipated future trends as noted above
- Further familiarization with relevant laws and the City's codes prior to my start date
- Assessing current performance measures that will be used to determine if staff and I are meeting organizational goals and citizens' expectations and expanding on previous customer survey analysis already employed in Port St Lucie -- the effort will include initiating revisions and clarifications as necessary to identify new opportunities

I am comfortable working with the media and as in all communication, am transparent and forthcoming, always with a mind to make the reporting not only easy, but easy for residents to understand. I am comfortable in balancing the media contacts between appropriate staff, a PIO, the mayor and elected officials as they prefer. I am also very comfortable exploiting social media to get the City's message out. I built the Wellington Communications program, including broadcast, website and social media platforms with Port St Lucie's recently hired Communications Director, and am in process of building same in Delray Beach. Other than newspaper coverage similar to other long-tenured public sector professionals, I do not anticipate anyone contacting the City with negative comments about me.

I am an active volunteer, professionally and otherwise. I serve on numerous boards and committees and am involved in several mentoring programs. I am also an instructor for many professional organizations, including the Florida League of Cities and the state and national organizations such as ICMA/FCCMA, GFOA/FGFOA, APA/FAPA. I am a guest lecturer at FAU and teach the AICP review course. In my spare time, I am first and foremost a professional auntie! My interests are many: I am a wine/craft beer enthusiast and enjoy traveling, spending time with family/friends, gardening, and ballroom dancing.

## SIX ADJECTIVES OR PHRASES I WOULD USE TO DESCRIBE MYSELF

- Engaged and engaging
- Accessible and approachable
- Intelligent and intuitive
- Passionate, hardworking and committed
- Decisive and proactive
- Authentic, trustworthy and ethical

## REASON FOR DEPARTING CURRENT POSITION

An opportunity to lead a city such as Port St Lucie does not come often in a career. I have been blessed with two dream jobs: In Wellington, the privilege to incorporate my hometown, see it triple in size and become both a Top 100 Place to live and an international destination. In Delray, the opportunity to lead a two-time All American City with both urban and suburban challenges, covering almost any current topic in the professional literature. Port St Lucie offers an incomparable opportunity where both my experience and my personal commitment are well suited to lead the organization and to serve the community while at the same time it offers tremendous professional learning and growth for me.

## CURRENT / MOST RECENT SALARY

My compensation in Wellington was over $180,000 (plus car allowance and other benefits). My current compensation at Delray Beach is approximately $140,000 (plus car allowance and other benefits.

# *CB&A Background Checks*

# Background Check Summary for
FRANCINE LILLIAN RAMAGLIA

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County<br>Palm Beach County, FL | No Records Found |
| State<br>Florida | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County<br>Palm Beach County, FL | No Records Found |
| Federal<br>Florida | No Records Found |

| | |
|---|---|
| **Motor Vehicle**<br>Florida | April 2015 – Violation – Operating MV no proof of insurance<br>Disposition: June 2015 |
| **Credit** | Excellent |
| **Bankruptcy** | No Records Found |
| **Education** | Confirmed |
| **Employment** | Confirmed |

# Background Check Summary for
FRANCINE LILLIAN RAMAGLIA
Personal Disclosure

## Personal Disclosure Questionnaire

me of Applicant: Francine L. Ramaglia

e following questions are designed so that we will be able to make full disclosure to our client concerning your ckgroind. Please answer them honestly. Cutting corners or misrepresenting your past will result in you being minated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made d that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek mpensation. The bottom line is that we want to be certain that our client is fully informed. If you have any estions, please contact us for clarification.

*lease explain any yes answers on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?
   Yes ☐ No ☒
2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?
   Yes ☐ No ☒
3. Have you ever declared bankruptcy or been an owner in a business that did so?
   Yes ☐ No ☒
4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No ☒
5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?
   Yes ☐ No ☒ CB&A aware of issue
6. Have you ever been convicted of driving while intoxicated?
   Yes ☐ No ☒
7. Have you ever sued a current or former employer?
   Yes ☐ No ☒
8. Do you have a personal My Space, Face Book or other type of Web Page?
   Yes ☒ No ☐
9. Do you have a personal Twitter Account?
   Yes ☒ No ☐
10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?
    Yes ☒ No ☐ CB&A aware of issue
11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant.

Attested to: Francine L Ramaglia
Signature of Applicant

**Please email this form via PDF DOCUMENT to Lynelle@cb-assn.com or via fax to (888) 539-6531 no later than 5:00 PM EST 09/07/16.**

**(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)**

Property of Colin Baenziger & Associates

# *CB&A Reference Notes*

# Reference Notes
# Francine L. Ramaglia

**Jeffrey Kurtz – Former City Attorney, Wellington, FL 561-307-5253**

Mr. Kurtz has known Ms. Ramaglia since 1994. They met while dealing with Village sports concerns and later worked together when Mr. Kurtz was Wellington's Special Counsel and City Attorney.

Mr. Kurtz associated with Ms. Ramaglia on a daily basis and found her to be exceptional at her job. One of the brightest people Mr. Kurtz has ever met, she is also delightful to spend time with.

Ms. Ramaglia has a reputation for getting things done quickly and efficiently. Though she is a firm task master, her sense of humor makes her sympathetic to staff and peers. She uses a participatory management style in which she shares problems and concerns. When issues arise, she invites others to collaborate on solutions even though she probably already knows how to handle things herself. This style gives her team members ownership and confidence. Ms. Ramaglia nurtures individuals with a gentle, personal touch, but she is quite capable of making tough decisions and does so regularly.

Elected officials, especially those who want to understand issues, highly respect Ms. Ramaglia. She has an excellent grasp of municipal governing, can pinpoint a city's strengths and weaknesses, and has a vision of where they need to go in the future. Always positive, Ms. Ramaglia approaches her job with an infectious exuberance that rallies others to greatness. Even as she continues to learn, she often imparts education through presentations, workshops, and speaking engagements.

Wherever Ms. Ramaglia ends up she will have a wonderfully positive impact. Her depth of expertise includes finances, budgets, planning, and management. She has performed so effectively under superiors, and now she is ready to use that full skill set in a municipality's top position. Ms. Ramaglia's brightest days are ahead when she can implement her grand vision as a municipal CEO. She will be the very best, and her community will be all the better for it.

**Words or phrases used to describe Francine L. Ramaglia:**

- Intelligent,
- Builder of teamwork,
- Kind and nurturing friend,
- Energetic,
- Completely understands municipal government, and
- Vastly experienced.

**Strengths:** Even though she is probably the smartest person in the room, she has the subtle talent of making everyone else feel smart and important.

**Weaknesses:** None identified.

# Reference Notes
# Francine L. Ramaglia

**Teneille Decoste – Human Resources Director, Delray Beach, FL 786-488-5789**

Ms. Decoste has known Ms. Ramaglia since 2015, when Ms. Ramaglia hired Ms. Decoste as a direct report.

As a supervisor, Ms. Ramaglia is outstanding. Always helpful and available, she provides all resources necessary for those under her to succeed. She allows individuals to bring their ideas to her highly collaborative table, then pushes for deadlines being met, goals reached, and advantageous outcomes for the organization.

While Ms. Ramaglia has an enormous amount of knowledge, she readily reaches out to others for more information when necessary. Elected officials respect her for her municipal understanding and skills. Recently she supervised a special events focus group very successfully, which garnered much appreciation from Delray Beach officials.

Known for her positivity, Ms. Ramaglia looks at all sides of issues, finds the favorable, and energetically solves problems. She is so well versed in budgets and finances, she is often invited to other cities to give training. Face to face communication is her forte' but she also utilizes text and email to keep individuals fully informed.

Ms. Ramaglia can capably give a firm no but always explains why, whether it be timing or budget or a different reason. She quickly offers other alternatives and perspectives, as she did when successfully reworking salaries for City departments. A visionary, she constantly looks at what needs to be changed and prepared for in Delray Beach's future.

Ms. Decoste absolutely recommends Ms. Ramaglia for a city or county's top position. Ms. Ramaglia has the necessary professionalism, experience, personality, and team building skills to make a municipality grow and flourish.

**Words or phrases used to describe Francine L. Ramaglia:**

- Active in the community,
- Intelligent,
- Team builder,
- Mentor,
- People person, and
- Great problem solver.

**Strengths:** Detailed, change agent, performance based.

**Weaknesses:** Maybe too patient with under performers.

# Reference Notes
# Francine L. Ramaglia

**James Chard – Congress Ave Task Force, Delray Beach, FL 561-756-1377**

Mr. Chard has known Ms. Ramaglia since 2014. They work together in and for Delray Beach in volunteer projects, planning, environmental services, site planning, and various boards. When those bodies need meetings, support, or knowledge, Ms. Ramaglia is the go to person representing the City.

Always available, day or night, Ms. Ramaglia is a pleasure to associate with. She responds right away, and handles many matters simultaneously. Ms. Ramaglia's greatest talent is bringing people, even warring factions, together for a common objective. She provides valuable support for City departments and makes things happen.

As head of a Special Events Task Force, Ms. Ramaglia artfully navigated her team through a politically charged situation. Whether dealing with tax amendments, zoning changes, or any other issue, Ms. Ramaglia helps in every way. When looking at questions she sees things in their full complexity and points out details others often cannot see. She candidly, honestly provides information in an understandable manner.

A person with tremendous energy, Ms. Ramaglia spends long hours working for the benefit of Delray Beach. She puts together needed meetings between community groups and city officials and keeps her door open for discussions to keep communications flowing. Very involved in the design of Delray Beach's budget process, Ms. Ramaglia focused on levels of service, department by department. She is recognized in the field of Certified Public Accounting and is often asked to make budget presentations to other cities.

Ms. Ramaglia rarely says no but rather offers more feasible, different routes to the same objective, with altered timelines if necessary. At one time lengthy discussions and battles erupted over the use of a large public space, which Mr. Chard wanted to turn into a pop up dog park. Due to a political concern about dogs on the beach, Ms. Ramaglia advised Mr. Chard to hold off on his proposal, which would likely be turned down at that time. Sometime later, when the beach situation cooled down, Ms. Ramaglia let Mr. Chard know the time was right to propose the dog park. She helped him through the process and it became a rousing success. The dog park scenario is just one small example of how Ms. Ramaglia gets things done.

Mr. Chard highly recommends Ms. Ramaglia as a municipal CEO. He does not want her to leave, and would love to see her as a city manager in Delray. She has all the qualifications to do an outstanding job.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Quick to respond,
- Fantastic people person,
- Team builder,
- Full of expertise,
- Great problem solver, and
- Grows people.

**Strengths:** Pulling diverse people together for a common purpose, responds to issues with a degree of urgency which is important in a municipal leader.

**Weaknesses:** Sometimes too complex in explanations, but this trait is positive in that she sees other paths that need to be explored.

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**Howard Coates – Former City Council Member, Wellington, FL 561-222-9381**

Mr. Coates has known Ms. Ramaglia since 2009, when he was on Wellington's City Council and she was Assistant City Manager.

Ms. Ramaglia dealt with Wellington's Council weekly, and always presented herself in a very competent and knowledgeable fashion. The Council relied on her to do her utmost to fulfill their needs, while being assured she would stay true to the City's charter and politically neutral.

Progressive and energetic, Ms. Ramaglia was full of creative ideas to further long term plans for Wellington's infrastructure, transportation, communications, and client services. When problems arose she analyzed, researched, and used a team approach to find solutions. If faced with a situation where she needed to deny a proposal, she quickly offered good reasons and several alternatives. She fearlessly said what needed to be said, but did it with tact and diplomacy.

Having an extensive financial background, Ms. Ramaglia was significantly involved, along with Wellington's Chief Finance Officer, in putting together, implementing, and supervising departmental budgets. She kept departments fiscally accountable.

Ms. Ramaglia has all the qualifications to be a fine city or county manager. Her awareness of internal and external processes, management, and funding maximization will be an excellent asset for any community.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Honest and full of integrity,
- Well researched and prepared,
- Dedicated,
- Loyal,
- Great presenter, and
- Objective and diplomatic.

**Strengths:** Exceptional core knowledge and preparation, adept at managing competing policy perspectives.

**Weaknesses:** None identified.

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**James E. Barnes – Assistant City Manager, Wellington, FL 561-801-5380**

Mr. Barnes has known Ms. Ramaglia since 2003. During the time Mr. Barnes associated with Ms. Ramaglia she excellently covered several different functions, including budgets, finances, planning, and managing. She effectively structured her departments and built fine direct report teams. She also strove to get her departments to work well with others and construct collaborative environments.

Ms. Ramaglia dealt with operations by addressing matters in a team format. In requiring people to collaborate she was able to get a good understanding of problems, whether political or technical, break down issues, and come up with quality solutions. She developed a track record for successfully navigating complex concerns.

Wellington Village became incorporated during Ms. Ramaglia's tenure, which resulted in steep learning curves for newly elected officials. Ms. Ramaglia helped them through the process and educated many on the principles of municipal government. She was invaluable to Wellington in the areas of budget and finance, and then became key in strategic and capital planning.

When presenting, Ms. Ramaglia simplified complicated subjects into bite sized, understandable bits of information. Her subject matter expertise in so many areas helped the City tremendously.

Mr. Barnes recommends Ms. Ramaglia as a city or county manager because she will provide guard rails and assemble the right staff to take a community to a higher level. Her experience in different settings, whether suburban or urban, with their attendant issues, makes her perfectly capable of handling a large community.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Team builder,
- Listener,
- Highly knowledgeable,
- Creative problem solver,
- Personable, and
- Invested in the community.

**Strengths:** Sets up collaborative teams, addresses and deals with complicated concerns, and breaks things down to understandable pieces.

**Weaknesses:** None identified.

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**Terrance Stewart – Former City Manager, Delray Beach, FL 239-233-7453**

Mr. Stewart has known Ms. Ramaglia since 2006. Ms. Ramaglia does an outstanding job because her management style is remarkable. She listens, includes others in processes, and openly gathers their input. She and her team then go through all the information, make sound decisions, and move forward.

Well liked in the community, Ms. Ramaglia participates in events and presents valuable education to citizens. Her door is open and she willingly discusses issues with concerned parties. People see Ms. Ramaglia putting much time and energy into the wellbeing of Delray Beach. Elected officials appreciate her political balance and her diligence in keeping them informed. She offers them effective solutions and alternatives.

Delray's IT division was subpar, had not been upgraded in years, and was headed by an incompetent supervisor. Ms. Ramaglia gathered a team of experts, formulated a plan, and successfully upgraded not only the products but also the individuals in that division.

Ms. Ramaglia has an impressive understanding of finances and budgets. She educates personnel inside and outside the City on government finances. Her fiscal skills are absolutely essential to Delray Beach, as she ferrets out very minute things that need to be adjusted.

As a former large city manager himself, Mr. Stewart has the knowledge to wholeheartedly recommend Ms. Ramaglia as a city or county chief officer. She absolutely has the skills and talents to succeed.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Energetic,
- Person of great integrity,
- Hard worker,
- Team builder,
- Collaborator, and
- Creative thinker.

**Strengths:** Enormous technical capabilities, planner, finances, managerial expertise. Good leader and mentor.

**Weaknesses:** Sometimes too patient with people and their performance.

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**Karen Granger – Director Chamber of Commerce, Delray Beach, FL 561-445-2596**

Ms. Granger has known Ms. Ramaglia since 2014. As President of Delray Beach's Chamber of Commerce, Ms. Granger interacts with Ms. Ramaglia on several levels. Ms. Ramaglia is the Chamber's contact person on many matters including downtown development, leadership, marketing cooperatives, special events, and various boards.

Ms. Ramaglia responds quickly and provides solid answers. Her experience is obvious in her knowledge of processes, comfort in situations, and ability to keep peace among elected officials. She fills a fast paced, complicated position, but her manner is respectful and calming. Ms. Ramaglia has a gentle, balanced spirit but a firm hand, and can be as serious and direct as a situation requires. These qualities make her a highly effective leader.

When dealing with elected officials Ms. Ramaglia is professional and poised. Always diplomatic, her focus is the common good. She is well liked in community because she came in during a time of pressure and growth, and managed things very successfully.

Ms. Ramaglia comes up with a myriad of ideas for Delray Beach's betterment, and knows how to strongly present them while remaining polite and professional. She so adeptly presents information that she is asked to do it often. During contentious moments between the City's Chamber and Council, she serves as a peacemaker among parties.

Ms. Ramaglia will be an excellent city or county manager. She capably handles difficult environments, turnover, political back and forth, and an active, progressive town. Ms. Ramaglia is a steady, positive, fair voice of reason who moves things forward.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Positive,
- Creative,
- Progressive,
- Brings people together,
- Good communicator, and
- Calm.

**Strengths:** Poised and calm under pressure.

**Weaknesses:** None identified.

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**Anne Gerwig – Mayor, Wellington, FL 561-602-1630**

Ms. Gerwig has known Ms. Ramaglia since 2009. Ms. Ramaglia is the most intelligent person Ms. Gerwig has ever met. Whatever task she is involved in, she can be counted on to perform her duties in a highly professional, efficient manner. Thorough in her presentations, Ms. Ramaglia helps listeners understand city government. Her great knowledge enables her to get things done right. She has endured some tumultuous political situations with grace and integrity.

Ms. Ramaglia thrives in a fast paced, energetic environment, and is always looking to improve municipal processes and procedures. She empowers and is invested in other people, especially younger, up and coming staff. Good at identifying talent, she gives opportunities for growth and delegates while providing helpful supervision.

Ms. Ramaglia strives to figure out solutions instrumental to the development of her municipality and its citizens. Instead of saying no, she readily gives several alternative options to reach a desired outcome. Her finance and budget presentations are concise, understandable, and reflect her comprehension of fiscal matters.

Better than most in her public interactions, Ms. Ramaglia brings uses her huge network to bring in outside talent to educate people and enhance events. She truly gives all her time and talents to her civic stewardship.

Ms. Ramaglia will excel as a city or county manager because she is the most intelligent, experienced, and talented at bringing others together. Achieving consensus and unity with vastly different groups in a political environment is so difficult, but Ms. Ramaglia does it masterfully.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Conscientious,
- Loyal,
- Smart,
- Knowledgeable in finance and budgets.
- Successful manager, and
- Fine communicator.

**Strengths:** She governs as a team player by getting everyone involved. Ready with many different alternatives and solutions.

**Weaknesses:** Invests too much in professional life; works too hard.

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**Janice Rustin – Interim City Attorney, Delray Beach, FL 561-789-1464**

Ms. Rustin has known Ms. Ramaglia since 2014. They worked together on an employee discrimination case, a complete rewrite of special events policy, and a historical preservation task force, among other things.

Ms. Ramaglia has tremendous leadership skills. She motivates people and pulls them together towards a common goal. Individuals feel included by her because she makes an effort to listen to and gain input from all.

Ms. Ramaglia's commitment to community was apparent when she served on Delray Beach's Historic Preservation Task Board and Special Events Force. She welcomed residents and business owners with patience and openness. She firmly presented facts, but acknowledged and received feedback in a friendly round table environment. Most impressively, Ms. Ramaglia achieved consensus and moved things forward.

Unbelievably good at communication and highly detail oriented in documentation, Ms. Ramaglia promotes fantastic information flow in City departments. Her natural recording practices are valuable in providing legal evidence and accountability when necessary.

Ms. Ramaglia perfectly fits the role of a municipal head. Her consistent hard work, experience, energy, motivational capacity, and knowledge are outstanding, and she will make any city or county great.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Professional,
- Truthful,
- Person of integrity,
- Diplomatic,
- Energetic, and
- Inspiring.

**Strengths:** Wonderful leader and communicator, vision, knowledge and experience, project management.

**Weaknesses:** None identified.

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**Laurie Cohen – Former City Councilwoman, Wellington, FL 561-252-9828**

Ms. Cohen has known Ms. Ramaglia since 2003, when Ms. Cohen was on Wellington's City Council and then City Attorney.

Ms. Ramaglia is smart and performs her job excellently. She works well with elected officials because she understands her role of political neutrality. Using her creative skills she does everything possible to accomplish the Council's goals and policies.

Ms. Ramaglia manages City departments successfully, providing all with complete and accurate information. When faced with a proposal, Ms. Ramaglia diplomatically responds with pros and cons, and readily gives good alternatives. She generously lets elected officials take credit for whichever of her alternatives they choose.

When Ms. Cohen was Wellington's City Attorney she worked with Ms. Ramaglia on a charter review task force. Ms. Ramaglia's thorough research and ability to make the team cohesive was invaluable.

Ms. Ramaglia will be a brilliant municipal manager. She understands the nuances of the political arena and has years of exceptional experience. Her background in accounting and finance, managerial style, and ability to shine in a high energy environment make her a perfect candidate.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Highly intelligent,
- Creative problem solver,
- Experienced in government,
- Financially skilled,
- Brings people together, and
- Diplomatic.

**Strengths:** Organized and creative; knowledgeable about a vast array of subjects.

**Weaknesses:** None identified.

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**Carmine Priore – Former Mayor, Wellington, FL 561-798-6590**

Mr. Priore has known Ms. Ramaglia since 1996. Mr. Priore was a City Councilman, Vice Mayor, and then Mayor when Ms. Ramaglia was Finance Manager then Assistant Manager of Wellington.

When Mr. Priore was a representative for Wellington's investments and pensions, Ms. Ramaglia sat on a committee with him. She gave exceptional information on investments. Premiere in Florida State for finances, Ms. Ramaglia received awards from finance organizations for her excellence.

Ms. Ramaglia had the community's best interests at heart. Candid and straightforward, she gave informative answers and viable alternatives. Wellington's City Council appreciated her information and solutions. She looked ahead to determine future needs and maintained a good reserve to take care of unexpected fiscal issues.

While Ms. Ramaglia had great techniques of her own for problem solution, she surrounded herself with quality hires who added to the information and expertise pool. Her tenure with the Florida League of Cities helped her guide Wellington through a substantial growth period wherein the population went from 20 thousand to 60 thousand residents. She fully grasped all state mandates and kept the Council well informed.

Ms. Ramaglia will be an admirable municipal manager as she already knows how to do the job better than most. With her intelligence, experience, and diplomacy, she will take any community to the highest level.

# Reference Notes
# Francine L. Ramaglia

**Words or phrases used to describe Francine L. Ramaglia:**

- Masterful at solving budget troubles,
- Poised and professional,
- Communicator,
- Civic minded,
- Team player, and
- Does the right thing even when it is difficult.

**Strengths:** Tells you what you do not want to hear in inoffensive manner that spurs you to change.

**Weaknesses:** None identified.

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**Darrell Bowen – former Mayor, Wellington, FL 561-346-3622**

Mr. Bowen has known Ms. Ramaglia since 2006 when he was Mayor and she was Assistant City Manager for Wellington.

Ms. Ramaglia's job performance was excellent. Thorough in research and creative in problem solving, she was a great support to Wellington's Council. She garnered their respect by keeping them informed and fostering unity.

Ms. Ramaglia stayed involved in community functions and presented adeptly to the public. Her attention to detail was impressive. Under Ms. Ramaglia's guidance the Village did well in investing surplus funds. Her management led to more than adequate needed funds and a nice return on investments. She always thought ahead, tried to broaden Wellington's tax base, and recommended ways to improve the City in the future.

Mr. Bowen admired Ms. Ramaglia's ability to walk the line of understanding politics but not getting involved. She remained objective and did her best to provide quality guidance and answers.

Ms. Ramaglia will excel as a city or county manager. She already has the knowledge, experience, and energy in place, and will make her community far better wherever she lands.

**Words or phrases used to describe Francine L. Ramaglia:**

- Energetic,
- Listener,
- Quick responder,
- Progressive thinker,

- Creative problem solver, and
- Detail oriented.

**Strengths:** Financially adept, managed ahead of the curve on what city should be doing, knew answers.

**Weaknesses:** Needs to dumb down things a little when explaining.

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**Prepared by:** **Leslee Preece**
Colin Baenziger & Associates

# *CB&A Internet Research*

Imca.org
February 29, 2016

**Members Announced for 2016 Advisory Panel on Technology Content**

Technology continues to be a top concern for ICMA members as they consider how to deliver services more efficiently and engage their citizens more effectively. This year, the Advisory Panel on Technology Content will be reviewing which technology topics members want to learn more about and sharing that information in a variety of formats.
Members serving on this year's panel:

-Amy Ahner, director of administrative services, Glenview, IL
-Kristi Aday, assistant city manager, New Braunfels, TX
-John Bodner, project manager, Horry County, SC
-Jim Buston, assistant city manager/CIO, Auburn, IL
-Myles Clauser, director information technologies, Schertz, TX
-Todd Jackson, chief information officer, Westerville, OH
-John (Jack) Manahan, retired, Kansas City, KS
-Jennifer March-Wackers, director of municipal services, Capitol Region Council of - Governments, Hartford, CT
-Richard L. Newbern, property maintenance & demolition coordinator, Brunswick, GA
-W. Patrick Pate, city manager, Manassas, VA
-**Francine Ramaglia**, assistant city manager, Delray Beach, FL
-Reina Schwartz, assistant city manager, San Pablo, CA
-Noah Simon, city manager, Lexington, VA
-Corri Spiegel, interim city administrator, Davenport, IA
-Erika Storlie, deputy city manager, Evanston, IL.

Town-crier.com
July 31, 2015

**Council, Charter Task Force Discuss Ballot Questions**
Author: Ron Bukley

The Wellington Village Council and its Charter Review Task Force met in a joint session Monday, July 27 to discuss items proposed to be put to referendums in March. The task force, headed by Wellington pioneer Ken Adams, a member of the original charter committee, has been working for the past year on possible measures for consideration. The council must approve the ballot questions this fall for the March 2016 ballot.

Village Attorney Laurie Cohen explained that only six questions had been posed to the council, but the task force had gone through the charter thoroughly and discussed the six questions carefully. She also presented a 10-page summary of the task force discussions. "Even though they may not have recommended that something be presented on the ballot, it does not mean they did not fully consider whether or not it should be changed," Cohen said. "The items recommended by the task force have been presented to you. You can revise those, you can add to them, you can take away from them, depending on what you ultimately feel is important to send to the voters."

Councilman Matt Willhite asked about cleaning up language in the charter that is no longer appropriate, and Cohen said that might be done in a separate referendum in order to keep it simple. Adams said the task force had focused on specific questions that were clearly stated in order not to confuse voters. "We thought we could get a more accurate voting result if they know specifically what they are voting for," he said.

Task Force Member Michael Napoleone said the charter is very long and that his fellow members did not want to burden voters with reading the entire document in order to decide on questions — and, if they disagreed on one item, vote to reject the entire slate. "We thought 'less is better,'" he said, adding that the charter needs some cleaning up, but that the task force tried to focus on specific questions that would not confuse voters.

Mayor Bob Margolis said he was inclined to agree with Willhite about cleaning up the language, explaining that this was the only comprehensive charter review he recalled. "Last time there was a charter revision, it was a council discussion that went to voters," Margolis said. "Is it nitpicking? Probably, but it's a question that has to be challenged." He also stressed that their meeting Monday was the only joint meeting and that future meetings would be at public hearings conducted by the council, and hoped that it would be more interactive. "They need to hear from us what our opinions are," Margolis said. "I know that they made recommendations. They made valid initiative recommendations, but I thought they were going to hear what we had to say also."

The first question posed by the task force was regarding council compensation. It asks whether the requirement should be changed from a supermajority of four votes to a simple majority to

change how much council members are paid. When the question comes up, it usually leads to a long public debate, which has made council members wary to approach the subject.

Task Force Member **Francine Ramaglia** said the issue is really about politics and that, drawing from her experience as the village's former finance director, she personally thought provisions for council compensation should be more clearly defined and regularly scheduled. "I feel there should be a regular review," **Ramaglia** said. "The concern was it put everyone in a public position to discuss salaries."

Vice Mayor John Greene said council compensation is not a great concern to him because he just wants to perform the public service. Adams pointed out that compared to other municipalities, Wellington's council compensation is low, and added that most municipalities do not have term limits, as Wellington does. Willhite said he favored council compensation because the cost of serving should not come out of the council member's pocket.

The next question asks whether council vacancies should be filled in the same manner as one in the mayor's office, which is a disparity that was created when voters approved having an elected mayor rather than a council-elected one. Currently, the mayor can only be replaced by a special election, while council vacancies are filled by appointment. The charter change would fill council vacancies by special election as well. Willhite said he favored treating council members and the mayor the same, and Councilwoman Anne Gerwig agreed.

The third question regarding calling special council meetings would eliminate a 72-hour notice and require only "reasonable notice," in accordance with state law. Willhite said he opposed that question. "I feel giving ample time is only fair," he said. Cohen explained that the provision would only apply to special meetings and that the thinking of the task force was there may be special situations where 72 hours' notice is not possible, citing the recent purchase of the Lake Wellington Professional Centre as an example. Greene said he would support posing the question to voters. "Technology is different than it was," he said. "We have the ability to get the notice out more quickly," he said. But Greene questioned the current charter provision that the mayor or, in his absence, the vice mayor can call a special meeting, and said he would prefer that only a majority of council members could do so.

Councilman John McGovern supported asking the question of voters but would prefer a more definitive time frame than "in accordance with state law." A question that led to a lot of discussion was whether the charter should be amended to include a provision protecting the Equestrian Preserve Area.

The ballot summary explains that the original charter makes no reference to the Equestrian Preserve Area. The proposed amendment would permit landowners to apply to be voluntarily included in the preserve upon a majority vote of the council, but would prohibit removal without a supermajority vote. Willhite said the charter talks about protecting distinctive features of the village. "I certainly think, and every council has recognized, that it is a distinctive aspect of our

community," he said. "We should have certain areas defined." Cohen said the amendment references a map that would need to be updated frequently.

Greene asked if anyone could apply to become part of the equestrian overlay, and Cohen said legally they could. Gerwig said she did not want to create an illusion that anyone can come in. "That is the danger and what I am concerned about," Greene agreed. McGovern asked about a proposal that was rejected by the task force to add the Equestrian Preserve Committee to the charter, and Cohen said the Equestrian Preserve Committee wanted something in the charter that would protect it from future councils, but pointed out that the task force was unanimously against that because it would undermine the authority of the council. Greene said he favored including the question on recognizing the Equestrian Preserve Area. "The equestrian community is what we have that sets us apart," he said.

Palm Beach Post, The (FL)
September 21, 2014

**Charter may set pay raise reviews**
Author: Kristen M. Clark

Given the taboo of politicians seeking to give themselves raises, a task force charged with recommending changes to Wellington's governing charter wants to require the Village Council to review its own salaries every five years. "It's a mechanism that takes the decision out of the political arena," said **Francine Ramaglia**, a member of Wellington's charter review task force.

The task force was unanimous this week in its belief that Wellington's Village Council is underpaid for its service, but divided on whether council members should be bound by the charter to broach the issue. Task force member Jeff Kurtz said an amendment to the charter wasn't necessary because the council could choose on its own to review its pay every so often. "They could simply pass a rule or ordinance," Kurtz said. The charter allows the council, by a minimum of four votes, to approve raises that take effect after the next municipal election. The council has been successful only once in that effort. In 2004, the board unanimously approved monthly expense allowances of $500 for council members and $542 for the mayor.

Current Village Attorney Laurie Cohen was on that council and she acknowledged "it does have some political ramifications" for the council to take up the issue voluntarily. Whereas, having a mandatory review of council pay "doesn't put anybody in an uncomfortable position," **Ramaglia** said. Village Council members are paid $300 a month in salary. With the expense allowances, total annual compensation is $10,104 for the mayor and $9,600 for each of the four council members.

The task force ultimately endorsed **Ramaglia's** idea by a 3-2 vote this week, with Kurtz and member Ken Adams dissenting. The group is compiling all of its recommendations and will submit a final report to the Village Council next year. Those proposals need to have support from four of the five council members before they'd be put on a ballot for residents to vote on, likely in March 2016. The task force also unanimously recommended that the charter should be stripped of a requirement that a supermajority approve raises in council compensation. "I don't see that as any more important than most of the things they already take action on," **Ramaglia** said. Removing that provision would mean council raises could be approved by a 3-2 vote of the board.

Palm Beach Post, The (FL)
June 26, 2008

**WELLINGTON PLANS CUTS, SAYS LUXURIES MAY END 'FOREVER'**
Author: DWAYNE ROBINSON

Homeowners watering their lawns less, real estate agents selling fewer homes and developers cutting back on construction all add up to one thing in the village: cuts. Cuts, that is, in Wellington's quality of life, including repairs to roads, beautification of public areas and operation of parks and recreational activities. Revenue is down almost across the board in Wellington, from water bills to property valuations to impact fees derived from new construction. The early estimates are a $9 million decline. "We're not going to be funding feel-good stuff anymore," Councilman Bob Margolis said. "It's a new day in the village. The luxuries are gone, and I think they will be gone forever," Margolis said.

At the same time, the village council, in its first budget workshop this year, added back one of those luxuries Wednesday. It was a $234,000 reading grant program for Wellington schools, a popular subsidy to the Palm Beach County School District, whose budget exceeds $1 billion. Also, despite slicing $61 million in big-budget, capital projects the village says it does not have the money to build or maintain, Wellington appears to be proceeding with a plan to construct a village municipal complex, or a village hall.

Wellington is proposing a $69.9 million budget for next year, a $3.6 million decline, although Village Manager Paul Schofield says most of those reductions won't be noticeable. The village's tax rate is expected to remain at $2.34 for every $1,000 in taxable value. The village also has budgeted a $2.1 million refund of 2005's $115 "hurricane recovery fee." There are no layoffs anticipated, but government positions are to shrink from 234 to 222 through attrition and position freezes, a 5 percent decline. The only significant increases are in the village's solid waste services and in law enforcement, both of which are funded via contracts, village Finance Director **Francine Ramaglia** said.

Palm Beach Post, The (FL)
February 22, 2008

**WELLINGTON CHIEF DIRECTS HUGE STAFF REORGANIZATION**
Author: DWAYNE ROBINSON

New Village Manager Paul Schofield has announced one of the biggest reorganizations of the village's staff. Wellington will eliminate senior staff positions and a key department, the Community Liaison Office, created under then-Village Manager Charlie Lynn to respond to residents' inquiries and complaints. Unlike Lynn's administration, which set up three mega-departments topped by three mini-managers who almost exclusively reported to the manager, Schofield has plotted out a more traditional setup, with multiple department heads reporting directly to him. "I will continue to delegate and expect performance," Schofield said, adding, "I expect to be more engaged in operational activities."

Wellington will break away the parks and recreation division from the Community Services Department, one of the largest under Lynn, which also oversaw planning and zoning, building and code enforcement. Community Development Director Marty Hodgkins will continue to oversee the remaining divisions and now report directly to the village manager. The director of community services position, once held by Schofield, along with that deputy director are gone. That would save Wellington about $300,000 annually in salary and benefits during tight budget times, Schofield said.

Also in the reorganization, announced Wednesday, Schofield has appointed another long-time western communities insider, John Bonde, to become the village's new director of operations. Bonde, a former administrator in The Acreage and ex-head of Wellington's Community Liaison Office, will control the largest village department, which will include parks and recreation, the water utility, public works and the remaining divisions former Director of Engineering and Environmental Services Gary Clough once managed. "I'm very excited about the opportunity," Bonde said. "We have no public works director. We have an interim director of engineering and environmental services. We have a number of positions we need to look at filling. We need to move forward."

Longtime finance director **Francine Ramaglia** is losing her hold on a few departments. Both the employment services, traditionally known as human resources, and information technology divisions will report directly to Schofield, instead of **Ramaglia**, who also will aid in the village's economic development. Ironically, it was Vice Mayor Bob Margolis' push to shift some divisions, such as human resources, from under her administrative and financial services department that preceded a hostile-work-environment complaint by **Ramaglia** that leveled charges at almost every village council member last year. An independent investigation, however, could not substantiate any of the charges.

Palm Beach Post, The (FL)
June 21, 2007

**VILLAGE VIOLATED RULES, WELLINGTON OFFICIAL SAYS**
Author: DWAYNE ROBINSON

A top Wellington administrator says council members have violated state open meetings laws, as well as the village charter, according to a report on an investigation into her hostile work environment complaint. Wellington's director of administrative and financial services, **Francine Ramaglia**, told an investigator that her knowledge of these breaches was one of the reasons she was targeted by Vice Mayor Bob Margolis and nearly fired.

Last year, **Ramaglia** filed the hostile work environment complaint against Margolis, who she said was "out to get her" and tried to get her fired, according to a 10-page report on the investigation. The report, released Wednesday, exonerates Margolis. Those interviewed by an outside lawyer did not appear to be under oath while answering questions.

However, **Ramaglia's** claims cast a wider cloud of suspicion on the entire village council, a group that rarely airs disputes publicly, because of her rank. She is effectively at the top of Wellington's departmental food chain. Not only does she control Wellington's budget, but she's also one of three top-tier department heads who report directly to Village Manager Charlie Lynn. She and Lynn share a close professional relationship.

**Ramaglia's** claims however, came with few specifics, the report shows. During the investigation, she accused Margolis and other unnamed council members of communicating with each other about village business outside public meetings, a misdemeanor and violation of Florida's Sunshine Law, which can result in a removal from office. "Ms. **Ramaglia** admitted that she did not have direct knowledge to support her belief, and she did not provide the name of any other person with such knowledge," wrote investigator James W. Linn, the Tallahassee labor attorney Wellington hired to review the claim, in the report. **Ramaglia** also accused council members of violating Wellington's charter by interfering with the day-to-day operations of the village. The charter bars council members from playing a role in such decisions as the hiring or firing of village employees other than the village manager or village attorney.

The council sets policy goals, and the other responsibilities are supposed to be the village manager's. One unnamed department head did concede to the investigator that some council members were involved in village operations "way more than they should be." Wellington council members vociferously denied the assertions. "I can't think of anybody who is overly involved in the operations of the village," Councilwoman Laurie Cohen said. "I can't think of any time in which council members appeared to have overstepped their bounds or gotten involved in the day-to-day operations of the village. I know I don't and can't, frankly, because like many of the other council members I have a full-time job. Although Linn's investigation was not focused on **Ramaglia's** broader claims, no one is calling for an examination of the council's actions.

During questioning, **Ramaglia** also told Linn that Margolis targeted her because of her gender and age, and because, as head of human resources, she oversaw a 2005 sexual harassment complaint investigation against a former parks advisory board member and Margolis ally. Margolis and his attorney, Max Rudmann, denied the allegations. Margolis said he never sought **Ramaglia's** firing.

Following the recommendations of a Wellington consultant, Margolis says, he suggested the village manager divvy up **Ramaglia's** numerous responsibilities, such as human resources and finance, to other employees to reduce her workload. Lynn would not comment on his discussions with Margolis during the manager's contract negotiations last year, saying "It's really not appropriate to discuss the contents of individual conversations with councilpersons over the years ... as they pertain to personnel matters." Asked how frequently elected officials inquire about hiring and firing issues with government employees, Lynn said Wednesday, "It occurs more frequently in some jurisdictions than others." And when asked which category Wellington would fall into, Lynn joked, "You'll have to read my memoirs when I retire."

It was not clear whether the inquiry that began nearly a year ago ended Wednesday. **Ramaglia** could still pursue her complaints. She did not return phone calls seeking comment. Margolis did say he plans to seek reimbursement for his legal bills from the village, which his attorney said would be less than $10,000. "I'm just happy with the results, and I just want to move forward," Margolis added. Lynn said he has full confidence in **Ramaglia**. And so does Margolis, who called **Ramaglia** a friend Wednesday. "I've always said **Francine** does an excellent job as finance director," Margolis said. "I absolutely think she can effectively serve. She's done a great job for all these years."

- dwayne_robinson@pbpost.com

Excerpts of a report by James W. Linn, labor lawyer with Lewis, Longman & Walker, responding to a complaint by **Francine Ramaglia**, Wellington's director of administrative and financial services:

'(**Ramaglia**) said that village council member Bob Margolis was 'threatening' the village manager and that Margolis had said Ms. **Ramaglia** needed to be fired. Ms. **Ramaglia** said that she felt there is a constant threat and that she had asked for someone to speak with the village council about this but nothing happened.'

'She said that when the village manager was on vacation in summer 2005, a message was left on his phone to the effect that Margolis "had three votes to fire **Francine**." Ms. **Ramaglia** believes that Mr. Margolis left that message. Mr. Margolis denies having done so.'

'None of the other witnesses interviewed corroborated Ms. **Ramaglia's** allegations of "illegal actions" on the part of the village council members, although one department director did observe some council members are involved in village operations "way more than they should be."'

'It is not possible, based on the record of this investigation, to conclude that Ms. **Ramaglia** has been subjected to a hostile work environment at the Village of Wellington. ... Her allegations do not rise to the level of a hostile work environment as reflected in the relevant court decisions.'

Palm Beach Post, The (FL)
June 9, 2007

**PROBE OF HOSTILITY CLAIM EXPOSES VILLAGE TENSIONS**
**YEARLONG INQUIRY OF WELLINGTON OFFICIALS DUE TO WRAP UP**
Author: DWAYNE ROBINSON

A private squabble between a councilman and a top manager has sparked a village investigation that could give the public a peek at the often tense relationship between Wellington's managers and its elected officers. A yearlong inquiry is expected to wrap up this month into whether Vice Mayor Bob Margolis had ordered Village Manager Charlie Lynn to fire the village's finance director while negotiating the manager's contract last year.

Wellington Director of Administrative and Financial Services **Francine Ramaglia** filed a claim of a hostile work environment against Margolis with the village. A Tallahassee-based labor lawyer is investigating on Wellington's behalf. Max Rudmann, a Boca Raton attorney representing Margolis, denies the allegation and contends that the investigation will end favorably for his client. "There was, in fact, no violation of law, no discrimination; there was really no type of hostile environment," Rudmann said. "From everything that I know about this investigation is that what was turned up was basically nothing." Rudmann learned this, he said, from the investigating attorney, James W. Linn of Lewis, Longman and Walker.

When reached last week, Linn said he had no comment. The village has retained him for an "employment matter" since at least July 18, according to village records. Since August, Linn has flown to South Florida at least three times to interview witnesses in the case, with the last time in March. Most, if not all, of the village council has given testimony in the case and has been advised not to discuss the matter, as have village staffers. Neither **Ramaglia** nor Margolis are commenting on the inquiry. Attempts to contact **Ramaglia's** representatives were unsuccessful.

Last March, after the elections, the village council appointed Margolis to negotiate the village manager's contract. At issue is whether, during those contract negotiations, Margolis ordered Lynn to fire **Ramaglia** as Wellington's finance chief. Wellington's rules bar council members from playing a role in the hiring or firing of village employees other than the village manager or village attorney. Those responsibilities are the village manager's. Margolis' camp tells a story from the allegations. "By no stretch of the imagination was he trying to get her fired," Rudmann said. "In fact, he talked about helping her do her job because she was overwhelmed with three specific sets of duties for a very growing village."

**Ramaglia**, a certified public accountant, is one of three top-level administrators in the village and has supervised finance, human resources and administration. Rudmann says Margolis only suggested that the manager follow the recommendations of a Wellington consultant and divvy up those duties to more than one individual. Even if there were a hostile work environment, it may be difficult to prove. "Unless there is a hostile environment based on something like race, age, sex, religion, national origin, or if it's because the person has objected to something illegal ...

then there's nothing illegal about a hostile work environment," said Donna M. Ballman, a labor lawyer whose firm operates out of Fort Lauderdale. "Just being a jerk is not illegal," she added. Possible penalties that Margolis could face, Ballman said, are fines or civil damages.

Wellington has paid more than $9,500 in legal bills to Linn for work that began in July, according to village records. And the village, looking to slash its budget for next year, could be faced with more legal invoices if either side seeks reimbursement of its private legal fees once the case has concluded. "Any government employee or elected official, where if they are sued in their official capacity for what they did, and it was found not to have occurred or not deemed intentional, then they have statutory rights to their reimbursement for their attorney costs," Ballman said.

Palm Beach Post, The (FL)
September 14, 2006

**WELLINGTON OFFICIAL ASKS FOR LATE-HOUR BUDGET CUTS**
Author: DWAYNE ROBINSON

Vice Mayor Bob Margolis has put together a team of advisers - including a CPA - to cut at least a half-million dollars from the village's $87 million budget. The move, one of two "11th hour" budget items that surfaced late Tuesday before the traditionally unified Wellington Village Council, surprised staff and other council members who had been reviewing the meticulously prepared budget for the last three months. "It's at the last minute," Councilman Carmine Priore said of Margolis' alternative budget, which was months in the making but discussed just two weeks before the village must approve its budget. "I'm concerned that it wasn't here earlier. We're all complaining about 11th-hour decisions. Nobody likes it." The budget, which was prepared by village finance director **Francine Ramaglia** and examined by an independent firm, took about six months to craft and must be approved in two weeks.

Margolis said he decided to ask some colleagues, including certified public accountants and chief financial officers, to take a look at the budget after he requested a detailed report of the village's finances and found some "red flags" during his review. The request was made at no cost to the village. He cited, for instance, the amount the village is paying consultants and attorneys, both criticisms Wellington council challengers levied against him and other incumbents in March. Plus, there were about $40,000 in outlays for executive physicals for village department heads and the council. "I'm not asking to reduce anything that our village residents would expect," Margolis said of his budget cuts. "I'm just asking tough questions on the dollars and functions of each department and whether we need those right now and whether those could be further reduced."

And Priore said he's open to considering the options, provided the council receives them in a timely manner. "I'm going to give Mr. Margolis every benefit of the doubt," he added. Margolis would not yet release his 15-page report because he was unsure the math and other information were correct. He'll meet with village financial planners Monday and perhaps send the plan to the other council members by the end of that week, four days from their scheduled final budget vote. "It's never too late," Margolis said. "In hindsight, I wish I was more proactive in pushing this forward sooner." The second last-minute item was backed by Mayor Tom Wenham, who asked council members to support him in setting aside $276,000 for senior-related services.

Palm Beach Post, The (FL)
August 25, 2004

**PARKS, RECREATION BIG WINNERS IN PROPOSED BUDGET**
Author: ANGIE FRANCALANCIA

The village proposes to spend $12 million on new projects in the coming budget year, with about a third of that going for parks and recreation. But the real question raised by the budget plan isn't whether the projects are needed, but who will pay for them - current Wellington residents or those who don't even live here yet. The new projects include:

- beginning work on a new park site along State Road 7, including $400,000 for earthwork in anticipation of $6 million in construction of multipurpose fields the next year.
- spending $1.1 million for an office building at Village Park on Pierson Road, which will give sports groups a meeting room, according to Bruce Delaney, athletic programs manager.
- spending $1 million on bleachers and lighting for the Village park football and soccer fields.
- developing a small site in Veteran's Park at the junction of Forest Hill and South Shore boulevards to honor the nation's military, at a cost of $300,000. The council originally wanted to use donations for this, but changed its mind this summer.

While all that sounds like sizeable spending, it's less than half of what Wellington budgeted last year for new projects and purchases. New projects in the proposed budget, including the parks and recreation fixes, total 22 percent of the proposed $55 million operating budget. Although this year's proposed is nearly $16 million less than last year's $70 million spending plan, village officials have proposed keeping the tax rate at $2.70 per $1,000 of taxable value.
With the village's taxable value rising by $790 million, it will collect $11.2 million, or 18 percent more, in property taxes alone, according to the village's budget data.

The reason Wellington's staff supports the revenue increases is to avoid borrowing for future projects, said **Francine Ramaglia**, director of finance and administrative services. "It's because we've switched from borrowing to 'pay-as-you-go,'" **Ramaglia** said. "We're actually using current cash for long-term projects." And that's where the rub arises.

Councilwoman Laurie Cohen said she thinks taxpayers would prefer to pay extra money now rather than face a steeper tax increase in the future. "I think the people like to have consistency," she said. "I think people appreciate knowing what their expenses are going to be." Not all the council members are happy with that plan, though. "I don't think pay-as-you-go is reasonable, said Councilman Carmine Priore."It's not taking into account that somebody coming in in the future won't share that expense. Why not go ahead and finance that so that people coming in can share in the cost?" The council will hold two public hearings on the budget in September. The council plans to adopt its budget Sept. 28.

Palm Beach Post, The (FL)
January 14, 2004

VILLAGE CONTRACTS WITH FIRM FOR WATER PAYMENTS
Author: Angie Francalancia

Village water customers may notice their payments are going a little farther from home than they used to. But the new system, which sends the water utility bills across the state to a Tampa post office box, is an effort to make the money-handling more efficient, said finance director **Francine Ramaglia**. "We think they're actually going to save us some money," **Ramaglia** said. "The money will be posted to our account the same day, we get immediate availability of the money, and it lets us focus our customer service people on customer service."

In the past, one full-time person was devoted to collecting and handling the cash and on heavy days others would take over, **Ramaglia** said. The outside service will do the job for about $30,000 annually, which is less than the cost of the individual's salary, **Ramaglia** said. Wellington signed a contract with Intuition Systems last year for the service, which starts with the February utility bills. The new system will alleviate several problems.

For example, too many customers were sending in notes with their utility bills about leaks and upcoming vacations or paying amounts other than the actual amount due. Customers who choose to can still make payments in person at the village's customer service office inside the Wellington Mall at Forest Hill Boulevard and Wellington Trace. "We're always going to have walk-in customers," **Ramaglia** said. "Don't forget, most of our walk-ins are for services other than just bill-paying," such as starting or stopping service.

Questions about your water bill will still be answered by the village's customer service staff at 791-4010. And for those folks who like to pay online, the village will soon have a system in place for that at www.ci.wellington.fl.us. Once at the Web site, go to Click-On-Gov. More information and a pin number will be mailed to customers this month.

Palm Beach Post, The (FL)
October 15, 2003

**WELLINGTON BACKS EXTRA TAX BREAK FOR POOR SENIORS**
Author: LARRY HOBBS

Correction: CORRECTION, PUBLISHED October 16, 2003: Because of a reporting error, The Post Wednesday incorrectly said Wellington Village Councilwoman Lizbeth Benacquisto suggested increasing a homestead exemption for the village's elderly poor to the maximum $25,000. The increase, which was approved at Tuesday's meeting, came at the suggestion of Councilwoman Laurie Cohen. Second reading and final adoption is set for Oct. 28. The error appeared on the front page of the Local section.

Article Text:

The village council Tuesday tentatively approved an extra homestead exemption property tax break for Wellington's poorest elderly residents - increasing its amount to the maximum $25,000 because so few are expected to qualify in this financially comfortable community. The vote was 4-1, with Councilman Mark Miles against. The exemption, which is in addition to the standard $25,000 homestead exemption available to all Florida residents, would apply to Wellington residents 65 years or older who make less than $20,000 a year.

Village staff originally proposed a $10,000 exemption for Wellington's elderly poor. But Councilwoman Lizbeth Benacquisto said anyone who might be eligible deserves the full benefit. The exemption would provide about $54 in tax savings per year, said **Francine Ramaglia**, Wellington's director of administrative and financial services. Royal Palm Beach adopted the elderly exemption last year and only about a dozen folks qualified, she said. The county commission has adopted the exemption for unincorporated elderly residents. "I can't imagine that we would have that many people who would qualify," Benacquisto said. "And these would be the very people who stand to benefit most." Second reading and final adoption is set for Oct. 28.

Also Tuesday, the council voted to hire West Construction Inc. to build a new baseball facility at Minto Park, southeast of Forest Hill Boulevard and State Road 7. The facility will include three lighted fields and all the works, including batting cages, bleachers, a maintenance building and dugouts with cold water fountains for the players. "That was great!" Mayor Tom Wenham said of the cold drinking water. Construction could start within 45 days and the complex could be completed by June.

Palm Beach Post, The (FL)
January 12, 2002

**NEWLY CREATED WELLINGTON JOBS ATTRACT FLOOD OF APPLICANTS**
Author: Meghan Meyer

New jobs the village created this year have attracted droves of applicants, including some familiar faces who want to run the new public information office. Last year's rash of corporate layoffs sent the unemployed and the merely curious seeking everything from an $18,000 administrative assistant job, which drew 66 applicants, to the $43,000 public information specialist position, which drew 70. Wellington created 16 jobs in the October budget process, nearly all of which attracted similar numbers of applicants and have now been filled.

Among those who made the first round of cuts for the public information job were familiar names in local radio, television and newspapers: WJNO-AM 1290 Programming Director Jim Edwards; Denise Jakows, a former anchor and reporter for local television stations; Bob Markey II, former editor and publisher of the Wellington Town-Crier newspaper; Observer newspaper editor Georgia Jacoviello; and Debbie Miles, who coordinates Wellington's special events. The trend reflects both the western communities' transformation into a place where people want to work and, to a lesser extent, the recession that's pushed many to seek work. "It's more a sign of growth than the recession," Village Manager Charlie Lynn said.

In a recession, overqualified people apply for jobs that don't require much skill, said **Francine Ramaglia**, Wellington's director of administrative services. That pattern hasn't appeared in Wellington, she said. Since it became a village in 1996, Wellington has grown from a pint-sized suburb of 26,000 to a bustling center of more than 40,000 people who now live within spitting distance of the region's newest mall. Now some of those people want to work closer to home, especially since commuting times have lengthened as the population has grown. In 1996, the village government employed 139 people; today 260 work for it. "We did get a lot of applicants from outside Wellington who want to relocate here," Village Clerk Awilda Rodriguez said. She sat on the committee that interviewed public information candidates and expects to hire someone in the next two weeks. "A lot of them are very qualified, but in a specific area like production, TV or radio. We're looking for an individual who has broad experience."

The prospect of working closer to home appealed to Markey, the former Town-Crier publisher, who's lived in Wellington since his high school days and helped bring about its transformation. Other applicants wouldn't comment Friday or didn't return phone calls. "What I liked about the job is if I'm not going to be reporting or editing, it would be great to do something that's more of a community service," he said. "What would be better than to promote a city I helped create?"

The Palm Beach Post
September 27, 2000

**BOOMING ECONOMY BOOSTS WELLINGTON'S FINANCES**
Author: Angie Francalancia

The quest to make Wellington a city began in the early 1990s amid a variety of philosophical debates such as self-government and controlling destiny. By the time of the vote in late 1995, most of the philosophy had withered away and most residents were voting with their wallets. Many wealthy Wellington families cast the votes against incorporation and the imminent higher taxes it was sure to bring.

Five years later, some of those same people would be saying "I told you so" today. They pay more. Wellington's village council has bought more, and the government itself is much larger than when the community had only the Acme Improvement District. But the majority of Wellington residents have reaped great benefits. They pay about the same. But they have more parks and community buildings and get more services from their local government. How? Lose the look of disbelief. It's the economy, stupid.

For anyone planning a move toward incorporation, Wellington can share this advice: Always plan to start new cities in boom economies. And if you can swing a cap on homeowners' tax value, that won't hurt either. Oh, and if a mall happens to want to significantly increase your commercial tax base, it's a good thing for the budget.

Finance Director **Francine Ramaglia** started seeing the patterns, which have remained constant, in the first six months after the 1995 incorporation vote. "The first year of incorporation, we came in $1.5 million ahead of budget," **Ramaglia** said. "Our analysts did not consider that we were actually eligible for some new revenues ahead of schedule." Wellington went from a $6.5 million operating budget under Acme to about $11 million with the addition of state dollars including sales tax, gas tax and franchise fees. For the budget year that began Oct. 1, 1997, which marked the first time the village would collect property taxes, Wellington's budget nearly doubled to $19.2 million.

While analysts had always counted on Wellington benefiting from those dollars like the gas tax that all cities got, it was sheer coincidence that the Save Our Homes property tax cap went into effect in 1995. That law limits the amount a home's taxable value can increase to 3 percent annually or the rate of inflation, whichever is less.

In Wellington, it caused a more pronounced shift in taxes away from middle class homeowners. Initially, **Ramaglia** and her bosses ensured that the new city's taxes would not jump for most homeowners, using a policy of conservatively estimating new dollars and generously calculating expenses. For the more wealthy residents, the tax hike was as much as planned, though. It came not because of property values but because of changing systems. Under the Acme Improvement

District, a limited-power precursor to the village, residents all paid equal fees for drainage, roads and parks, a regressive system especially beneficial to owners of expensive homes.

The first village budget lowered the flat fee and introduced a property tax. Wealthy residents whose homes were around the $250,000 mark saw taxes jump as much as 37 percent. "There are people here who pay a ton of money in taxes," **Ramaglia** said. "But they own large homes. And when you own a million-dollar home, you can expect to pay some taxes on it." But far greater than any changes to individual tax bills has been the dollars that growth has brought, **Ramaglia** said. "We're averaging $100 million a year to the tax base in new construction," she said.

While Wellington has benefited more than anyone ever calculated from new sources of money and a booming economy, there's a dark side to the picture. "Forty to 50 percent of our revenues are dependent on growth and the economy," **Ramaglia** said. "Sales tax, gas tax, state revenue sharing . . . the total of those revenues is like $8 million. When things turn down, it will be a different picture entirely."

The Palm Beach Post
July 10, 1996

**VILLAGE BUDGET CUTS TAX FOR MOST**
Author: MICHELE GELORMINE

If the council adopts the first annual budget ever proposed for the newly incorporated village, members will have kept their election promises to cut taxes - at least for three-quarters of the property owners, who will get a 4.6 percent decrease. That's because of a new blended tax the council passed Tuesday that replaces the old flat tax on each acre of land with a combination of a tax on the assessed value of each property, a flat tax for each acre and a separate debt service fee.

The main beneficiaries are owners of homes valued at less than $125,000 and owners of large tracts of open land, including golf courses. But the owners of the remaining 3,300 properties - predominantly high-end homes on relatively small lots - will, on average, pay $173 more than they did last year. Commercial property owners will also see tax hikes. The new tax passed 4-1, with Mayor Kathy Foster dissenting. "I'd rather wait and do nothing until we're sure it's the right answer," she said.

Residents at Tuesday's meeting backed a different version of the blended tax, one based on exact acreage rather than a rounded-off figure. Officials said there is not enough time to make that change and they may tinker with the formula next year. Wellington residents previously paid a flat tax to the Acme Improvement District based only on the acreage they owned. During the spring election campaign, politicians touted lower taxes through incorporation. The new tax structure levies $1.78 per $1,000 of taxable property value and charges a flat $106 per acre. It also adds a debt service charge ranging from $25 to $76.

Under the blended tax system, the average owner of a home assessed at $125,000 with a homestead exemption would pay about $309, down from $324 last year. The $5.6 million the village would raise would underwrite the recommended $20 million budget Finance Director **Francine Ramaglia** proposed for Village Manager Colin Baenziger on Tuesday. Council members expect to adopt it in September. Two public hearings will be held next month, though dates have not been set. Baenziger's budget would provide residents with enhanced police protection, a new park and additional drainage and road improvements.

The blended tax system will supplement $5.7 million from the state and county, including a cut of the gas tax, shared revenue, utility taxes and franchise fees. Wellington's levy does not include taxes for the school board, the county and other taxing districts.

BUDGET AT A GLANCE

PROPOSED BUDGET: $20 million
PROPOSED TAX RATE: A new system blending the former flat, per-acre tax with a tax based on property values.

THE NEW RATE: $1.78 per $1,000 taxable property value; plus $106 flat tax per acre; plus between $25 and $76 in debt service.

CHANGES IN SERVICE

PERSONNEL: Add 10 full-time equivalent positions one drainage equipment operator, four road crew maintenance workers, one maintenance worker, two part-time sports coordinators, one code enforcement officer and three interns.

SPECIAL ITEMS: Pierson Park construction, $6,250,000; new drainage programs, $500,000; debt service on new borrowings, $125,000 (Pierson Park)

WHERE THE MONEY GOES: Public works, $3,531,654; parks and recreation, $1,387,565; planning, zoning and building, $225,871; police, $1,713,559; administration, $1,785,628

Miami Herald, The (FL)
September 21, 1990

**RED CROSS CALLS COUNTY ALLEGATIONS UNTRUE**
Author: CHARLES E. HECKER

At a marathon session of soul-searching Thursday night, the Broward County Chapter of the American Red Cross dismissed allegations of mismanagement, lack of volunteerism and back-room dealings at the agency. "We did not find, in any specific transactions we tested, any problems," said **Francine Ramaglia**, manager of the accounting firm KPMG Peat Marwick, summarizing the agency's annual audit. Some weaknesses were found in internal financial policies, but those problems did not result in misspending of funds. They could be corrected by adopting new procedures, the audit said.

On Tuesday, Broward County Commissioners accused the agency of sloppy record-keeping and mismanagement of a $30,450 county grant for an emergency food-distribution program. County Commissioner Nicki Grossman suggested withholding $50,000 in reserves until the agency straightens out its records.

Thursday night, Red Cross board chairman Cliff Lengel and chapter manager James Hamblin said the agency does not even have the county's money to misspend. Instead, the county reimburses the Red Cross every month for money the agency has already spent. The county money comes only after the Red Cross submits a statement of expenses. On one occasion, Hamblin said, the agency sent an incorrect statement and the county returned it. The Red Cross resubmitted the bill after correcting it. "We receive no more than one-twelfth of the grant in any given month," Hamblin said. "We are doing everything we need to document the grant."

The board also defended its practices in hiring the developer of its new offices at 521 NE Fourth Ave. in Fort Lauderdale. Allegations had arisen that the Red Cross was preparing to build its new offices without seeking competitive bids. Lengel explained that Peter Feldman, the developer of the property, and not the Red Cross, will advertise the job for bids. Lengel said the Red Cross was not required to seek bids for the development.

Although Red Cross board members are employed by the real estate agency that closed the deal, the agency waived its commission to avoid a conflict of interest, Lengel said. Deed restrictions prevent the Red Cross from running a shelter, food bank or soup kitchen at its future headquarters. Hamblin said the site will house its administrative offices only. Red Cross executives admit that their biggest problem is getting volunteers. However, Hamblin said the Broward chapter could staff its shelters in most emergencies. The problem of employees occasionally taking home donated furniture, Hamblin explained, did not reduce the disaster-relief supplies. The furniture and other goods were intended for a thrift shop that has since been closed.

While the board tried to resolve management problems, a new issue arose at the end of the meeting. Rudolph said he had been told of an incident where a racist remark was made to a Red

Cross client. Board member Jo Ann Gibson said she also had received letters and calls from Red Cross employees who complained of racial problems at the chapter. "We have a whole lot of frightened people," Rudolph said. Hamblin said he investigated one racial complaint but could not prove the incident had occurred. Board members agreed to hold staff meetings on racism to combat bigotry in the workplace. "There is no room for bigotry in this chapter," Lengel said.

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Research Compiled by: Cara Slade
Colin Baenziger & Associates

COLIN BAENZIGER & ASSOCIATES

EXECUTIVE RECRUITING

# *Section 13*

## *Christopher "Chris" D. Steers*

## *Port St. Lucie City Manager Candidate Report*

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# *Cover Letter and Resume*

Christopher D. Steers

August 25th, 2016

Honorable Mayor and City Council
City of Port St. Lucie
C/O Colin Baezinger & Associates
Recruit28@cb-asso.com

RE: Formal Letter of Interest in the open City Manager Position

Dear Mayor and City Councilmembers:

I am currently the Village Manager of the Village of Port Chester, NY. I am keenly interested in participating in Port St. Lucie's City Manager recruitment process. I believe that my credentials and experience would be an excellent fit for your organization. Prior to my tenure in Port Chester I had the opportunity to serve several communities in Florida including The City of Miami Gardens ($ 156-million-dollar budget, population of approx. 111,000 with over 530 FTE's), the City of Sunny Isles Beach, Miami-Dade County, and for a brief but rewarding period of time St. Lucie County ($ 472-million-dollar budget, population of approx. 298,000 with over 744 FTE's). I have summarized some salient points relating to my background, for your convenience. My full resume is also attached.

## ABOUT PORT CHESTER

The Village of Port Chester was incorporated on May 4th, 1868. It is located in the southeastern corner of Westchester County along the Byram River and within one mile of the Long Island Sound. The Village has a total land area of about 2.4 square miles and is home to approximately 29,000 residents. Port Chester is well situated, accessible to the rest of Westchester County, New York City, and the Hudson Valley region.

The Village is locally known as the restaurant capital of Westchester County. The vitality and diversity of the restaurant industry in combination with the resurgence of the Capitol Theatre (a historical concert and entertainment venue) has created a renaissance within the Village. Port Chester's downtown Restaurant Row is renowned throughout the region, offering cuisine from around the world in dozens of top-rated establishments. "The Waterfront at Port Chester" retail center has brought a multiplex movie theater to the Byram River shore, Costco Shoppers Warehouse, Bed, Bath & Beyond, Super Stop & Shop, Marshall's and several other stores. Port Chester's prodigious industrial growth

during the first half of the 20th Century attracted large numbers of European immigrants, primarily from Italy, Germany, Poland and Ireland. Similarly, newcomers from Central and South America and the Caribbean have helped to fuel the Village's recent revival.

The Village is a full service Village lead by an elected a seven-member board/council (Board of Trustees) and functions under the Council-Manager form of Government. Each Board member, including the Mayor, has one vote and legislative authority is spread equally among all seven members. The Village's General Fund Budget for FY 2016-2017 is $38.9 million, and the total budget is $46.8 million (including the sewer and capital funds). The Village has 156 full time employees with approximately 60-part time / seasonal employees; with 10 Department heads reporting directly to the Village Manager (including the Chief of Police and Fire Chief). There are three Unions representing three bargaining units including the Patrolman's Benevolent Association (PBA), Civil Service Employee's Association (CSEA), and the International Fire Fighters Association (IFFA). Further the Village of Port Chester Fire Department consists of approximately 300 volunteers (up until this past June the fire department also included 8 career firefighters).

A few of the most significant issues facing the Village are:

- **Inadequate Infrastructure (capital planning).** The Village has about 44 lane miles of streets and the years of bad winters, heavy truck traffic, and limited improvements have taken their toll; so I worked with the Board to prioritize street improvements ultimately tripling our street paving efforts and capital expenditures. The Village also hosts about 42 miles of sewer lines some of which are 100 plus years old and aging. Further, the Village is currently under an EPA order to remove pollutant discharge into the Long Island Sound. Our proactive response was to implement a Sewer Rent program thereby creating a dedicated source of funding for the complete replacement, repair, and maintenance of our Sanitary Sewer system (encompasses about $15 million of capital expenditures over a 5-7 year period).

  These improvements touch both our Sanitary and Stormwater sewer systems. Our Storm sewers are also aged and deteriorating (we have inflow and infiltration concerns). I am currently coordinating the Village's Stormwater Management Program including: Municipal Separate Storm Sewer system (MS4) permit compliance, NYDEC compliance; EPA compliance; flow monitoring; and Illicit Discharge Enforcement. We have recently entered into an agreement with Westchester County to further comply with the County Sewer Act by conducting a Sewer System Evaluation Study (SSES); and to develop and implement a Capacity Management Operation Maintenance (CMOM) Program.

Over the past four years we have invested about $22 million in capital improvement projects including: Sanitary Sewer improvements, Stormwater System repairs and improvements; Street Paving and Sidewalk replacement; Traffic Signals; Building repairs and renovations; Fleet upgrades; and Park improvements. Our capital needs are ever growing and long term planning is being aggressively undertaken in order to ensure that we borrow, expend, and repair within our budgetary means.

- **Economic Development**. The Village adopted its first Economic Development Strategic Plan in March of 2014. The plan identifies potential feasibility, cost-benefit analysis, grant funding sources and availability, sequence and time frames, implementation strategies, and action items relative to each priority opportunity area for the ensuing two years (March 2014-February 2016). Its focus is on the major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods (affordability); revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development. The strategies, once implemented, are intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village's vision for a sustainable and prosperous future. The Board identified the following five opportunity areas as a focus in the plan:

  1. • Facilitating transit oriented development in the downtown
  2. • Creating a new municipal center
  3. • Enhancing and revitalizing waterfront areas
  4. • Redevelopment of Fox Island peninsula
  5. • Redevelopment of the United Hospital site

  The challenge is to balance these goals with the realities of mitigating the impacts of new and infill development on the community, including: affordability of housing; traffic, parking and mobility; overall Density; school impacts; and various environmental concerns. The additional challenge has been keeping board focus on moving these strategies forward in more measurable ways. I have recently gained Board consensus to take them through a more robust Strategic Planning process to build more solid Board alignment and commitment.

- **Fiscal Sustainability**. We have standardized the utilization of a 5-year Operating Budget model in developing our budget annual budgets. The implementation of this forecasting tool has been extremely instrumental in the successful turnaround of our fiscal health; as our projections have proven to be highly accurate. Predictions seem to indicate that our assessed values will

continue to increase over the next few years; however, our ability to capture any such additional values is still limited by the State mandated Tax Cap.

For example: our additional organizational needs for the fiscal year equated to about $1.2 to $2.4 million dollars in additional operating expenditures or up to about 10% in additional taxes. The Tax Cap calculation limited us to about .12% (less than 1%) or about $80,680 in additional tax revenues that we could capture and still remain under the cap. The Choice was made to remain under the Tax Cap so we had to cut or pare down and prioritize our needs and expenditures just in order to maintain our programs (the Board opted to lay off 8 personnel).

Our needs for services continue to grow as our population, housing stock, and commercial base continues to grow. This growth will exceed our capacity successfully manage same if we do not capture additional revenues and build our capacity including building up our staff. Our capital needs are also great and we must continue balance those needs with our ability to effectively manage our debt without over mortgaging our future.

MANAGEMENT STYLE

As a Manager I strive for transparency and inclusivity, and believe strongly in providing clear leadership and support to my staff; including proactive employee development. For me it is not about taking credit, it is about facilitating the policy directives of the board or council in a sustainable and meaningful way; if one succeeds we all succeed. Towards that end I am very hands on, collaborative, and strategic. I believe strongly in building a clear direction and in implementing strategies in order to reach the goals set by the board or council. I hold routine staff meetings, agenda meetings, and performance conferences. I set clear expectations for staff members and monitor their growth, progress, and accomplishments; interceding where and when needed to keep them on track.

I work closely with staff and my board, and I utilize comprehensive and strategic planning to reach the goals set by my Board. I balance these planning activities in part through the budget process looking up to five years out in an effort to align Board priorities with fiscal and realities. I work to keep projects and plans on track while utilizing a long term vision that aligns day-to-day operations with the organization's mission. I would think that either a board member or my staff members would say that my public administration acumen, my ability to plan and implement, and my ability to build consensus are my strengths and the keys to my success as a Village Manager

Individually I would think that either a board or staff member would comment on my honesty, integrity, sincerity, and professionalism (I have successfully navigated some extremely contentious issues surrounding various policy directives and internal challenges while cleaning up malingering and corruption within Village government). I believe in fostering a safe, productive, and energized work environment; while applying coaching, counseling, and/or progressive discipline as needed. I am fearless and driven in my efforts yet open, tactful, and accessible: while always striving to cultivate an environment of continuous improvement.

If I were to describe a weakness it would be that my style fills a leadership vacuum wherever I serve and resultantly the demands for my time grow and sometimes exceed my ability to address every issue in as timely a manner as I would otherwise like (at times I am a victim of my own success). I offset this by maintaining a board approved priority list that is updated at least annually so that I hit the core objectives. I work diligently to successfully build capacity in order to manage the other myriad of concerns.

I am politically savvy but non-political and pride myself on maintaining balance and equity in my partnership with my Board. I have dedicated my career to being a public servant, as I believe that public service is a noble profession. I gain a great degree of personal satisfaction from contributing to local communities: in particular seeing how the hard work of the organization under the public policy direction of the board or council improves the quality of life, livability and sustainability of the community served. I have utilized the term "I" as I have narrated some of my background but it was only for that purpose: we as a team (the boards and staff I am serving and have served) make positive progress possible.

## FINAL THOUGHTS

I am interested in becoming the next City Manager for Port St. Lucie for a number of reasons. In particular, the City hosts such great realized and unrealized potential to be a world renowned place to live, work and play (I am looking for a long term engagement in a local I can call home). Even though my work in the Village of Port Chester is moving forward in very positive ways, Florida is my home and I desire to return here in particular because this is where my wife and children reside.

The challenges I see facing us if I am selected as your new City Manager surround the fact that Port St. Lucie is growing in leaps and bounds and the risk of losing control of reasonable and smart growth

is all too real. Further, there is an apparent instability within the organization that has created a turnover of key staff members that will inevitably slow productivity if aggressive action is not taken to stabilize and retain our talent. Why do people follow a leader? Because they create a sense of stability, they engender trust, they show compassion, and they foster a sense of hope for the future.

The needs I see in the City for solid management and leadership play to my strengths as an adaptive, dedicated, and creative Manager. The combination of being back in Florida and working for such a strong organization would be a dream come true.

I thank you for your time and consideration and wish you all the best.

Respectfully,

Christopher D. Steers

Attachments:

- Salary History & References
- Summary of Qualifications
- Resume

## Christopher D. Steers

SALARY HISTORY

| | |
|---|---|
| Village Manager, the Village of Port Chester, NY | $190,000.00 |
| Administrative Director, Village of Port Chester Industrial Development Agency, NY | $ 18,000.00 |
| Assistant Village Manager, Village of Port Chester, NY | $141,000.00 |
| Code Enforcement Director, Village of Port Chester | $129,000.00 |
| Assistant County Administrator, St. Lucie County, Florida | $108,000.00 |
| Assistant City Manager, the City of Miami Gardens, Florida | $170,000.00 |
| Code Enforcement and Licensing Department Director, the City of Sunny Isles Beach | $ 70,000.00 |
| Neighborhood Compliance Supervisor, Miami-Dade County Team Metro | $ 38,000.00 |
| Miami-Dade County Department of Public Works; Animal Care & Control Division | $ 29,000.00 |

# Résumé for CHRISTOPHER D. STEERS

## EDUCATION

**A Master of Public Administration**: Nova Southeastern University, Fort Lauderdale Florida (March 31, 2009) (*Currently seeking a second Master's in Disaster and Emergency Management at Nova Southeastern University*).

**A Bachelor of General Studies / Sociology**: The University of Miami, Coral Gables, Florida (June 25, 1993)

## BOARDS & COMMITTEES

- Board Member of the Emergency Medical Services Committee of the Village of Port Chester, the City of Rye, and the Village of Rye Brook (October 2012 to present)
- Board Member of the Port Chester Rye Brook Fire Advisory Board (October 2012 to present)
- Board Member of the Port Chester Rye Brook Chamber of Commerce (October 2012 to present)
- Member of the Village of Port Chester / Village of Rye Brook Library Subcommittee (October 2012 to present)
- Member of the Westchester County Leadership Prayer Breakfast Committee (2014 to present)

## PROFESSIONAL EXPERIENCE

**Village Manager, the Village of Port Chester, New York** (October 2012 to present) serving as Chief Administrative Officer for all Village government operations. Chief Fiscal Officer of the Village proposing an annual budget, capital improvement program, and recommendations for financing them. Reporting and interpreting the financial condition of the Village to the Board of Trustees regularly and to initiate or recommend such actions as may be necessary to avoid incurring a deficit. Exercising all other powers and duties of a Village budget officer as prescribed by law and control expenditures within the amounts appropriated by the Board of Trustees by enforcing appropriate administrative controls. Overseeing the fulfillment of provisions of franchises, licenses, permits and privileges granted to the Village, and contracts to which it is a party, and to recommend appropriate remedial action to the Board of Trustees in the event that commitments are not fulfilled. Responsible for seeing to the execution and enforcement of the ordinances and other enactments of the Board of Trustees, as well as federal, state and county laws and regulations applicable to the Village. Proposing to the Board of Trustees such legislative and policy measures necessary for the health, safety and welfare of the community and that will improve the effectiveness, efficiency and services provided by the Village government or reduce its costs.

- Successfully changed the Village of Port Chester's organizational culture, and managed positive change in order to promote public stewardship, better align policy implementation, realize increases in productivity, and to increase accountability; improved Budgeting and Procurement; improved Public Safety, enhanced Grant Writing; accelerated Capital Improvements; established HR / Risk Management protocols, fostered Economic Development, and improved Parks & Recreation facilities and programs

# Résumé for CHRISTOPHER D. STEERS

- Opened up communication and improved transparency with the Board of Trustees and the community in order to foster collaboration, create public value, and protect the public trust.
- Successfully reengineered the budget process including creating the Village's first narrative budget document including the implementation of a Five Year Operating Forecast Model; identified and operationalized up to $1 Million dollars in additional recurring revenues, and trimmed an equivalent amount in operational expenditures.
- Received the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the first time in Village History (as well as the for following three years running).
- Diligently maintained the Village's Bond Rating at Aa3, and we were issued a MIG 1 (the highest rating for a note) for its 2016 BANs.
- Created a strategic priorities ranking methodology and resulting Village Manager's priorities list; by which a multitude of projects, policy directives, and operational concerns are being moved forward, implemented and otherwise addressed.
- Spearheaded and Administered the Village's first Economic Development Strategic Plan which furthers the community vision established through the Village's Comprehensive Plan. The plan focuses our efforts to capitalize on the Village's physical, social, economic and human capital; for the immediate and long-range protection, enhancement, growth, and Economic Development of Port Chester.
- Established working groups that obtained over $2.5 million in grant funding for Local Waterfront Revitalization, Sanitary Sewer repair/replacement, FEMA re-imbursements, CBDG funding, and planning activities.
- Established the Village's first Sewer Rent Program aimed at more equitably sharing the cost of much needed sewer infrastructure improvements. This $15-million-dollar capital improvement project targets the complete replacement, repair, upgrade of the entire sanitary sewer system by 2020.
- Managing over $22 million in capital improvement projects including: Sanitary Sewer improvements, Stormwater System repairs and improvements; Street Paving and Sidewalk replacement; Traffic Signals; Building repairs and renovations; Fleet upgrades; and Park improvements.
- Coordinating the Village's Stormwater Management Program including: Municipal separate storm sewer system (MS4) permit MS4 compliance, NYDEC compliance; EPA compliance; Flow monitoring; Illicit Discharge Enforcement; overseeing the Villages Sewer System Evaluation Study (SSES); and overseeing the development and implementation of the Village's Capacity Management Operation Maintenance (CMOM) Program.
- Implemented the Village's first Comprehensive Plan and related Zoning Text Amendments. The Plan itself was recognized by the County out more impressively the Village received a recognition award for comprehensive planning and implementation from the Westchester Municipal Planning Federation
- Streamlined the development review process with tighter coordination between Building, Planning, Zoning and their related boards and commissions

# Résumé for CHRISTOPHER D. STEERS

- Established and deployed an HR /Risk Management protocol by which personnel issues are more professionally managed and risk issues are aggressively addressed where prior to these concerns were all but ignored; ultimately saving about $700,000.00 in premiums.
- Implemented the Village's first Strategic Emergency Management Plan and Routinized emergency management protocols aiding in mitigating, responding to, and recovering from threats and hazards.
- Established the NIXLE emergency communication platform for emergency notifications to the organization and the community.
- Implemented the "*IamResponding*" software program within the Fire Department to streamline data collection, reporting, and emergency response.
- Introduced the base concept of creating a parking system, beginning with the budgeting for and approval of the installation of 46+ additional pay stations throughout the Village. Now working on developing that system including improving signage, accessibility, and system utility.
- Continued the comprehensive non-discriminatory Building Code Compliance, Code Enforcement, and Fire Safety Inspection programs maintaining the 85% expense recovery target. Since the inception of the program there have been over 1600 Illegal Occupancies (affecting 868 individual properties) discovered, removed, or otherwise corrected. Fires in all categories have also decreased by approximately 49% during the same period. Introduced the concept of "enterprise funds" in relation to the aforementioned programs with a target of 85% expense recovery.
- Administered the Village's Permit Amnesty Program providing relief to over 800 property owners from the State mandated building code compliance, code enforcement, and Fire Safety Inspection Programs (saving participants over $1,500,000 in permit fees excluding potential fines) thereby fostering voluntary code compliance.
- Successfully negotiated the Police Department Collective Bargaining Agreement; building upon the many success and positive changes within that key department.

**Administrative Director of the Village of Port Chester Industrial Development Agency** (November 2013 to present). General supervision over the administration of the business and affairs of the Agency subject to the direction of the Agency; and management of all projects of the Agency.

- Representing the PCIDA professionally and ethically in front of clients, the public, elected officials, media and other government agencies;
  Participating in budget planning, presentations, and expense monitoring activities including: reviewing and approving purchase orders and voucher payments;
- Performed a critical and in depth self-assessment of the PCIDA's operations that identifies the key issues facing the PCIDA complying with the mandates of the Public Authority Accountability Act of 2005 and Public Authorities Reform Act of 2009 (collectively, "PAAA").

# Résumé for CHRISTOPHER D. STEERS

- Developed a records management protocol to promote efficient administration and management of the PCIDA's records including: records identification, gathering and protection, and the installation of a policy for retention and disposition to ensure compliance;
- Developed a strategic and marketing plan that is consistent with the Mission Statement of the PCIDA and identifies the opportunities and benefits of the IDA and implement an outreach program that carries its message to the local business community;
- Working in conjunction with the PCIDA Treasurer, fulfilling annual reporting requirements of the New York State Comptroller's Office and other state and federal agencies as required including: assisting in compiling data to be provided to the outside audit firm necessary to complete the annual audit;
- Reviewing and recommending amendments as appropriate to the PCIDA's fee structure, uniform tax exemption policy, and operational procedures, as well as other housekeeping items;
- Overseeing active IDA projects -with PCIDA counsel review of said projects to determine compliance with the project terms, including payment of ongoing fees, job generation reports and other reporting and performance requirements. Ensure the records for each of these projects is complete, and outline for Board review any follow up actions that may be necessary and appropriate;

**Assistant Village Manager, the Village of Port Chester, New York** (April 2009 to October 2012) *Also serving in multiple capacities including Code Enforcement Director, Building Inspector, and Zoning Official (October 2009 to April 2011).* Highly responsible professional and administrative work assisting the Village Manager and Board of Trustees in coordinating and ensuring the provision of governmental services; including acting as Village Manager as needed. Responsible for the following specific areas: the development, direct oversight, and management of the Building, Planning and Zoning, and Code Enforcement Departments, (re-invented & modernized same) including: program development and evaluation team building; development of policies and procedures, databases, and forms.

- Developed, managed, and refined the Village's Planning and Zoning processes and procedures for the Village's Planning Commission, Zoning Board of Appeals, Waterfront Commission, and Architectural Review Board; and reporting to same. Responsible for the strategic re-implementation of the Village's Comprehensive Planning process including the coordination of all aspects of the planning effort from preliminary drafting to oversight of the environmental reviews and final adoption of same. Liaison to the Village's Comprehensive Plan Advisory Committee.
- Performed the additional role of <u>*Code Enforcement Director*</u> for the Village: responsibilities include developing and managing the Village's new Code Enforcement and Building Code Compliance Programs including the enforcement of the New York State Building, Plumbing, Electrical, Mechanical, Property Maintenance, and Fire Safety codes; as well as applicable Westchester County and Village codes. Strategized, developed and implemented the Village's first comprehensive Fire Safety Inspection

# Résumé for CHRISTOPHER D. STEERS

program, strategic planning, refining enforcement methods and methodology, legal aspects, forms, drafting new codes, Information and technology, and interdepartmental and intergovernmental coordination. Streamlined Justice Court processes regarding Building Code Enforcement cases.

- Performed the additional role of *Acting Building Inspector* for the Village: responsibilities include but are not limited to the following: reviewing, checking and signing off on all building, plumbing, mechanical, electrical, demolition, sidewalk obstruction, sign, and oil tank permits; final plan review and inspections; issuance of certificates of occupancy and tenants permits to occupy; occupant loads; liquor licensing; ancillary entertainment licensing; sign off on all searches for open permits, violations, CO's, and all zoning verification requests; issuance of all Zoning Compliance Determinations, letters, and reports; revocation of permits and/or CO's; issuance of Stop Orders; issuance of Unsafe Structure notices; attendance at Zoning Board of Approval, Planning Commission, Waterfront Commission, Comprehensive Plan Advisory Committee, and Architectural Board of review meetings.
- General administrative/managerial duties including performance management, budgeting, program management, statistical reporting, and public speaking including participation at Board of Trustee meetings, employee development, and creating and managing high performance teams. Reviewed and/or formulated correspondence and reports. Participated in the development of management policies and procedures; implementing the policy directives of the Village Board of Trustees'. Developing goals and objectives, performance measures and implementing strategic planning.
- Coordinated with all developers and large business owners to streamline and monitor construction projects and business development. Problem solving as liaison from project inception through project completion.
- Analyzed public policy gaps and proposed new directions and action plans to improve service delivery, including: monitoring the efficacy of all adopted Planning, Zoning, and enforcement legislation; recommending, drafting, and presenting modifications to existing legislation and/or research and development of new legislation intended to enhance service delivery to the public.
- Completed special projects as assigned by the Village Manager including; duties as a member and/or participant on special Village committees and/or work teams.

**Assistant County Administrator, St. Lucie County, Florida** (June 2009 to September 2009) highly responsible professional and administrative work assisting the County Administrator in coordinating and ensuring the provision of efficient and effective governmental services:

- Responsibility for the following specific areas: the development, direct oversight, and management of the following County Departments: Growth Management, Economic Development and Tourism, Community Services, Public Safety, St. Lucie International (general aviation) Airport, Solid Waste, Public Utilities, Veteran's Affairs, and Information & Technology
- Oversaw the administration of the County's Comprehensive Development Master Plan (including EAR Amendments, etc...); Land Development Regulations amendments and rewrite (including Western Lands Study and Rural Stewardship program);

# Résumé for CHRISTOPHER D. STEERS

- Managed the final stages of the ongoing runway expansion and refurbishing at the International Airport;
- Oversaw final stages of the construction and startup of the St. Lucie County Emergency Operations Center; oversaw disaster and emergency preparedness, NIMS Compliance, COOP, Pandemic Response Planning, etc....
- Coordinated the update to the existing Utilities' Rate Study;
- Developed goals and objectives participated in and implemented strategic planning actions including participating in the analysis of and ultimate restructuring of government operations and departments.
- Oversaw economic development incentive programs including program development and grant programs; oversaw a variety of community service programs including grants, Housing Rehabilitation, Disaster Recovery, Home Ownership Assistance, and transportation; other special projects as assigned by the County Administrator.
- Drafted and/or reviewed agenda items to be presented to the County Commission for content and form; facilitated and/or participated in meetings with County Commissioners; represented the County Administrator at community and departmental meetings; delegated assignments to County departments and tracked and followed up on same.
- Reviewed and/or formulated correspondence and reports. Participated in the development of management policies and procedures; implemented policy directives.
- Oversight of various Professional Service Contracts including bids, awards, and performance / contract management.
- Signature for County financial transactions including monitoring of same in conjunction with Finance Department.

**President/CEO, Steers & Associates, Government and Corporate Consulting** (November 2008 to 2010): Specialized in: Management consulting, Organizational/Management Analysis, Strategic Planning , Program Development, Development and Implementation of Ordinances, Rules, and Regulations, and Development of Policies and Procedures. Uniquely experienced in the startup and improvement of public services.

**Assistant City Manager, the City of Miami Gardens, Florida** (March 2004 to November 2008). Highly responsible professional work assisting the City Manager in coordinating and providing governmental services; acting City Manager as needed. Responsible for the transitioning of several program and service areas from County services including Code Enforcement, CBDG programs (Façade Restoration Program and Community Compliance Program), Public Works, Business Taxes, Solid Waste Franchises, Building Department Services, Capital improvement Projects, and Planning and Zoning functions General responsibility over all departments with responsibility for the following specific areas: the development, direct oversight, and management of the City Code Enforcement, Building, and Planning and Zoning Departments. Created, developed, and managed those departments and related functions including: program development and evaluation; team building; development of policies and procedures, databases,

# Résumé for CHRISTOPHER D. STEERS

and forms. Oversight of various Professional Service Contracts including bids, awards, and performance / contract management. Signature for citywide financial transactions including monitoring of same in conjunction with Finance Department.

- Coordinated with all developers and large business owners to streamline and monitor construction projects and business development. Problem solving as liaison from project inception through project completion.
- Implemented Community outreach relating to Code Enforcement, Planning & Zoning, Flood Plain Management, Hurricane Preparedness, and general community concerns.
- Disaster preparedness including assisting in the drafting of the City's first Emergency Response Plan, NIMS Compliance, and the development of the Incident Command Structure. Participate in the Urban Area Security Initiative as voting member and alternate point of contact on the Fort Lauderdale Urban Area Work Group.
- Managed the development and implementation of the City's Comprehensive Development Master Plan, Business Services and related program development, including developing new Land Development Regulations and related Codification process.
- Created and oversaw the following programs: Occupational License/Business Tax Receipt collection, issuance of City Certificates of Use, Solid Waste Franchise fee collection, Alarm Registrations and False Alarm Monitoring, Building Services, Code Enforcement, Code of Ordinances revision and re-write (including future land use code), Special Projects as assigned by the City Manager: created, identified, and captured additional revenue sources and developed service programs; and encouraged economic development.
- Budget preparation and administration for related departments. Direct oversight of over $13 million dollars in departmental budget(s) and responsibility for identifying and collecting over $5 million dollars in recurring revenues. General monitoring of City's annual budget.
- Developed goals and objectives, performance measures and participated in and implemented strategic planning; attended business plan meetings and assigned budget hearings. Contributed to the City's Strategic Plan for 2004-2009 and updates for 2009-2011.
- Drafted and/or reviewed agenda items to be presented to the City Council for content and form; facilitate and/or participating in meetings with and responding to questions from the City Council; represented the City Manager's Office at Council meetings and other community and departmental meetings; delegated assignments to City departments and tracked and followed up on same. Reviewed and/or formulated correspondence and reports. Participated in the development of management policies and procedures; implemented Mayoral and City Commission policy directives.
- (August 2008 Reorganization) Initial responsibilities included the management of the Community Development and Parks and Recreation Departments. Oversight of recreation programming and capital improvements asset management. Parks and recreation, and administration of the Parks Master Plan. Oversight of the City's housing and community development programs including: Housing Rehabilitation, Disaster Recovery, Home Ownership Assistance and Business Incentive Programs

# Résumé for CHRISTOPHER D. STEERS

Code Enforcement and Licensing Department Director, the City of Sunny Isles Beach, Florida (July 1998 to March 2004). (Also serving as Code Enforcement Officer, Code Enforcement and Licensing Officer, and Code Enforcement and Licensing Division Head). Professional public service work involving the protection of the health, safety, and welfare of the community: through the implementation, and the administration of effective enforcement programs. Duties involved advanced administrative work in Code Enforcement & Occupational Licensing including supervision & training of staff, implementation and enforcement of City and Miami Dade County ordinances including license tax collection.

- Created, implemented, and managed the City's Code Enforcement, Occupational Licensing (BTR's), Alarm Registrations, and Certificates of Use programs; drafted and implemented Departmental operating policy and procedures. Developed and monitored departmental budget
- Drafted and presented over 35 City Ordinances. Created and maintained associated databases. Conceptualized, implemented, and managed City's Parking Enforcement Program.
- Exercised considerable independent judgment in the management and administration of Departmental operations.
- Analyzed public policy gaps and proposed new directions and action plans to improve service delivery.
- Hired, trained, disciplined, promoted, and monitored performance of subordinates
- Completed special projects as assigned by the City Manager including but not limited to: Parking projects, Land Development Regulations, Park Regulations, Developing and implementing Ordinances as needed to meet established goals.
- Performed other duties as a member on special City committees, work teams, and/or task forces. Monitored the efficacy of all adopted enforcement legislation; recommending, drafting, and presenting modifications to existing legislation and/or research and development of new legislation intended to enhance service delivery to the public.

Neighborhood Compliance Supervisor, Miami-Dade County Team Metro (5/26/97 to 7/10/98). Duties involved advanced administrative and supervisory work in the enforcement of Miami-Dade County Code regulations.

- Responsibilities included supervising, training, and advising code enforcement and outreach staff, implementing enforcement procedures and methodologies as well as developing non-judicial solutions to code violations, coordinating enforcement activities with a variety of officials and organizations.
- Prepared and reviewed all cases to be presented to County hearing Officer and all follow up enforcement procedures including preparation for lien and remediation
- Served as a liaison between complainants, violators, property owners, homeowner groups, trustees, hearing officers, attorneys, service specialists and neighborhood compliance officers.

# Résumé for CHRISTOPHER D. STEERS

**Miami-Dade County Department of Public Works; Animal Care & Control Division. Animal Control Investigator; Certified Supervisor & *Certified Animal Control Specialist*** (12/93 to 5/26/97). Responsibilities included enforcing Florida State Statute 528 and 767 as well as Chapter 5 of the Miami-Dade County code Specialized investigative and code enforcement work relating to dangerous animals and animal cruelty including: responding to over 2,000 complaints annually; managed over 200 cases annually; issued Civil Violation Notices Acted as County Representative, scheduling, and testifying at related appeal hearings. Evidence collection. All related administrative work.

- Supervision of fourteen (14) Enforcement Officers, twelve (12) Clerks, twenty (20) Animal Attendants, and two (2) Semi- Skilled Laborers. Employee training, performance appraisals, interviews, progressive discipline, and conflict resolution. Enforced Chapter 5 of the Miami-Dade County Code.

## MEMBERSHIPS

**Member of:** the International City/County Managers Association, the American Planning Association, the Association of State Floodplain Managers, the New York State Association of Floodplain Managers, and the New York State Building Officials Conference, New York State Government Finance Officers' Association (GFOA), and The New York State Fire Marshals & Inspectors Association.

## CERTIFICATIONS

- **Certified Floodplain Manager** through the FEMA National Flood Insurance Program: Certificate # US-08-03755 (August 2008 - 2017 and required continuing education).
- **Certified Code Enforcement Official**, New York State: Certificate #0610-7224 (2010 to present; and required continuing education).
- **Green Education Services**: EPA Lead Renovators Certification Initial; Certificate # R-I-87262-14-55553 (Aug 2014)
- **Miami-Dade Community College School of Justice and Safety Administration: Certified as a Parking** Enforcement Specialist by (June 1998)
- **Miami Dade County**: Certified as a Supervisor (March of 1995)
- **University of Missouri-Columbia Law Enforcement Training institute & School of Law**: Certified Animal Cruelty Investigator, (October 1995).
- **Miami-Dade County Public Works Department**: Certified Animal Control Specialist, (February 1994)

# Résumé for CHRISTOPHER D. STEERS

## TRAINING/ CONTINUING EDUCATION

- The Practicing Institute of Engineering: The New Blue: The Updated NYSDEC E&S Manual (June 2016)
- NFSA: Sprinkler Plan Review (Oct 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Community Preparedness Implementing Simple Activities for Everyone IS-00909 (Oct 2015)
- FEMA Emergency Management Institute training and certification National Response Framework, An Introduction IS-00800.b (Sept 2015)
- The Practicing Institute of Engineering: Stormwater Project Design from Planning to NOI (March 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Emergency Support Function (ESF) #8 Public Health and Medical Services IS-00808 (Feb 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Social Media in Emergency Management IS-00042 (Feb 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Emergency Support Function (ESF) #6 Mass Care, Emerg. Assistance, Housing, Human Service IS-00806 (Feb 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification NIMS IS-00700.b/ICS700 (Feb 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Incident Command IS-00100.b/ICS100 (Feb 2015)
- FEMA Emergency Management Institute National Incident Management System training and certification Decision Making and Problem Solving IS-00241.b (Dec 2014)
- FEMA Emergency Management Institute Leadership & Influence IS-00240.b (Sept 2014)
- Texas A&M Engineering Extension Service (TEEX) National Emergency Response and Rescue Training Center (DHS/FEMA): EOC Operations and Planning for All Hazards (June 2014)
- Simpson Strong-Tie: Understanding Monument Frames (April 2014)
- Simpson Strong-Tie: Cracking the Concrete Anchor Codes (April 2014)
- Simpson Strong-Tie: Deck Building 101 (April 2014)
- Simpson Strong-Tie: Deck Building 102 (April 2014)
- The Practicing Institute of Engineering: Stormwater and the Development Process (May 2013)

# Résumé for CHRISTOPHER D. STEERS

- FEMA Emergency Management Institute Emergency Planning continuing education (December 2012)
- FEMA Emergency Management Institute National Flood Insurance Program/ Community Rating System training and certification (February 2008)
- FEMA Emergency Management Institute National Incident Management System training and certification IS-00700/ICS700 (March 2006)
- FEMA Emergency Management Institute National Incident Management System training and certification IS-00100/ICS100 (March 2006)
- Permit Specialist training and certification (July 2003).
- Project Management Training (December 2002)
- Leadership Development & Team Building (August 22, 2002)
- The "Code Team Concept" (December 2001).
- Management problems of the technical person in a leadership role (August 1997).
- How to Manage Projects, Priorities, and Deadlines (August 1995).

## PRIOR CERTIFICATIONS

- **Florida Association of Occupational Licensing Officials** (Florida Association of Business Tax Officials): Certified as an Occupational Licensing Official (January 2000, 2001, & 2002, thru 2005; expired)
- **Florida Association of Code Enforcement**: Certified as a Code Enforcement Officer III: Legal Issues in Code Enforcement (March 5, 2002; expired)
- **Florida Association of Code Enforcement**: Certified as a Code Enforcement Officer II; the Administrative Aspects of Code Enforcement (October 28, 2000; expired).
- **Florida Association of Code Enforcement**: Certified as a Code Enforcement Officer I; the Fundamentals of Code Enforcement (October 9, 1999; expired)

# *Candidate Introduction*

## EDUCATION

- **A Master of Public Administration**: Nova Southeastern University, Fort Lauderdale Florida. (*Currently seeking a second Master's in Disaster and Emergency Management at Nova Southeastern University*).
- **A Bachelor of General Studies / Sociology**: The University of Miami, Coral Gables, Florida.

**Significant Certifications:**

- **Certified Floodplain Manager** through the FEMA National Flood Insurance Program: Certificate # US-08-03755 (August 2008 - 2017 and required continuing education).
- **Certified Code Enforcement Official**, New York State: Certificate #0610-7224 (2010 to present).
- **Green Education Services**: EPA Lead Renovators Certification Initial: Certificate # R-I-87262-14-55553 (Aug 2014)

## EXPERIENCE

- Village Manager, the Village of Port Chester, NY: (2012 - Present)
- Administrative Director, Port Chester Industrial Development Agency: (2013 - Present)
- Assistant Village Manager (Code Enforcement Director and Building Inspector), Village of Port Chester, NY: (2009 - 2012)
- Assistant County Administrator, St. Lucie County, Florida: (2009)
- President/CEO, Steers & Associates, Government & Corporate Consulting: (2008 - 2010)
- Assistant City Manager, the City of Miami Gardens, Florida: (2004 - 2008)
- Code Enforcement & Licensing Department Director, (Code Enforcement Officer & Licensing Officer, Division Head) the City of Sunny Isles Beach, Florida: (1998 – 2004)
- Neighborhood Compliance Supervisor, Miami-Dade County Team Metro: (1997 – 1998)
- Miami-Dade County Department of Public Works: Animal Care & Control Division (Animal Control Investigator/Specialist), Miami-Dade County, Florida: (1993 – 1997)

## BACKGROUND

The Village of Port Chester was incorporated on May 4th, 1868. It is located in the southeastern corner of Westchester County along the Byram River and within one mile of the Long Island Sound. The Village has a total land area of about 2.4 square miles and is home to approximately 29,000 residents. Port Chester is well situated, accessible to the rest of Westchester County, New York City, and the Hudson Valley region. The Village is locally known as the restaurant capital of Westchester County. The vitality and diversity of the restaurant industry in combination with

the resurgence of the Capitol Theatre (a historical concert and entertainment venue) has created a renaissance within the Village. Port Chester's downtown Restaurant Row is renowned throughout the region, offering cuisine from around the world in dozens of top-rated establishments. "The Waterfront at Port Chester" retail center has brought a multiplex movie theater to the Byram River shore, Costco Shoppers Warehouse, Bed, Bath & Beyond. Super Stop & Shop, Marshall's and several other stores.

The Village is a full service Village lead by an elected a seven-member board/council (Board of Trustees) and functions under the Council-Manager form of Government. Each Board member, including the Mayor, has one vote and legislative authority is spread equally among all seven members. The Village's General Fund Budget for FY 2016-2017 is $38.9 million, and the total budget is $46.8 million (including the sewer and capital funds). The Village has 156 full time employees with approximately 60-part time / seasonal employees; with 10 Department heads reporting directly to the Village Manager (including the Chief of Police and Fire Chief). There are three Unions representing three bargaining units including the Patrolman's Benevolent Association (PBA), Civil Service Employee's Association (CSEA), and the International Fire Fighters Association (IFFA). Further the Village of Port Chester Fire Department consists of approximately 300 volunteers (up until this past June the fire department also included 8 career firefighters).

**Three of the most significant issues facing the Village are:**

- **Inadequate Infrastructure (capital planning).** The Village has about 44 miles of roads and also hosts about 42 miles of sewer lines some of which are 100 plus years old and aging. The years of bad winters, heavy truck traffic, and limited repairs and improvements have left our roads and sewer systems in poor to failing condition. I have worked successfully with my Board to prioritize street improvements ultimately tripling our street paving efforts and capital expenditures. We are also currently under an EPA order to remove pollutant discharge into the Long Island Sound. Our proactive response was to implement a Sewer Rent program thereby creating a dedicated source of funding for the complete replacement, repair, and maintenance of our Sanitary Sewer system (encompasses about $15 million of capital expenditures over a 5-7-year period). These improvements touch both our sanitary and storm water sewer systems. Our Storm sewers are also aged and deteriorating (we have inflow and infiltration concerns).

  Over the past four years we have invested about $22 million in capital improvement projects including: Sanitary Sewer improvements; Storm water System repairs and improvements; Street Paving and Sidewalk replacement; Traffic Signals; Building repairs and renovations; Fleet upgrades; and Park improvements. Our capital needs are ever growing and long term planning is being aggressively undertaken in order to ensure that we borrow, expend, and repair within our budgetary means.

- **Economic Development**. The Village adopted its first Economic Development Strategic Plan in March of 2014. The plan identifies potential feasibility, cost-benefit analysis, grant funding sources and availability, sequence and time frames, implementation strategies, and action items relative to each priority opportunity area for the ensuing two years (March 2014-February 2016). Its focus is on the major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods (affordability); revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development.

  The Board identified the following five opportunity areas as a focus in the plan:
  1. • Facilitating transit oriented development in the downtown
  2. • Creating a new municipal center
  3. • Enhancing and revitalizing waterfront areas
  4. • Redevelopment of Fox Island peninsula
  5. • Redevelopment of the United Hospital site

  The challenge is to balance these goals with the realities of mitigating the impacts of new development on the community, including: affordability of housing; traffic, parking and mobility; density; school impacts; and the environment. The additional challenge has been keeping board focused on moving these strategies forward. I am in the process of taking my Board through a more robust Strategic Planning process to build more solid Board alignment and commitment.

- **Fiscal Sustainability**. We have standardized the utilization of a 5-year Operating Budget model in developing our budget annual budgets. The implementation of this forecasting tool has been extremely instrumental in the successful turnaround of our fiscal health; as our projections have proven to be highly accurate. Predictions seem to indicate that our assessed values will continue to increase over the next few years; however, our ability to capture any such additional values is still limited by the State Mandated Tax Cap

  For example: our additional organizational needs for the fiscal year equated to about $1.2 to $2.4 million dollars in additional operating expenditures or up to about 10% in additional taxes. The Tax Cap calculation limited us to about .12% (less than 1%) or about $80,680 in additional tax revenues that we could capture and still remain under the cap. The Choice was made to remain under the Tax Cap so we had to cut or pare down and prioritize our needs and expenditures just in order to maintain our programs (the Board opted to lay off 8 personnel). Our needs for services continue to grow as our population, housing stock, and commercial base continues to grow. This growth will exceed our capacity successfully manage same if we do not capture additional revenues and build our capacity including

building up our staff. Our capital needs are also great and we must continue balance those needs with our ability to effectively manage our debt without over mortgaging our future.

## GENERAL MANAGEMENT STYLE AND EXPERIENCE

I am interested in becoming the next City Manager for Port St. Lucie for a number of reasons. In particular, the City hosts such great realized and unrealized potential to be a world renowned place to live, work and play (I am looking for a long term engagement in a local I can call home). The needs I see in the City for solid management and leadership play to my strengths as an adaptive, dedicated, and creative Manager. I believe that my credentials and experience will be an excellent fit for the City.

Further, prior to my tenure in Port Chester I served several communities in Florida including The City of Miami Gardens ($156-million-dollar budget, population of approx. 111,000 with over 530 FTE's), the City of Sunny Isles Beach, Miami-Dade County, and for a brief but rewarding period of time St. Lucie County ($ 472-million-dollar budget, population of approx. 298,000 with over 744 FTE's). Even though my work in the Village of Port Chester is moving forward in very positive ways, Florida is my home and I desire to return here in particular because this is where my wife and children reside.

As a Manager I strive for transparency and inclusivity, and believe strongly in providing clear leadership and support to my staff; including proactive employee development. For me it is not about taking credit, it is about facilitating the policy directives of the board or council in a sustainable and meaningful way; if one succeeds we all succeed. Towards that end I am very hands on, collaborative, and strategic. I believe strongly in building a clear direction and in implementing strategies in order to reach the goals set by the board or council. A few examples of how this methodology has worked for Port Chester includes but is not limited to the following:

- We successfully reengineered the budget process including creating the Village's first narrative budget document including the implementation of a Five Year Operating Forecast Model (preventing deficits and budget short falls)
- We established the Village's first Sewer Rent Program aimed at more equitably sharing the cost of much needed sewer infrastructure improvements. This $15-million-dollar capital improvement project targets the complete replacement, repair, upgrade of the entire sanitary sewer system by 2020.
- We successfully managed over $22 million in capital improvement projects including: Sanitary Sewer improvements; Storm Water System repairs and improvements; Street Paving and Sidewalk replacement; Traffic Signals; Building repairs and renovations; Fleet upgrades; and Park improvements (3.5 million average in annual in CIP's over the prior 1.5 – 2 million).

- We implemented the Village's first Comprehensive Plan and related Zoning Text Amendments; and streamlined the development review process with tighter coordination between Building, Planning, Zoning and their related boards and commissions (led to the current renaissance in development/smart growth in the Village).

I work closely with staff and my board, and I utilize comprehensive and strategic planning to reach the goals set by my Board. I balance these planning activities in part through the budget process looking up to five years out in an effort to align Board priorities with fiscal and realities. I work to keep projects and plans on track while utilizing a long term vision that aligns day-to-day operations with the organization's mission. Individually I would think that either a board or staff member would comment on my honesty, integrity, sincerity, professionalism, and dedication (I have successfully navigated some extremely contentious issues surrounding various policy directives and internal challenges while cleaning up malingering and corruption within Village government). I believe in fostering a safe, productive, and energized work environment; while applying coaching, counseling, and/or progressive discipline as needed. I am fearless and driven in my efforts yet open, tactful, and accessible: while always striving to cultivate an environment of continuous improvement.

I hold routine staff meetings, agenda meetings, and performance conferences. I set clear expectations for staff members and monitor their growth, progress, and accomplishments; interceding where and when needed to keep them on track. Over my career I have hired hundreds of employees, promoted dozens of employees, and personally terminated or otherwise moved on 35 individuals. I remember the number because this is not something I enjoy; however, it is a key part of my duty and responsibility to the organization and community I serve to maintain a competent and honest workforce. All terminations whether it be for failing ones' probation or for much more serious infractions must be handled tactfully, with compassion, and always in the best interest of the organization.

One of my biggest successes has been being on the core team at the City of Miami Gardens (the ninth employee after the City's incorporation). I gained such great experience and achieved so many things from establishing several of the key departments, pushing through the award winning Comprehensive Development Master Plan, and overseeing over $4 billion dollars in construction / development within the City over the first five years of the City's existence. If I had to relate to a failure it would be departing from The City of Miami Gardens without a solid job in hand. This created significant financial hardship on my family and I which I am still recovering from. I learned that as an individual it is important to follow your heart but you must be prepared to accept the benefits and/or consequences of doing so. In the end this worked out well as that change lead me to my current capacity

I believe that my strengths include my public administration acumen, my ability to plan and implement, my ability to stay cool under pressure, and my ability to build trust and consensus. If

I were to describe a weakness it would be that my style fills a leadership vacuum wherever I serve and resultantly the demands for my time grow and sometimes exceed my ability to address every issue in as timely a manner as I would otherwise like (at times I am a victim of my own success). I offset this by maintaining a board approved priority list that is updated at least annually so that I hit the core objectives. I work diligently to successfully build capacity in order to manage the other myriad of concerns.

I work to maintain a cooperative and respectful relationship with the media. I am aware that it is a bad idea to pick a fight with someone who buys ink by the gallon. But I also know that there are times when you stand your ground and tell your story. The balance here is to always ground your decision making in maintaining the public trust and integrity of the organization. I have no real dirt in my background other than a personal bankruptcy I went through about 20 years ago as I explained in the questionnaire. I used social media in the form of NIXLE 360 to notify subscribers about emergency situations, weather concerns, and or other significant events. I would utilize social media in Port St. Lucie as prescribed within the social media policy (social media is a very effective communication tool as long as one is on message). If I become a finalist I don't believe that there would be any activists that would come up with any dirt although some individuals were not pleased that I left St. Lucie County after a short tenure.

I am politically savvy but non-political and pride myself on maintaining balance and equity in my partnership with my Board. I have dedicated my career to being a public servant, as I believe that public service is a noble profession. I gain a great degree of personal satisfaction from contributing to local communities: in particular seeing how the hard work of the organization under the public policy direction of the board or council improves the quality of life, livability and sustainability of the community served. I have utilized the term "I" as I have narrated some of my background but it was only for that purpose: we as a team (the boards and staff I am serving and have served) make positive progress possible.

The challenges I see facing us, if I am selected as your new City Manager, surround the fact that Port St. Lucie is growing in leaps and bounds and the risk of losing control of reasonable and smart growth is all too real. Further, there is an apparent instability within the organization that has created a turnover of key staff members that will inevitably slow productivity if aggressive action is not taken to stabilize and retain our talent. Why do people follow a leader? Because they create a sense of stability, they engender trust, they show compassion, and they foster a sense of hope for the future. Again, the apparent needs I see in the City for solid management and leadership play directly to my strengths.

One of the questions relates to what would I do within the first six months as the new City Manager. I follow a self-imposed rule of threes:

- Within 3 weeks analyze and assess the organization
- Within 3 months implement any warranted changes

- Within the next 3 months adjust and make the changes stick

I would meet with the City Council as a group and or individually to get their clear expectations, goals, and objectives. Thereafter I would meet with each Department head to discuss my expectations, their analysis of the organization, as well as their goals and objectives. From their I would work to align Staff's goals and objectives with the policy vision and council goals and objectives.

In my leisure time I like to exercise, fish, practice the martial arts, and spend time with my family. I am married with three children and my separation from my family is prompting me to make this change. We are very outdoorsy and enjoy equestrianism. We have three horses and enjoy trail riding and raising our myriad of other pets.

## SIX ADJECTIVES OR PHRASES YOU WOULD USE TO DESCRIBE YOURSELF

- **Intelligent**
- **Conscientious**
- **Honest**
- **Versatile**
- **Committed**
- **Passionate**

## REASON FOR WANTING TO LEAVE CURRENT JOB

Again, my work in the Village of Port Chester is moving forward in very positive ways and it is very rewarding; however, Florida is my home and I am very desirous to return here in particular because my wife and children reside here

## CURRENT/MOST RECENT OR RELEVANT SALARY

| | |
|---|---|
| Village Manager, the Village of Port Chester, NY | $190,000.00 |
| Administrative Director, Port Chester Industrial Development Agency, NY | $ 18,000.00 |
| Assistant Village Manager, Village of Port Chester, NY | $141,000.00 |
| Code Enforcement Director, Village of Port Chester | $129,000.00 |
| Assistant County Administrator, St. Lucie County, Florida | $108,000.00 |
| Assistant City Manager, the City of Miami Gardens, Florida | $170,000.00 |
| Code Enforcement & Licensing Department Director, t Sunny Isles Beach | $ 70,000.00 |
| Neighborhood Compliance Supervisor, Miami-Dade County Team Metro | $ 38,000.00 |
| Miami-Dade County: Animal Care & Control Division | $ 29,000.00 |

# *CB&A Background Checks*

## Background Check Summary for
## CHRISTOPHER D. STEERS

**Criminal Records Checks:**

| | |
|---|---|
| Nationwide Criminal Records Search | No Records Found |
| County | |
| Westchester County, NY | No Records Found |
| St. Lucie County, FL | No Records Found |
| Broward County, FL | No Records Found |
| Miami-Dade County, FL | No Records Found |
| State | |
| New York | No Records Found |
| Florida | No Records Found |

**Civil Records Checks:**

| | |
|---|---|
| County | |
| Westchester County, NY | No Records Found |
| St. Lucie County, FL | No Records Found |
| Broward County, FL | No Records Found |
| Miami-Dade County, FL | No Records Found |
| Federal | |
| New York | No Records Found |
| Florida | No Records Found |

| | |
|---|---|
| **Motor Vehicle** | |
| New York | No Records Found |
| **Credit** | Acceptable |
| **Bankruptcy** | July 1997 – Chapter 7<br>**Disposition:** November 1997, Discharged<br>November 2000, Terminated<br><br>**See page 2 of the Personal Disclosure for explanation of records found* |
| Education | Confirmed |
| Employment | Confirmed |

# Background Check Summary for
# CHRISTOPHER D. STEERS
## Personal Disclosure

## Personal Disclosure Questionnaire

Name of Applicant: Christopher D. Steers

The following questions are designed so that we will be able to make full disclosure to our client concerning your background. Please answer them honestly. Omitting comments or misrepresenting your past will result in you being eliminated from all further searches conducted by this firm. We understand that frivolous charges are sometimes made and that charges do not mean you were guilty. We also understand that you may have been wronged and needed to seek compensation. The bottom line is that we want to be certain that our client is fully informed. If you have any questions, please contact us for clarification.

*Please explain your responses on a separate sheet of paper.*

1. Have you ever been charged or convicted of a felony?

   Yes ☐ No X

2. Have you ever been accused of or have been involved in a domestic violence or abuse incident?

   Yes ☐ No X

3. Have you ever declared bankruptcy or been an owner in a business that did so?

   Yes X No ☐

4. Have you ever been the subject of a civil rights violation complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No X

5. Have you ever been the subject of a sexual harassment complaint that was investigated or resulted in a lawsuit?

   Yes ☐ No X

6. Have you ever been convicted of driving while intoxicated?

   Yes ☐ No X

7. Have you ever sued a current or former employer?

   Yes ☐ No X

8. Do you have a personal My Space, Facebook or other type of Web Page?

   Yes ☐ No X

9. Do you have a personal Twitter Account?

   Yes ☐ No X

10. Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism?

    Yes ☐ No ☐ (MAYBE: See below)

11. Please provide a list of any lawsuits in which you are or have been a party either as plaintiff or defendant. N/A

Attested to:

Signature of Applicant

Please email this form via PDF DOCUMENT to Lmaile@cb-esq.com or via fax to (888) 880-8881 no later than 5:00 PM EST 10-06-11.
(Note: Please be sure to sign the form with your actual signature if you are sending Fax or PDF Document)

# Background Check Summary for
## CHRISTOPHER D. STEERS
### Personal Disclosure Explanation

*Q: Have you ever declared bankruptcy or been an owner in a business that did so? Yes* X

A: About 20 years ago I was advised to file bankruptcy which was discharged in1997. It involved the discharge of various personal debts including three properties. The circumstances leading up to the bankruptcy can be chalked up to bad luck, and bad legal advice.

The bad luck relates to the following: in 1996 I purchased my third property to rehabilitate as an income property. I had just completed the renovations and listed the property for rent. Shortly thereafter I went to the property with a prospective tenant (my first showing of the property) to find the locks changed and property posted as being seized by the Veterans Administration.

My property was mistakenly seized by the Veterans Administration. The Veterans Administration had a loan on the property next door to mine. My loan was with another bank (United Lending; who later filed bankruptcy as well). It took 6 months to clear up the VA's mistake. In the end the property was returned to my possession and my legal options against the VA evaporated due to Sovereign Immunity doctrine.

However: I was unable to recover from the financial drain (The loss of rent and legal fees created a snowball effect within my financials). I was advised to see another attorney whom in turn advised me to file bankruptcy as it was, in their estimation, the easiest fix. Unfortunately, due to my inexperience at the time and the pressure on me as a new husband and father I took that advice. I later found out that I had several other options but the damage was already done. The stigma, credit consequences, and resulting stress was overwhelming. Would I have opportunity to redo this scenario I would not have gone down that road.

*Q: Is there anything else in your background that, if made public, would cause you, our client or our firm embarrassment if it came to light through the press or any other mechanism? Maybe*

A: My second go at real estate investing came just before the housing bubble burst in 2007. I owned two properties, my credit was good, and all looked rosy. I renovated the two properties and at that time their combined value was upwards of $1 million. By 2009 those same properties were worth less than $400K combined (although I was significantly underwater due the money I invested).

At that time. I was also in transition between jobs and my income was severely curtailed and this negatively affected my credit score. I still own both and properties but only after successfully fighting off a foreclosure proceeding on one property that is a rental. The court process was very expensive and I am still recovering financially and rebuilding my credit.

# *CB&A Reference Notes*

# Reference Notes
# Christopher D. Steers

**Neil Pagano – Former Mayor, Port Chester, NY**

Mr. Pagano first met Mr. Steers in approximately 2012. He was elected to office in 2013 and the two gentlemen worked together in that capacity until Mr. Pagano's term ended in 2015. They continue to have some occasional contact.

Mr. Steers was tasked with salvaging the Village's comprehensive plan and Mr. Pagano had serious doubts at first if it could be done. However, after two meetings with Mr. Steers he was impressed and all doubts went out the window. He proved his doubts wrong and Mr. Steers organized a fantastic plan. Because of his leadership the Council adopted the plan which is still being talked about and still in use to this day.

Mr. Steers is a good person who always made himself available to Mr. Pagano, especially when he first came into office. Mr. Pagano was new to politics at the time and Mr. Steers helped and answered questions whenever necessary. Mr. Steers is head and shoulders above any managers he has seen in his 60 years in private business. He is a leader who is laid back, quiet, and approachable.

In terms of decisions, Mr. Steers is analytical and thinks each one through. His decisions are always well thought out and he makes excellent recommendations to the elected body. He is objective and sees both sides of an issue helping the Board to make well informed decisions as well.

One of Mr. Steers' strengths is that of hiring personnel. He rebuilt the Building and Code Departments and revamped the entire system making it extremely consistent, effective, and efficient. Codes are enforced and processes are followed that had never been followed in the past. He attracts good quality people to the organization and sets high standards. He is the type of person that people want to follow and for whom they will perform well. Additionally, he is as loyal to his staff as they are to him.

Mr. Pagano would characterize Mr. Steers as someone who is innovative, a change agent, and someone who maintains the organization at a high performance level. It was the first time in many years that the idea of a 5 year strategic plan was introduced showcasing Port Chester with an angle towards economic development.

For the most part Mr. Steers kept Mr. Pagano well informed about what was going on in the organization. Sometimes he could have been more forthcoming with some of the details of issues, but no real issues came of that.

Mr. Steers is a leader who prefers to be out and about amongst the staff and in the community. However, he does find a balance between being in his office managing the daily operations and getting out with the people. He is definitely not a stranger to anyone in Port Chester. He is the first point of contact for the Village and meets with a plethora of people fairly finding time for each one. He is a manager who is friendly and open with others.

# Reference Notes
# Christopher D. Steers

Mr. Pagano is not aware of Mr. Steers ever being involved in any controversies since he has known him. He has no knowledge of anything in his past that would be thought of as embarrassing if the press were to go digging. He would be an excellent candidate for a City Manager and would rise to the occasion without question.

**Words or phrases used to describe Christopher Steers:**

- Intelligent,
- Approachable,
- Professional,
- Analytical,
- Not afraid to defend his position on issues, and
- Open to suggestions and criticisms.

**Strengths:** A highly experienced and knowledgeable professional who is a fantastic manager and works well with everyone.

**Weaknesses:** At times may have sacrificed some of his personal time with his family for his job.

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**Bart Didden – Trustee, Village of Port Chester, NY**

Mr. Didden has known Mr. Steers since he came to Port Chester in 2009. Mr. Didden was elected as a Trustee in 2010. He was on the Council for 2 years then lost his re-election, but continued to stay involved. In 2016 he was elected once more to the Council and has been working again with Mr. Steers in that capacity.

Mr. Steers has done a wonderful job. He has met and exceeded their expectations on every project with which he has been involved. Although Port Chester does not have any shortages of its political challenges, all of his planning and implantation is well thought out and he uses best practices to ensure the community is successful. Mr. Didden admires him for sticking around despite all the issues and political challenges that he has faced over the years

Making solid decisions comes easily to Mr Steers. He is thoughtful in his approach and his solutions are creative and detailed Although the two gentlemen do not always agree on every point, they challenge each other and Mr Steers is willing to discuss his points with Mr Didden.

Hiring personnel is another area where Mr Steers performs well Many good people have been lost to meddling politicians over the years, but Mr Steers puts in a high level of care, concern, and attention to fill each vacancy He ensures that quality people are hired to work in the Village, and he is highly admired by his staff

# Reference Notes
## Christopher D. Steers

Dealing with the public comes naturally to Mr. Steers. He has much experience in that arena and he is very good at it. He has a soft spoken style, but he is informative and helpful to the staff, the elected officials, and the public. He does an excellent job of keeping everyone informed of what is happening in the organization.

Mr. Didden is not aware of anything in Mr. Steers' background that would be looked upon as unflattering. He does not know of any controversies involving Mr. Steers. He is a leader who has the capacity to be a good City Manager.

**Words or phrases used to describe Christopher Steers:**

- Professional,
- Dedicated,
- Motivated, and
- Sets high expectations.

**Strengths:** A dedicated and hardworking individual who is professional and knows how to balance between the daily operations and the politics of a municipal organization.

**Weaknesses:** Sometimes will take the blame for things when they do not work out well even if it is not entirely his fault.

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**Ken Manning – Director, Port Chester/Rye Brook/Rye Town Chamber of Commerce, Port Chester, NY**

Mr. Manning first met Mr. Steers when he came to Port Chester in 2009. They have worked together on several issues and projects over the years.

Mr. Steers is professional and one of the best municipal workers with whom Mr. Manning has ever worked. His personality is top notch and he has a courteous and calm demeanor.

Mr. Steers definitely makes good decisions. They are calculated and he does his homework before moving forward on any decision placed before him. He is on top of things at the Village and is always thinking ahead of the curve. Everything pertaining to the Village law is always on the cutting edge. He truly cares about the success of the community.

Dealing with people in the public is another area where Mr. Steers shines. He is a people person who is fair and plays by the rules. He consistently keeps Mr. Manning up to date on the happenings in the Village with regular emails. Furthermore, his problem solving skills are wonderful. He understands that resolving issues is a big part of his job and the buck stops with him.

# Reference Notes
## Christopher D. Steers

Mr. Manning is not aware of Mr. Steers ever having been involved in anything controversial since he has known and worked with him. He has no knowledge of any issues in his past that would surface as being detrimental to his good character. He would want him to work for him and would hire him in a heartbeat if he had the opportunity

**Words or phrases used to describe Christopher Steers:**

- Fantastic person,
- Phenomenal manager,
- Fine gentleman, and
- Conducts himself professionally.

**Strengths:** Extremely experienced professional who knows what he is doing as a manager and truly cares about the success of his organization and community.

**Weaknesses:** None identified.

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**Gene Ceccarelli – Former Trustee, Village of Port Chester, NY**

Mr. Ceccarelli has known Mr. Steers since approximately 2010. Mr. Ceccarelli worked with him on several boards before becoming a Trustee in 2013. They worked together in that capacity until 2016 when his term ended.

Mr. Ceccarelli cannot find any faults with Mr. Steers. He is a gem that an organization only finds once in a while and the Village has been most fortunate to have someone like him on their staff. He is responsible, fair, and reliable. He is part of a growing community of which he puts much stability into with every project on which he works.

Mr. Steers is a brilliant manager who has put together a fantastic strategic plan. He navigates the goals of the board and gets them to focus on accomplishing those goals to bring that plan into fruition. However, Mr. Ceccarelli does wish that the political climate were better so that he could focus more on his responsibilities and not necessarily all of the political issues that arise

Mr. Steers is also good with budgeting and financial issues. In addition, he maneuvers well around complex and complicated issues especially those that are hostile in nature, but always ensures to stay above the political fray. He pulls his load and does what is necessary, within the constraints of policies, to keep the Village running.

Mr. Ceccarelli would characterize Mr. Steers as someone who is innovative, a change agent, and someone who maintains his organization at a high performance level. He looks for creative ways to solve complicated issues. He builds consensus with all involved parties and always finds a way to make things work

# Reference Notes
## Christopher D. Steers

Dealing with the public is another area where Mr. Steers has tremendous talent and experience He is a rational and reasonable person who is polite, but firm, honest, and fair when dealing with others. He is well respected by his staff, the elected officials, and the public.

The only major controversy that Mr. Ceccarelli is aware of that Mr. Steers has been involved with was when the Police Department was going through some turmoil. The problems stemmed from the Board being in charge of the Police Department and having the Police Chief reporting to so many bosses was difficult. The Board was finally convinced to relinquish their control over the Police Department and now the Chief reports to Mr. Steers. Under his direction much has changed and they now have a highly regarded Department.

In terms of anything in Mr. Steers' background that could be considered embarrassing, Mr. Ceccarelli has no knowledge. He is an excellent manager who has done wonders for their community and he would be an asset to any municipality.

**Words or phrases used to describe Christopher Steers:**

- Fair,
- Responsible,
- Reliable,
- ~~Intelligent,~~
- Morale builder,
- Empathetic, and
- Organized.

**Strengths:** An experienced and seasoned professional in his field who is congenial and works extremely well under difficult circumstances, especially in terms of politically challenging issues.

**Weaknesses:** At times he takes too much upon himself and needs to let his staff take charge of more tasks.

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**Jerry Terranova – Parks Commission Chairman, Village of Port Chester, NY**

Mr. Terranova has known Mr. Steers since 2009. He has worked with him on various items in the Village since that time in regards to the parks.

Mr. Steers is the best Village Manager that Port Chester has ever had. He is intelligent, nonpartisan, fair, honest, and knows what he is doing. He has immense knowledge of all Village operations and he is loved by everyone in the community.

# Reference Notes
## Christopher D. Steers

Mr. Steers cares about the Village and everyone in it no matter their politics, race, religion, or stature in the community. He definitely has experience with the public and knows how to speak with people showing dignity and respect. He handles all problems that are thrown his way in a very professional manner. He is the best thing to happen to their Village.

Mr. Terranova recalls some issues he had at one of the parks that he had been trying to fix for six months. He contacted Mr. Steers about it and he did not hesitate to help out and was able to resolve the issue in three days. He is the type of person who gets things accomplished.

Mr. Terranova is not aware of Mr. Steers being involved in anything controversial since he has come to know him. He has no knowledge of anything in his background that would be considered embarrassing if the press were to go digging. If he had the chance to hire him he would do it at the drop of a hat. He would be very disappointed to see him leave Port Chester

**Words or phrases used to describe Christopher Steers:**

- Fair,
- Presents himself in a dignified manner,
- Gentleman, and
- Dignified.

**Strengths:** A fair and honest man who is professional, knowledgeable in his field, and genuinely cares about his community and the citizens who live in it.

**Weaknesses:** None identified.

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**Ed Brancati – HR/Risk Management, Village of Port Chester, NY**

Mr. Brancati first met Mr. Steers in 2010. Mr. Brancati was with the County before joining the Village of Port Chester, however Mr. Steers was the one who facilitated his arrival at the Village.

One of the reasons why Mr. Brancati is at the Village is because he was impressed with Mr. Steers' performance and demeanor. He has worked in the public sector for 40 years and he essentially came out of retirement because he was inspired by Mr. Steers' vision to make the Village the best it could be, even in a fiscally and politically challenging environment.

Mr. Steers can see and think about variables to an issue like very few people he has ever met before. One of the challenges that he has faced since coming on board at Port Chester has been to recently replace most of the key management staff because they left for greener pastures and a few layoffs. Even though Mr. Steers faced a difficult task of replacing several individuals, he did not let it get him down. He got to work and managed to hire some incredibly good people to replace those who have left.

# Reference Notes
## Christopher D. Steers

When it comes to decision making Mr. Steers is extremely thorough. He thinks through the issues and the motivation and actions of the other players. He works hard to ensure that all the details are covered before a decision is made.

Mr. Steers dedicates himself to keeping the ship afloat and to the job that people expect of him even when man power is down. He looks towards the future and already has plans for potential issues that could arise He is a leader to the staff and inspires them to go the extra mile and put in the necessary time to accomplish the goals of the organization.

Mr. Brancati is not aware of Mr. Steers being involved in any controversies since he has known him. He does not know of anything in his background that would be looked upon as detrimental to his character if he were to be researched by the press. He would hire him in a heartbeat if he were given the opportunity.

**Words or phrases used to describe Christopher Steers:**

- Smartest person in municipal government,
- Detail oriented,
- Thoroughly thinks through issues,
- Brings a high level of service to the community, and
- Guides the community and keeps it moving forward.

**Strengths:** A dedicated and hardworking manager who is thorough in his approach and who does what is necessary to make his community a success.

**Weaknesses:** None identified.

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**Joseph Kenner – Former Trustee, Village of Port Chester, NY**

Mr. Kenner first met Mr. Steers in 2009. They worked together in Port Chester until Mr. Kenner's term ended in April 2016. They continue to see each other in the community from time to time.

Mr. Steers is a professional who is always prepared and ready to take on any task that he is given. He makes fine presentations to the Board and the community. Mr Kenner has never seen a budget presented in such a thorough and comprehensive manner than when presented by Mr Steers.

Making good decisions are easy for Mr Steers His decisions are always well reasoned and thought out. Mr. Kenner appreciated that he would push back on the Board members' decisions if he thought they were not what were best for the community He would always back up his

thought process with facts and scenarios of what could happen if they were to move forward with certain decisions.

Mr. Steers has built one of the strongest teams that Mr. Kenner has seen since he was in office. He is well respected by his staff and he is the type of boss that motivates his people to work hard and get things accomplished. He is a hands-on leader for whom the staff rallies behind.

Communication is very important to Mr. Steers and he ensures that the staff, the elected officials, and the community are well informed about what is happening, especially with potential natural disasters or emergencies. He is an effective communicator and has a knack for being able to talk to anyone no matter their personality, political affiliation, or station.

Innovation is not always easy in Port Chester. Mr. Steers thinks outside the box and does what he can to be as innovative as possible with the Board even if they are not. If the Board is not behind him on an idea then he does all that he can to maintain the organization at a high performance level until they are ready for change. One of the changes that he made since coming to the Village is revamping the code enforcement process. No protocols were in place and he brought it to a completely new level that Mr. Kenner had not seen in a long time.

Mr. Kenner is not privy to any information about Mr. Steers past that would lead him to believe he has anything embarrassing to hide. He is not aware of any controversies involving Mr. Steers since he has known him. He would be a perfect candidate for a City Manager position.

**Words or phrases used to describe Christopher Steers:**

- Professional,
- Poised,
- Serious to a fault,
- Believes in the work he is doing,
- Innovator, and
- Change agent

Strengths: A top notch manager who is always prepared, stands up for the right decisions, and is an agent for change

Weaknesses: At times he could have given more guidance to the Board, but was doing his best to stay out of the politics

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Christopher Bradbury – Village Administrator, Village of Rye Brook, NY

Mr. Bradbury first met Mr. Steers in 2009 when he came to Port Chester. They have worked together on various issues and projects shared by their two neighboring communities.

# Reference Notes
## Christopher D. Steers

Mr. Steers and Mr. Bradbury share a good working relationship. They have implemented new projects together between their communities that have worked out positively for both Villages. Mr. Steers is always professional and comes up with new ideas. He brings a great deal to the table and Mr. Bradbury has enjoyed working with him.

Even though Mr. Steers has, at times, worked with a politically challenging Council, he has continued to provide excellent services to his community. They have worked on some inter-municipal issues and have maintained a good relationship even when disputes have arisen between their communities. He thinks outside the box for ways to improve procedures and processes.

One of the ways that Mr. Steers' creative thinking has brought considerable change to Port Chester is his revamping of the code enforcement process. It is a complete change from what it was before he arrived. Another idea that the two gentlemen collectively came up with and implemented is some shared services with their equipment. This system has resulted in some savings for both of the communities and when emergencies arise they can count on each other.

At this time the Villages are involved in a controversy over shared fire services. Port Chester shared their fire fighters with Rye Brook under a service contract until Port Chester decided to fire all of its paid fire fighters and use volunteers only for that service. This decision left Rye Brook in a bit of a pinch and unfortunately now the communities are in the middle of a dispute and preparing to go into mediation over the matter. However, the two gentlemen have remained professional and continue to enjoy a good working relationship.

Mr. Bradbury is not aware of Mr. Steers having anything in his background that would be considered embarassing if the press were to go digging. If he were given the opportunity to hire Mr. Steers he definitely would. Mr. Steers is a fine candidate for a City Manager position.

**Words or phrases used to describe Christopher Steers:**

- Professional,
- Good listener,
- Looks for creative solutions,
- Someone to reach out to for advice,
- Thorough, and
- Takes a logical approach to everything.

Strengths: A professional individual who listens, thinks outside the box for solutions to problems, and is thorough in his work

Weaknesses: None identified.

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Prepared by: Heather Linares, Colin Baenziger & Associates

# *CB&A Internet Research*

Internet – Newspaper Archives Searches
CHRISTOPHER "CHRIS" STEERS
*(Articles are in reverse chronological order)*

Rye Rising (NY)
May 8, 2015

**A Local View on Rye Town's Failure to Consolidate**

Editor's Note: For those interested, and hopeful, that consolidation of local governments is a viable way to save tax dollars, the recent announcement that the Town of Rye ended its efforts to consolidate was a disappointment. Below is a good summary of what happened by Rye town volunteer media coordinator Dick Hubert.

As some of you who carefully read these media notes may remember, I notified you all in January of this year that I would be missing Rye town meetings for two months in a row due to a trip I was making to Singapore and Thailand - a six-week excursion to visit family in Singapore, and get some on-the-ground firsthand political insight into some of the reasons for our federal administration's "Pivot to Asia." The local political world was vastly different upon my return.

You may or may not know that in my absence, the more than six-year effort to dissolve the Town of Rye died an unusual and extremely newsworthy political death. It is still newsworthy, because very few of you covered the story. Additionally, the in-depth reasons for the death have not been written about or covered by anyone.

On Tuesday, April 21, at the monthly Rye town meetiag in Port Chester, Supervisor Joe Carvin gave his version of events in a Power-Point presentation to the board. Also, Town Assessor Denise Knauer gave a detailed presentation on the entire property valuations in town, commercial and residential, with breakdowns by community. I've been following these meetings for seven years, and her presentation was so unusual, and so thorough, that I guarantee there are revelations that will make for entire separate stories.

Knauer was answering charges by Port Chester Village Manager **Chris Steers** that her department was short-changing Port Chester in its valuations. Her response, with detailed data, should be almost a separate story for any of you, but I would obviously urge you to talk to Steers, Carvin, and Knauer in doing your research. And while you are at it, interview the entire Village Board of Port Chester, one by one. Preferably in person. An understanding of who voted for dissolution, and who did not, and why, is critical to this story.

I would urge, as well, that you interview Village of Mamaroneck Mayor Norm Rosenbloom and his staff (as well as Carvin). Rosenbloom, who was supportive of the dissolution process throughout its history, this year turned against dissolution and persuaded his board, which had voted 3-2 in favor, to change its mind and vote 3-1 against with one abstaining. Why? And with what factual data?

Mayor Paul Rosenberg of Rye Brook, whose board unanimously supported dissolution, is on record as saying that the opposition to it was "political." What did he mean by that, and will he get specific? I suggest you ask him that, as well.

I would also urge you to contact our state Assemblyman Steve Otis, whose legal sleuthing uncovered the fact that there were no state laws that would make mandatory the further existence of the Town of Rye to continue all the functions that the town currently performs, most notably assessing, tax collecting and local courts. I will be happy to supply you phone numbers and contact information for most of the people you may want to contact in this area. Again, phone conversations really won't give you a full insight into the situation if you don't know the parties involved. Eye-to-eye contact is best.

I admit to having a dog in this hunt, which is why I am urging you all to do your own research. I have been on public record as being in favor of streamlining local government and all its disparate entities in Westchester for years. I looked upon the efforts by Carvin to be of huge county and state-wide significance. The death of dissolution, without the voters of the Town of Rye being given a chance to express their opinion of it, one way or the other, was also a victim of this process of this spate of "politics."

Finally, Carvin advises me that the Dissolution Steering Committee, made up of the leadership of all the entities that have been involved in the process from Rye Brook, Port Chester and the Village of Mamaroneck/Rye Neck, "will have its last meeting this coming Wednesday, April 29 at 4 p.m. While the meeting is not open to the public, the purpose of that meeting will be to record for posterity the respective views of the participants on the process. Each of the participants has been encouraged to submit any written comments they would like to share for posterity and the minutes of that meeting will eventually be made public." Again, there is a huge story here, if you do your homework. Good luck. Let me know how I can help.

Internet – Newspaper Archives Searches
CHRISTOPHER "CHRIS" STEERS
*(Articles are in reverse chronological order)*

Westmore News
September 14, 2014

**Beleaguered P.C. police chief to retire**
Author: Jananne Abel

Eighteen-year Port Chester Police Chief Joseph Krzeminski has chosen to retire effective Jan. 2, 2014. At a special closed-door meeting on Tuesday, Dec. 10, the Village Board of Trustees reviewed and approved an agreement that provides for the chief's resignation for purposes of retirement. Mayor Neil Pagano signed the agreement which Krzeminski had already signed. A press release from Chris Ameigh, administrative intern to Village Manager **Christopher Steers**, states that "the Chief's resignation is voluntary and is not related to the ongoing evidence investigation."

Under the terms of the agreement, the chief agrees to make an "irrevocable resignation for the purposes of retirement." He will be placed on paid administrative leave retroactive to Oct. 29 when he had been suspended pending the results of an investigation. Krzeminski agrees to make himself available to the village manager until the date of his retirement. "I can't comment on that; it's just a big mess," said Krzeminski when reached Wednesday evening shortly after the press release was issued. Later in the conversation, Krzeminski said: "I'm quite depressed. I'm really going through a tough time. This is not the way I wanted my career to end."

"Chief Krzeminski served the Village for over 33 years," said Steers. "He has two sons in the Police Department and is a friend to many of us. With all things considered, I believe that the agreement is the most desirable outcome for all concerned. We wish him the best in his future endeavors." "I have known the chief for a long time. He will be missed," said Mayor Pagano. "I am glad that the parties have come to an agreement," the mayor added. "This agreement best positions the village to move forward."

Krzeminski meanwhile said he hasn't been feeling well and doctors still haven't been able to determine the cause of seizures he experienced starting back in August which caused him to be out of the office on medical leave since Aug. 30. On Sept. 5, Captain John Telesca was appointed acting police chief, filling in until Krzeminski was fit to return to work. At the time, the village board directed the chief "not to exercise any of the authority, responsibilities and duties associated with being the Chief of Police" until he was authorized to return to duty.

Since then, things have only gone downhill for Krzeminski, who was arrested three separate times within a matter of days and faces both state and federal charges. Due to a clash with Telesca at his home on Oct. 28, the chief was suspended without pay. What Krzeminski described at the time as an argument involving the two pushing each other led to a warrant for his arrest on charges of criminal trespass in the 2nd degree and harassment in the 2nd degree to which he surrendered at the Rye Police Department on Nov. 4. After the arraignment, the Federal Bureau of Investigation executed a federal warrant for Krzeminski's arrest on charges of tampering with and retaliating against a witness in a federal investigation being conducted by the

FBI, that being Telesca.

The complaint states the FBI has been conducting an investigation since early September into allegations surrounding the disappearance of more than $26,000 in cash and narcotics from an evidence room at the Port Chester Police Department and other allegations of theft and misconduct and that Krzeminski physically threatened and retaliated against Telesca, who has been cooperating with the FBI in its investigation. According to the complaint, Krzeminski forced his way inside Telesca's Port Chester home and shouted that he was a "rat" and a "rat bastard" and said "who do you think you are telling these people what's going on?"

After posting a $100,000 bond, he was released into the custody of his son William. If convicted, the 62-year-old faces a maximum sentence of 20 years in prison on each of the two counts. Krzeminski's preliminary hearing in federal court in White Plains on Dec. 4 was continued until Jan. 1 (a holiday), according to the court docket, so it is likely to be rescheduled.

The half kilo of cocaine was found last month by detectives in a separate evidence room at the Port Chester police station. The money has not been recovered. "In a perfect world, you would know where all of these things are," said Telesca Wednesday evening. "I can't speak for why certain people who were in charge of the evidence rooms didn't know why things weren't where they were thought to be. The important thing is they have been located. Now it is incumbent upon us to make sure that doesn't happen again to the best of our abilities, so that's what we're working on." As far as getting to the bottom of the missing cash, Telesca said: "Who knows how this is going to play out? There are still things in play."

Krzeminski's first arrest of the three stemmed from an incident on Oct. 31 when he forced his way into the conference room at Village Hall where the village board was about to go into a closed-door session and refused to leave, eventually being handcuffed and arrested. He was charged with obstruction of governmental administration, resisting arrest and disorderly conduct. The two Port Chester justices both excused themselves from hearing either of the local cases, so they have been transferred to the White Plains court. Telesca had no comment about the chief retiring or the court matters involving the two.

"All of the arrests are stemming from complaints either proffered by John Telesca or at the encouragement of Captain Telesca," said the chief's attorney, Warren I. Roth of White Plains, last month. "The two went from being the best of friends for 30 years to now having a very strained relationship." Attorney Max DiFabio of White Plains, who is also the Port Chester village prosecutor, is representing Krzeminski in the federal case and has declined comment. "They are going to have to play themselves out in due time," said Telesca of the legal matters. Asked if he plans to take the chief's test when it is next offered, Telesca said he did. "It hasn't been announced yet," he said, adding that it's not given very often because "there is not too much call for chiefs."

"I'm not sure if the board is going to call for an exam or how far down into the ranks it would go to allow eligibility," said Mayor Pagano late Wednesday night. "It has to be sorted out and

thought through if that's on the table at this point. It is premature. We haven't had a chance to vet that." He did say that given the upcoming retirement of the chief, "it gives us a chance to take a good look at the department and the way to go in the future--the present organization or a different setup. We have the opportunity to chart the department for the next number of years. The board needs to step back and take a good hard look and see what is in the best interest of the village."

Since Telesca has been acting chief, several personnel changes--including promotions and divisional moves--have occurred in the police department. Movement of Det. Lt. Royal Monroe to the Patrol Division led to his decision to retire. Telesca said other changes were planned as well. "I plan to make as many meaningful and beneficial improvements as I can working closely with the manager, and we've got quite a lot of ideas and plans for the department and want to move a lot of things forward," Telesca said. "As long as I'm in a position to do so, we will continue to strive toward that end." Examples are a complete overhaul of the department's procedure manual and rules and regulations that govern conduct and behavior in the department which haven't been updated since 1990. "Times change, the world changes and we have to change with it," he said. He also intends to overhaul the evidence tracking, storage and reporting process, which is already underway. "There will be some physical changes made to the building to enhance our ability to track and store evidence as well as software enhancements for tracking and storage, all automated to take a lot of the indecisiveness out of where it is today," Telesca said. "I'm looking forward to being on the move and on the go with training improvements, enhancements to the building and procedures," he concluded. "It's kind of exciting right now. I want to try the best I can to keep the momentum going forward." Telesca made it clear, however, that he's only acting chief. "All I'm doing is filling a gap right now," he said. "I haven't been appointed chief."

"John Telesca has stepped up and done an incredible job under very difficult conditions," said the mayor. "He's shown true leadership skills. He has taken on tremendous responsibility and has come through very impressively. I believe he does want to stay on, but at the same time the board has to look at the organizational structure of the department and weigh its options. But John is to be commended for what he's done." Because of Telesca's "ability and very professional attitude, he's really giving us some breathing space," said Pagano. In his mind, Telesca is a prime candidate for chief.

Westmore news
September 5, 2014

**2 retirements OKed, promotions on deck in the Port Chester Police Department**
Author: Jananne Abel

As promised by the village manager, some additional developments have occurred in the Port Chester Police Department since the Sept. 18 reshuffling reported last week. Following a 1 ½-hour closed session meeting of the Board of Trustees with their labor counsel Terry O'Neill shortly before press time Wednesday night, the board unanimously (minus Trustee Joe Kenner) voted to accept Stipulations of Agreement with Detective Lieutenant Royal Monroe and Police Officer Richard Savage, effectively approving the resignation/retirement of each. "They're retiring," said Trustee Sam Terenzi at the end of the meeting. "All's well that ends well."

It was reported last week that Monroe was transferred out of the Detective Bureau into the Patrol Division effective Sept. 18. Both Village Manager **Chris Steers** and Acting Police Chief John Telesca confirmed last week that he had submitted his retirement papers. With **Steers** now overseeing the day-to-day operations of the Police Department, one of the functions of the village board as the Board of Police Commissioners is to approve retirements and promotions. That's what they did Wednesday night. Monroe's retirement will be effective Oct. 5. He is on administrative leave until then but, according to the agreement, must make himself available through Oct. 4 to train and transition his detective duties to Acting Detective Lieutenant Charles Vaccaro. Vaccaro was reassigned to that position starting Sept. 18. Monroe must also make himself available post-retirement at the direction of the police chief on a reasonable basis in the event the chief needs information necessary to the PCPD.

The board accepted Monroe's "irrevocable resignation." He continues to receive the 7% detective pay differential provided for in the Port Chester Police Association contract until his retirement when he will collect retirement benefits he is eligible for under the contract. As of Oct. 5, Lt. Monroe will have accrued about 231 vacation, personal and "days off due." According to the agreement, upon Lt. Monroe's resignation, the PCPD will "truthfully complete the forms necessary for him to obtain a pistol permit and private investigator license."

Police Chief Joseph Krzeminski, who is still out on sick leave, suspended Savage without pay effective July 30, 2013 pending the investigation of possible disciplinary charges against him. Prior to the suspension, he was charged in the Town/Village of Harrison with aggravated harassment, a class A misdemeanor. The matter is still in Harrison Town Court, said Telesca.

Savage has agreed to resign from the PCPD effective Nov. 30, 2013 and apply to the New York State Police and Fire Retirement System for a service retirement effective on that date. He must file a timely letter of resignation with the village. In exchange for his irrevocable resignation, the village agrees to return Savage to the payroll from Sept. 30 through Nov. 30, 2013. However, he shall not appear for duty at any time. The village also agrees that he will be provided with all retirement benefits for which he is eligible under the police contract. As of Nov. 30, Police

Officer Savage will have accrued about 43.5 vacation, personal and "days off due."
In addition, at the Monday. Oct. 7 Board of Trustees meeting, the board is expected to approve the promotion of one of three eligible candidates to sergeant and one of two eligible candidates to lieutenant. Tom Fleming, Drew Conetta and Mike Martello are ranked #1, #2 and #3 on the civil service list for sergeant. The first two received an identical score on the exam. Sergeant Rob Salerno and Sgt. John Teneyck are #1 and #2 on the list for lieutenant. Acting Chief Telesca and **Steers** will interview all of the candidates and make recommendations to the board. However, the final decisions are ultimately up to the mayor and trustees.

Meanwhile, the village manager stressed, "there is an ongoing investigation" into the $27,000 in cash and large quantities of drugs stolen from the PCPD evidence locker in July. However, he wouldn't go further than that, saying "we have to respect the request of the other agencies involved. We don't want to get in their way." He said he couldn't name the agencies but assured that "it's more than an internal investigation." More changes within the police department may be forthcoming, Telesca and **Steers** agreed. "It depends on how the planets align themselves," said Telesca.

Lohud.com
July 17, 2014

**Port Chester sewer bills based on how much you flush**
Author: Cara L. Matthews

David Dolores, a Port Chester resident for 6 ½ years, was surprised to get a $191 bill from Port Chester and United Water Westchesterin the mail last month. But after learning that it's a sewer usage fee that's been separated out of the property-tax bill and will help fund an ongoing $15 million sewer renovation project, he doesn't have a problem with it. He recently opened Salsa Picante Mexican restaurant on Adee Street, where he pays a flat rate for these services as part of his lease. "If this is something for the town and it's going to be good, I don't care. It's OK," he said.

The bill was the first sent out under a new system of sewer rents in the village. Instead of paying for services through property taxes, residents and businesses are being charged based on water usage. This way, a laundromat will pay more than a residence with the same property value. The new system also captures properties that are exempt from property taxes and thus didn't have to pay for upkeep of the village's aged sewer system. The switch removes the sewer cost from the calculation of the cap on the property-tax levy, but that wasn't the primary motivation behind doing it, said **Christopher Steers,** village manager. It was about equity. The previous system placed more of a burden on single- and two-family homeowners, who use about 34 percent of the water. Businesses, including nonprofits, use roughly 61 percent. The rest is industrial and public authority usage, **Steers** said.

Port Chester has some 5,000 residential and business sewer accounts. The average residential sewer tax this year will be $156, while the average single-family homeowner paid roughly $450 in property taxes under the old system. The charge for every 100 cubic feet of water is roughly $1.30, and it will go up about 4 cents next year. The initial bills covered usage since June 1, 2013. Future ones will coincide with water bills. "They're not really paying more, they're (just) seeing the cost being highlighted," **Steers** said. Port Chester did its best to inform people ahead of time, but some have called to question the bills. In most cases, they're fine once they learn what the program is and why it's beneficial to them, the village manager said. The sewer tax that remains on property-tax bills is for the county's system — not the village double-billing property owners.

The village is in year two of a five-year, $15 million program to upgrade its clay, cement and cast-ironsanitary sewer lines, some of which are nearly 100 years old. Some pipes have collapsed and some have root interference, and the U.S. Environmental Protection Agency has cited the village for leakages into Long Island Sound. The Port Chester school district, whose first bill was about $3,800, has requested an exemption from the sewer fee and is negotiating with village officials, Superintendent Edward Kliszus said. The district is a taxing institution, and its attorney doesn't think it makes sense to be taxed by the village. "Part of the point is that we share services with the village so there should be some leeway there," he said. The village board approved the

new system a year ago but needed approval from the state Public Service Commission to use consumption data protected by privacy laws, **Steers** said. The panel in late February approved a petition filed in July 2013 by the village and water company.

"Port Chester's new approach to billing for sewer services is an innovative public-private partnership between the Village and United Water," Mayor Neil Pagano said in a recent statement. United Water has had some inquiries from other municipalities that may be interested in this type of arrangement, spokeswoman Deb Rizzi said. New Rochelle is looking into that type of system, along with other future revenue sources, city spokeswoman Kathy Gilwit said in an email. Port Chester is paying the water company about $241,000 a year for sewer billing, village officials said. The village, which has 42 miles of sewer lines, has eliminated hundreds of illegal sewer connections to the storm drain system, which flows to Long Island Sound. The sewer system is connected to the county's sewage treatment plant.

To contest the water-use amount on your bill, call United Water at 888-876-1672. To contest the sewer rent rate, fill out a sewer grievance application on the village's website, www.portchesterny.com.

Patch.com
June 16, 2014

**Opinion: Opposes Port Chester's Amnesty Program**

The Homeowner Amnesty Program Proves the Incompetency of the Board of Trustees, Village Manager and Building Inspector The so-called Amnesty Program was legislated by the Board of Trustees with special assistance from the Village Manager and Building Inspector. I believe the program has been a product of their deluded imaginations because the monstrosity they've concocted doesn't stand a chance of surviving over the long haul. When a homeowner asked former Mayor Pilla, "Has this program ever been approved by a higher authority?" the former mayor said he didn't know and referred the question to Village Attorney Anthony Cerreto who basically said that he hoped that if a higher authority were paying attention, it would approve of what he and his cohorts were doing.

These statements prove the Board and two of their most powerful appointees, **Christopher Steers** and Peter Miley, have undertaken – and continue to undertake -- potentially illegal action against the home and building owners of Port Chester. In addition, it was stated at this same meeting the Amnesty Program could take 10 years to complete. What an outrage. Imagine being a homeowner who needs to sell their home because they're being transferred to work in another part of the country or overseas. By the time this floundering bunch gets its act together, every potential buyer you line up is likely to walk away due to the inordinate amount of time it can take the Building Department to complete the simplest of tasks. Don't believe me? Try getting anything done through them in a timely fashion, especially if you have no pull with the local powers that be. Ten years – why??? I will try to explain, based on my former 57 years as a successful business manager.

What I see in Port Chester is the epitome of incompetence from the way the program was dreamed up, to the way it was barely planned and sloppily communicated to the public, to the way it has been stumbling along over the last few years, hurting local home values and homeowners alike. This Amnesty Program does indeed add up to 10 years of unnecessary work for all of the aforementioned reasons. And why would Misters **Steers** and Miley have it any other way? They've just set themselves up for 10 years of job security that includes enviable salaries and outstanding benefits. While the average property owner, who has no pull at village hall, suffers through the obstacle course these two individuals have cobbled together, they (**Steers** and Miley) are sitting pretty for 10 years.

More than a few homeowners who need to leave Port Chester will either need to rent out their property or sell it for tens of thousands of dollars less than it's worth. Why? Because the crew in charge of the village erroneously (if not maliciously) claims much, if not all, of property owners' paperwork, issued by previous administrations, is no longer any good. In the private sector, such crazy behavior is not tolerated because it's bad for business. In Port Chester, it's now not only accepted, it's praised and rewarded – and you know this is no exaggeration, particularly if you follow the bi-weekly BOT meetings. (One of the more recent meetings looked more like a love

fest than a meeting concerning the citizenry's business, as BOT members gushed praise upon Mr. **Steers** whose tenure was officially extended.) While writing this, it has occurred to me that a good investigative reporter from The New York Times could have a field day looking into the madness that has overtaken Port Chester. Its people have witnessed scandal after scandal and seen precious little justice meted out. Five years or so ago, home and building owners were told their records were incompetently kept by past building inspectors who may have committed fraud in carrying out their duties. Thereafter, these same property owners were told their records had been lost or destroyed due to flooding. Now they are being told no records were ever lost or destroyed in a flood. Mr. **Steers** has infamously stated that they have all of the paperwork – nothing's been lost. If so, why haven't the past Building Department officials and employees accused of fraud been exonerated and their good names restored? Keep in mind, if what Mr. **Steers** claims is true, you've been duped. All the while you have been attempting to clear obstacle after obstacle on your way to getting a new Certificate of Occupancy, there has been paperwork sitting in your file for each and every stage of the building process.

In short, the paperwork evidences contractor and subcontractor licenses, liability insurance, workman's comp and other vital records. This means that forcing you to come up with the records is not just unnecessary, it's absurd, mean-spirited, and outrageous and therefore desperately in need of investigation and prosecution by a higher authority – the higher authority Mr. Cerreto never bothered to check with. By the way, if there's a flaw in my logic or information, will one of Port Chester's current "civil servants" please show me the error of my ways? As you probably know, Building Inspector Miley and his partners in the governance and operation of Port Chester have been overseeing the scanning and digitization of all property-related records so property owners can view them online. How nice, but remember all of these records were originally handled in accordance with the filing systems used at the time the records were recorded and were most likely handled accurately, though we need to allow some slight room for human error. Having said that, why are nearly all home and property owners being treated like scofflaws who must run an ill-defined, ever-changing gamut to prove they're worthy of a new CO? After all, the village already has their respective property records on file, according to Mr. **Steers** who has unequivocally stated they're complete.

On a directly related matter, from what I've been told, the current backlog of work that needs to be completed by the Building Department is now well beyond ridiculous. Some homeowners who have been told their homes have passed recent inspection cannot get their new Certificate of Occupancy. Their phone calls to the Building Department inquiring as to why go unreturned and these homeowners wonder why in the world they paid $200 for "expedited" handling when they can't even hear an excuse as to why they still have no new CO in hand. Based on my experience as a business manager, I can only imagine the warm sense of job security Misters **Steers** and Miley must be feeling. If they worked in the private sector, they'd be long gone by now. But as "public servants" in Port Chester their incompetence is likely to be rewarded with raises, praise and protection from a fawning Board of Trustees that has circled the wagons around their Amnesty Program in what I believe is an effort to protect it – along with their reputations for having foolishly supported it.

It bears repeating that this monstrosity that the good property owners of Port Chester are facing – and may need to endure until enough of them wake up – is largely due to brainstorming by the current Village Manager and his Building Inspector whose past credentials deserve some investigation. From what I've been able to determine, the Village Manager had no prior experience as a Village Manager, having held various municipal jobs in the State of Florida. In Port Chester, he received his on-the-job training from his predecessor who was allegedly removed from office due to his incompetence. Does anyone know whether the Building Inspector (and Code Enforcement Officer) had any directly relevant experience before joining Mr. Steers in Port Chester? Frankly, it certainly does not appear Mr. Miley came to Port Chester with the requisite training or experience that would qualify him for the job, having held the position of Fire Chief of New Rochelle. It's more than a little baffling why these two men were selected for such key positions in Port Chester.

There is plenty of criticism for the manner in which the two aforementioned village officials have so adversely impacted village home and building owners both physically and financially. No one should have to pay for forms, look up their old records, or pay unnecessarily because this pipedream of a system has been so sloppily conceived, implemented and mismanaged. You may know the Building Inspector hired additional clerical help quite some time ago. Therefore all of the archived records should have been matched up with the accurate card files before involving home and building owners. Then all of these existing records should have been put online where they could be seen by those whom they concern. Afterward, any homeowner or building owner could see if they were lacking information and, if so, they could then apply for update forms, instead of experiencing the havoc created by the present system.

Note: If your property was turned over to you with the assistance of an attorney for the seller and your own attorney, it means that all records were in order, according to the manual system which existed at the time (and legally and properly so). It is my opinion that the home and building owners of Port Chester are being scammed and taken advantage of by the utter incompetence of individuals who have been learning their jobs by the seat of their pants and at great taxpayer expense. At best, they have instituted what can be referred to as nothing more than a pilot program (with property owners as their personal guinea pigs), and I'm being generous calling it a pilot program, since it's apparent very little logical or rational thought went into it.

It is also my opinion that no one on the BOT has any significant business management experience and therefore will continually put everyone in jeopardy by their lack of management experience, not to mention their lack of basic problem-solving skills, which are so critical to the success of any organization. I'll wrap this up by saying that the self-proclaimed Bully on the BOT should change his ways. There is no room for bullies in village government or anywhere else for that matter! Also, the Mayor needs to be more tolerant in allowing taxpayers to speak their mind. "Moving it along" does not win points or build trust with the public whose absence from BOT meetings is painfully obvious to all who bother to tune in on TV. Really, Mr. Mayor, running the clock and allowing five minutes for a taxpayer to speak is ridiculous when one considers the multiplicity of problems created by this Board and its two most powerful (and apparently under-qualified) appointees. Anne Latella Naples, FL

Port Chester Daily Voice
March 25, 2014

**Port Chester To Study Feasibility Of Proposed Municipal Center**
Author: Casey Donahue

PORT CHESTER, N.Y. -- Port Chester is moving forward with exploring a proposed Municipal Center that would house a police station, courts, Village Hall and some retail space. The village has worked with the National Development Council (NDC) and the architectural firm STV to come up with a tentative design for the Municipal Center. The envisioned building would be four stories tall and likely located at the corner of Irving Avenue and Poningo Street. The village has contracted the NDC to conduct a $30,000 feasibility study to see whether the structure would work in the village, and determine how much it could cost.

"The village has a severe deficit as it relates to the functionality of the police and courts building, among other elements within the village. So the idea here is really to take a more in-depth look at the space needs of the village and understand what is within the realm of possibility," said Michael Cucchiara of the NDC. "The village's facilities are deteriorating at a certain rate, and at some point the village will have to come to terms with the fact that some of these structures need to be replaced sooner rather than later."

Members of the village Board of Trustees have been pushing to explore the Municipal Center for some time, as the building that houses the police station and courts has been in need of major renovations. The village spent about $330,000 on repairs in 2013, according to Village Manager **Chris Steers**. "The working environment and the working conditions are a concern as well. We just got through the process of dealing with a complaint that we had to work through with the Department of Labor, environmental concerns that took about eight months to work through and cost us about $330,000 to do the repairs," **Steers** said. The village conducted a study a few years ago and looked at locations for a new police station and court house. The study looked at four locations, and determined that the Irving Avenue and Poningo Street area was the best. "At the end of the day doing that site just for the court and police station was not sustainable," **Steers** said. "And I think that's why we took this next step and direction, to see what would be sustainable."

Cucchiara said that one of the hopes is that the Municipal Center could help revitalize the local economy and build up the downtown area. "We were sort of given the task of looking at it from the perspective of an economic development project, thinking about it in those terms, understanding it can be more than just a space to house police and courts, but it can really have a transformative effect on the village itself."

Westmore News
March 20, 2014

**New records show PCFD uses overtime to cover Rye Books**
Author: Claire K. Racine

A Port Chester professional firefighter staffed the Rye Brook firehouse every night in 2013, village officials ascertained after consulting overtime records and a handwritten log kept by the firefighters. Despite the name, attendance charts that showed 30 or so nights without coverage do not accurately portray who worked which shift. After requests made under the Freedom of Information Law (FOIL) for attendance records of all paid firefighters showing the hours and days they worked, the village provided a schedule and the attendance charts. According to those documents, there were 33 night shifts without a professional firefighter on duty. Last week's article said 29, but there were actually four other times that were not taken into account as they were on the attendance chart for the last week of 2012 and first week of 2013.

The rest of the records showing attendance-the overtime forms and firefighters' log-were not provided and have still not been turned over in full. Partial documents do appear to show that the overwhelming majority of the nights in question were covered by a firefighter working overtime. In total, the paid firefighters racked up 406 overtime hours, which are paid at time and a half, in order to guarantee someone on duty in Rye Brook at night. So far the accrued overtime falls within the amount budgeted and it does not appear that it will exceed that figure by the end of the fiscal year on May 31, Port Chester Village Manager **Chris Steers** said on Tuesday, Mar. 18.

Overtime should be worked rarely, according to the contract between the village and the Port Chester Professional Fire Fighters Association, and not be a commonplace occurrence. Barring illness or a major fire or catastrophe, it should not be necessary. The initial schedule usually staffs two firefighters for each shift. While some of the necessary fill-ins were caused by a firefighter calling in a sick day when the other person initially scheduled to work had time off, overtime was also used as a stopgap for instances when personal days, holidays and vacations overlapped. Using overtime in such a manner is something that **Steers** hopes to ameliorate. "The key to doing it will be proper staffing levels. That's key," he said.

With the long-term goal of bringing that number back up to 12 firefighters, **Steers** plans to pursue the hiring of two in the near future. Currently there are nine and another planning to retire in July. "In the interim as we continue to move forward with the labor management talks and negotiations, we'll continue to minimize the use of overtime," he said. The contract between the two parties expired in May 2012 and conversations about a new one finally started last July.

Organizing coverage
Occasionally, the records show that the coverage shortage at night came about when someone became ill while the other person initially scheduled to work was given time off. Yet, many of the days do not fit that scenario and instead appear to be the result of personal days, holidays and vacations overlapping, which is not supposed to occur. On a few rare instances, no one was on

the original attendance chart at all. This, **Steers** said, was "probably an anomaly" that occurred during the processing.

Organizing the firefighters falls predominantly on the shoulders of the fire clerk, a career firefighter who is appointed by the village. The position is currently filled by Sahnjai Kamsomtob. The department clerk, who earns a $2,000 stipend, prepares the initial schedule and also provides the attendance sheets, which are signed off on by the fire chief before they are sent to the village's finance office for payroll purposes. At some point during the process, changes do occur. If there is enough notice, sometimes the men can trade days, which is called a "mutual." If this is not possible or there is insufficient time, that is where the overtime requests come into play. "If someone's taking off and there's no one available on the regular shifts, someone has to be called in on overtime to cover," **Steers** said. This assures that there is always someone on hand at the Rye Brook firehouse for 12 hours as per the fire service agreement between the two villages that garners Port Chester almost $1 million each year.

Room for improvement

The arrangement is far from simple. "It's a lot of moving parts for certain," **Steers** said. "Is there room for improvement? Absolutely." **Steers** is not, however, planning a top-down rearrangement. "It'd be presumptuous of me to think I can walk into the situation and make wholesale changes in a vacuum," he said. Any alterations would need to be the combined effort, he added, of the fire chiefs, volunteer firefighters, Port Chester Board of Trustees and village officials. Anything of that nature would likely need to be negotiated with the union, he added. "At the end of the day, everyone wants the same thing: a well-run combination department," the village manager said. One smaller-and more manageable-modification may be cleaning up the scheduling process so that the attendance charts reflect the firefighters' true attendance. "That's one of the things I want change, that's part of what we're discussing," **Steers** said. "The time sheets need to reflect what's actually happening. That will fix a lot of the confusion that's happening."

Rye Rising
February 28, 2014

**NAACP Hosts Pagano & Steers**

Port Chester Mayor Neil Pagano and Village Manager **Chris Steers** will speak at the March 4 meeting of the local branch of the National Association for the Advancement of Colored People, beginning at 7 p.m. at the Carver Center, 400 Westchester Ave. (parking in back of building). The leaders will discuss village government, and the public is invited to attend.

Westmore News
February 20, 2014

**P.C. Fire Dept. ablaze with disciplinary charges**
**Four out of 10 career firefighters suspended**
Author: Jananne Abel

For months, unbeknownst to most residents, personnel problems have been smoldering in the Port Chester Fire Department. A year-long investigation has resulted in disciplinary charges against eight out of the 10 paid firefighters with four of the individuals having been suspended. Charges against two of the career firefighters have been settled by stipulation, said Village Manager **Chris Steers** Wednesday, so six still have charges pending. Attempts to learn about what the charges are and who they were filed against were met with the same written response from **Steers**: "I cannot comment on the specifics. It would not be fair. There is no intent to taint any of the individuals involved and they have a right to defend themselves."

Due to retirements and injuries, only eight of the 10 career firefighters are on full duty. With four suspensions, as few as four full-duty and two limited-duty paid men are staffing Port Chester fire headquarters and continuing the village's contractual obligation to maintain one paid firefighter at the Rye Brook firehouse from 7 p. m. to 7 a. m. daily. "They are still getting 100%--the same response and same units of equipment and individuals," promised **Steers**, who noted that the Village of Rye Brook is aware of the situation. To pick up the slack, "the remaining paid firefighters have stepped up," said the manager. "I commend them on their continued commitment and professionalism as we work through these issues." In addition, "as we well know, our volunteers are the linchpin of our firefighting force," he continued. "They have stepped up as they always do and their focus remains on protecting the welfare of this community. My appreciation goes out to the chiefs and the entire group as they once again come through for the village." Rye Brook Village Administrator Chris Bradbury did not have concerns. "We have the same level of service at our firehouse," he said Wednesday. "Port Chester is still serving us in the same way they have before."

The 12-month investigation has been kept under wraps until a discussion at the Feb. 3 Port Chester Board of Trustees meeting about hiring a hearing officer led to questions being asked by Westmore News. That discussion continued in closed session on Feb. 12 after which the five board members present voted to retain Deborah A. Shapiro, LLC of New York City as a hearing officer at $1,100 per day plus travel expenses. The village previously used Shapiro for two matters in the Department of Public Works and paid her $900 per day. Since then her fees have gone up. Trustee Sam Terenzi, a CPA, joked that he was in the wrong business while Village Attorney Anthony Cerreto said "in my next life, I'm going to come back as a hearing officer." At the Feb. 3 meeting, Cerreto said "a hearing lasts a week." Assuming there are six hearings for the individuals who have charges pending and each takes five days, they could go on for a month and a half and cost the village $33,000.

The first hearing will be held "as early as next week depending on the availability of the

opposing counsel," said **Steers**. The goal of the hearings is "due process and the resolution of the charges in some constructive manner," said the manager. Once the hearings are complete, the independent hearing officer renders a decision and the village either accepts that decision and its recommendations or follows another path. "It is highly unlikely that any action would be taken in contravention of the hearing officer's decision and recommendations," said **Steers.** Following the year-long investigation, "all necessary preparations have been made prior to the charges being filed," the manager said. "We have the commitment from our volunteer forces and full faith and confidence in them to perform their duties as valiantly and professionally as they always have." This investigation of the fire department comes on the heels of the upheaval and reorganization of three other Port Chester departments- Public Works, Building and Police-in recent years. Port Chester Mayor Neil Pagano did not return phone calls placed late Wednesday night for comment. Neither did Brett Lyons, president of the Port Chester Professional Firefighters Association.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Westmore News
January 30, 2014

**Port Chester receives $230K grant to design infill of Byram River inlet**
Author: Jananne Abel

The Village of Port Chester has received the largest Department of State Local Waterfront Revitalization Program (LWRP) grant in the region. The matching $230,000 grant will pay for construction documents and permitting to study and design the infill of the inlet on the Byram River, commonly called "the gut," in the village's downtown to create a public open space. This project is in concert with Port Chester's LWRP which is currently under final review by the state. According to the Department of State's Office of Communities & Waterfronts' website, "the term [LWRP] refers to both a planning document prepared by a community as well as the program established to implement the plan."

Excited about this planning grant-which Port Chester must match-Village Manager **Chris Steers** said during a meeting with the Westmore News earlier this month that "it sets the stage of actually getting things done." Director of Planning and Development Chris Gomez was equally jubilant about the award. "These programs often have construction funding of much greater value," he said. "There is much greater potential of leveraging that." **Steers** said this money can be used to do the design of a new bulkhead to replace the one at the foot of the Costco parking lot, extending along both sides of the gut, which has been crumbling for years. Whereas previously the village would have had to pay for this out of pocket, "now half of it is covered." Design documents that have already been prepared to replace the bulkhead can qualify for funding out of this award, said Gomez. "There is a savings for the taxpayers and there is great potential after getting this funding. Millions of dollars might be available."

"If we play our cards right, we'll get grant money to fill in the gut," said **Steers.** "It would create a real sense of somewhere where we could have events. Visualize a Friday where we could have an art show or a concert." "We couldn't find a place in the center of town to put a Christmas tree," said a frustrated Mayor Neil Pagano. A filled-in gut would provide that spot. "The real key is to tie it into economic development," said Gomez. "It ties into our ability to reinvent the marina," said **Steers,** adding that "it speaks volumes about our planning effort." "There was $12 million for economic development, the largest amount for construction," said Gomez. "Throughout the entire state, we got the largest grant in our region of five counties. We're excited." "We want the DEC (Department of Environmental Conservation) to come down and look at the gut," said **Steers.** "We need documentation and then they will do a site visit. Getting the grant will be important to move it forward." "It can help to revitalize the downtown almost overnight," said **Steers.**

The Belgian Beer Café that had been touted to be built by G&S Investors on the triangular grassy knoll off the marina parking lot in that area is apparently dead, said Gomez. The restaurant and beer hall's website no longer lists Port Chester as a future location.

Daily Voice
December 11, 2013

**Suspended Port Chester Police Chief Krzeminski To Retire**
Author: Casey Donahue

PORT CHESTER, N.Y. -- Port Chester Police Chief Joseph Krzeminski will retire on Jan. 2 as part of an arrangement reached with the village. Krzeminski is currently facing federal charges for tampering with and retaliating against a federal witness. The charges stem from an alleged altercation that occurred at the home of Acting Chief John Telesca. Krzeminski is accused of assaulting Telesca and trying to coerce him into not speaking to federal investigators. He was also arrested on Oct. 31 and charged with refusing to leave a meeting of the Board of Trustees. At that time he was placed on suspension without pay.

Under the agreement reached Tuesday, Krzeminski will be placed on paid administrative leave retroactive to Oct. 29. He also agrees to withdraw his complaint of harassment against Village Manager **Chris Steers**, to stay off of village property without written permission from **Steers**, and to have no contact with **Steers**, Telesca, the village attorney, the Board of Trustees and any members of the Port Chester police department with the exception of his two sons who are on the force. As part of the agreement, the village will not take disciplinary action against Krzeminski for any events that took place prior to the agreement The village will also pay him his accrued time owed for vacation days, personal days, "days off due" and longevity, an amount totaling $107,545.48. "Chief Krzeminski served the Village for over 33 years. He has two sons in the Police Department and is a friend to many of us. With all things considered, I believe that the agreement is the most desirable outcome for all concerned. We wish him the best in his future endeavors," said **Steers**.

Daily Voice
November 29, 2013

**Port Chester Wins Budget Presentation Award**
Author: Joe Jenkins

PORT CHESTER, N.Y. -- The Village of Port Chester was selected recently for the Distinguished Budget Presentation Award of the Government Finance Officers Association of the United States. The award is a testament to the diligent efforts of staff and elected officials to create a comprehensive road map for success. Winning budget presentations must serve to outline a villages policies, financial plans, operations guides and must indicate the ability of the government to communicate these ideas effectively to its constituents. "This is a proud accomplishment for us all and represents national recognition of our budget document, process, and commitment towards excellence in budgeting," Village Manager **Christopher D. Steers** said in a statement.

NY Times
November 5, 2013

**Federal Charges in Port Chester Police Dept. Fued**
Author: Joseph Berger

A caustic feud in Westchester County between a village's longtime police chief on medical leave and the acting chief reached a climax recently with some physical and verbal threats and resulted in a federal witness-tampering complaint against the longtime chief that carries the possibility of a 20-year sentence. Preet Bharara, the United States attorney for the Southern District of New York, announced on Tuesday that a two-count complaint — for witness tampering and retaliation against a witness — had been brought against Joseph Krzeminski, who has been the police chief in Port Chester for 18 years. Chief Krzeminski, 62, was arrested on Monday afternoon, taken before a federal magistrate and released in the custody of his son on a $100,000 bond.

The dispute is complicated by a federal inquiry into more than $26,000 in cash that disappeared last summer from the evidence room at the village's Police Department. It was not clear what Chief Krzeminski's involvement was, if any, with the missing money. His lawyer, Warren J. Roth of White Plains, said that Chief Krzeminski (pronounced Krez-MIN-ski) took a leave from the 53-officer department in August for symptoms resembling seizures or a stroke, and that he had asked the Federal Bureau of Investigation to look into the missing evidence. At first the evidence included an assault rifle and a half kilogram of cocaine, though according to Mr. Roth, who is the lawyer for the local police union, those items were eventually found. "I think this entire series of events is being blown out of proportion," Mr. Roth said in an interview on Tuesday. "It's clear that certain members of the department would like Chief Krzeminski to be forced into retirement."

The complaint — an indictment will be sought later — said that after the F.B.I. began investigating the evidence-room theft in early September, Chief Krzeminski was directed by village officials "not to exercise" any of the powers and duties of chief until he was authorized to resume work. Capt. John Telesca was named acting chief in his place. According to the complaint, Captain Telesca told the bureau that Chief Krzeminski had not reported other thefts from the evidence room. Captain Telesca also turned over to the F.B.I. a confidential file in Chief Krzeminski's office regarding an undisclosed "corruption investigation." On Oct. 24, Chief Krzeminski asked Captain Telesca to return the folder, which he refused to do. Four days later, the complaint stated, Chief Krzeminski forced his way inside Captain Telesca's home and shouted that Captain Telesca was "a rat" and called him another name, then added, "Who do you think you are telling these people what's going on?" He then threatened to fire Captain Telesca when he returned from his medical leave.

The encounter turned physical, the complaint said, when Chief Krzeminski put his hands on Captain Telesca's shoulders near his neck and cocked his arm as if he was about to deliver a blow. That same day, the complaint said, Chief Krzeminski called the Police Department and told a supervisor that when he returned from leave, "the first thing I'm gonna do is retaliate

against him" and place him on unpaid leave. Each of the charges carry a maximum of 20 years imprisonment. Mr. Roth described the feud as about "upward mobility" in the department since the two men, he said, had been longtime social acquaintances. "They held each other's kids as babies," he said.

But the raw feelings have not ended. Chief Krzeminski is also not on good terms with the village manager, **Christopher Steers**; Chief Krzeminski has accused Mr. **Steers** of age discrimination, and Mr. **Steers**, who is black, has accused the chief of racial hostility. On Thursday, Chief Krzeminski made his way into an executive session of the Village Board and was warned by Captain Telesca that he would be arrested if he did not leave. Shouting profanities, the chief was handcuffed by four members of his own department and charged with a misdemeanor count of resisting arrest.

Patch.com
November 4, 2013

**Port Chester Police Chief Arrested**
Author: Barbara Heins

Port Chester Police Chief Joseph Krzeminski was arrested by his own officers after refusing to leave a closed Board of Trustees meeting on Thursday, Oct. 31. Krzeminski was handcuffed and removed from Village Hall and reportedly charged with misdemeanor crimes. "They treated me like a common criminal," Krzeminski told News12 last week. Krzemenski was suspended from duty after he allegedly assaulted Acting Chief John Telesca on Oct. 28, according to a press release from Village Manager **Chris Steers.** "The realization of the escalation of the situation has been my concern and now unfortunately is a reality," Steers said. "For Joe to conduct himself in the manner that he has is an unfortunate turn of events that further blemishes his department and my hope is that we can bring this chapter to a close, rebuild the credibility of the department, and remove the tension existing throughout Village Hall caused by this situation."

The Board named Telseca Acting Chief on Sept. 5, assigning him to take over Krzeminski's duties while Krzeminski is on sick leave due to an apparent illness. The timing raised some eyebrows, as it was only one week after $27,000 and drugs went missing from the police evidence room. The Westchester County District Attorney's office and FBI are currently investigating the missing drugs and money. Krzeminski says that village officials are trying to shove him out and force him to retire and denies the assault charge, according to The Journal News.

Read the full Village Manager's press release here:
Upon the action of the Village Board of Trustees at a special meeting held on September 5th, 2013; Captain John Telesca was appointed Acting Chief of Police and Chief Joseph Krzeminski was directed not to exercise any of the authority, responsibilities and duties associated with being the Chief of Police until he is able to perform the essential functions of his position and the Board of Trustees approves his return to duty. The two Board actions were approved through a unanimous vote of those present and the resulting resolutions addresses the continued absence of the current Chief, Joeseph Krzeminski, due to his apparent illness. At that time Mayor Pagano remarked that due to the exigent circumstances presented the Board of Trustees was required to take immediate and decisive action. Mayor Pagano further remarked that "The Board of Trustees' appointment of an Acting Chief assures an unambiguous chain of command for the continued operation of one of the Village's most important departments and maintains an executive officer with the authority to carry out all of the responsibilities and duties of the Police Chief. The Board of Trustees has full faith and confidence in John Telesca to perform these duties."

Since then a number of personnel matters have come to the forefront relating to the above including but not limited to the reported assault of Acting Chief Telesca by Joseph Krzeminski on Monday October 28th, 2013. The alleged assault is currently under investigation and charges

are pending. Chief Krzeminski was subsequently suspended following the incident. Further on October 31st, 2013 during a special meeting of the Board of Trustees in their capacity as Police Commissioners; Joseph Krzeminski was arrested during said meeting and removed from the premises of Village Hall for refusing to leave an executive session of the Board. The arrest of Mr. Krzeminski is an open matter and charges are pending.

Village Manager, **Christopher Steers** remarked: "My primary concern throughout this situation has been to maintain the safety of the members of the Board of Trustees, and all Village employees including myself and Joe Krzeminski as well. The realization of the escalation of the situation has been my concern and now unfortunately is a reality. For Joe to conduct himself in the manner that he has is an unfortunate turn of events that further blemishes his department and my hope is that we can bring this chapter to a close, rebuild the credibility of the department, and remove the tension existing throughout Village Hall caused by this situation. We owe it to our residents to get through this situation and get back to our charge of protecting public safety and serving this community." In all likelihood there will be additional developments. In the interim a police presence will remain at Village Hall for safety due to the seriousness of the situation.

Daily Voice
October 17, 2013

**Port Chester Looks To Extend Amnesty Program Until 2014**
Author: Casey Donahue

PORT CHESTER, N.Y. -- Port Chester is looking to extend its building permit amnesty program until Sept. 30, 2014. The amnesty program was enacted to provide relief to homeowners who had bought homes that were in violation of building codes. Those who enroll in the program are allowed to bring their homes into compliance without paying heavy penalties and fees. The program was modified this summer in an effort to provide more relief to owners of one- and two-family homes. The building department has received about 480 applications to the program, and has so far processed about 10 percent of them. Officials had proposed extending the program until May of 2016 so that all the applications could be processed, but the proposed extension has now been scaled back to 2014.

"The longer you keep these programs open, the less likely that you're gong to have the success you're looking for, because there's no impetus to go forward and correct the problems," said Village Manager **Chris Steers**. "If you have a window that's succinct and a timeline that's succinct, those individuals who are interested in taking part in the program will do so." **Steers** said that the changes that were made this summer are quite significant, and that it is unknown right now how many more people will be applying for the program as a result of the changes. He said that in his experience, extending the program all the way to 2016 would lead to a lot of people putting off applying, and that there would likely be a big rush to apply in the final months before the program ends.

Frank Ferrara said that he is in favor of keeping the extension until 2016, though he understand why officials may want to end it sooner. "The fact of the matter is, this is going to be an ongoing thing. People will be refinancing, they'll be moving, and the demand for the service will be ongoing," Ferrara said. "I think it's been extended sufficiently that people will be expecting it to be extended in any event, and the idea of setting a hard end date might not hold a lot of water." The Board of Trustees will have a public hearing on the proposed extension of the program at its meeting on Monday, Oct. 21.

Westmore News
September 27, 2013

**Shakeup in the PCPD**
Author: Jananne Abel

The Port Chester Police Department is in the midst of a reorganization, reshuffling, shakeup or whatever you want to call it. "There have been reassignments which is typical," Village Manager **Chris Steers** told Westmore News Tuesday. "It is a work in progress." "I just call it moves in the normal course of business," said Acting Police Chief John Telesca. "People retire and others get moved around. No one has a proprietary ownership of their job. No one is guaranteed they work in a particular job forever." "Variety is the spice of life," quipped the acting chief. "We hope to spice up a number of people's lives."

Four reassignments have been made so far. They were all effective Sept. 18.
• Detective Lieutenant Royal Monroe was transferred out of the Detective Bureau into the Patrol Division and remains a lieutenant for now.
• Sergeant Charles Vaccaro was transferred from the Traffic Division into the Detective Bureau as acting detective lieutenant.
• Sergeant Gustavo Kiliveros was transferred from the Patrol Division into the Detective Bureau as a detective sergeant.
• Sergeant Mark Braccio was transferred from the Patrol Division into the Traffic Division as sergeant.

Following these reassignments, Lt. Monroe submitted his papers and will retire effective Oct. 5. "Sometimes it's good to move around and experience different things," said Telesca. "I'm a firm believer in cross training. I give some of the guys in patrol an opportunity to see what goes on on the other side of our building."

**Steers** said he would feel more comfortable talking about the reason behind the changes next week. "We expect there may be some more changes," said the village manager. "We are also still focusing on the pending investigation into the theft of the evidence." "Ultimately we should be looking at making the department more efficient," said **Steers.** "How that looks at the end of the day is still left to be determined. I don't know the direction yet. We are plotting the course now." **Steers** and Telesca are working together on the plan. "In many ways I'm following his [Telesca's] lead," said **Steers.** Telesca said he and **Steers** work closely on personnel issues.

As for the reaction in the department, Telesca said: "I didn't take a poll of the entire department. but some people are happy, I imagine. The unhappy ones haven't come in to see me." Richard Grall, president of the Port Chester Police Association, said there is a lot of uncertainty "because we don't know if the changes being put in effect are going to remain in effect" and everything is up in the air. "I think it's good," said Deputy Mayor Sam Terenzi. "I think we've cleaned out, got new faces in different departments. I think the morale is going to go up considerably now. What I'm getting anecdotally, they're kind of happy with what's going on."

The Board of Trustees had nothing to do with the changes. "The internal workings of who gets put where, we don't get involved in that stuff," said Terenzi. "I was surprised to hear that Royal [Monroe] is retiring," said the deputy mayor. "I guess he thought it was better to cut and run than put up with the aggravation that is going to be going on for the next few months until we get to the bottom of what's happening." Monroe did not return a phone call for comment as of press time Wednesday night.

As the Board of Police Commissioners, the village board approves any promotions and is the final arbiter over any discipline. Terenzi said he expects a promotion to lieutenant and another to sergeant will be on the board's Oct. 7 agenda. Police Chief Joseph Krzeminski has been out of the office with an apparent illness since Aug. 30. On Sept. 5, the village board appointed Telesca acting chief until Krzeminski could return to work. **Steers** said Tuesday that he hadn't had any direct contact with the chief since he visited him in the hospital in early September. The chief spent six days in three hospitals undergoing tests which were inconclusive. **Steers** said there might be a development relating to the chief by next week. "The chief right now, I think, will probably go out and get 3/4 pay and that will be it," said Terenzi. "All's well that ends well in his eyes. I think the investigation is going to go on and on and on." Krzeminski did not return two phone calls placed Wednesday for comment.

On Sept. 16, the village board clarified, confirmed and ratified the rules and regulations of the Port Chester Police Department originally adopted in 1990. The mayor and trustees resolved that "it is the intent of the Board that it delegate to the Village Manager day-to-day operational authority over the Police Chief (or Acting thereof)." Previously the chief had been reporting to the village board as the Board of Police Commissioners and not to the village manager. "The village board remains the Board of Police Commissioners, the acting chief remains the chief of police," explained **Steers** this week. "I have authority over the chief as is relative to day-to-day operations. There probably will be a continued level of involvement. Hopefully it will be a lot less hands-on in the near future. I'll be kept updated" and deal with "any problems or issues that would come up. It's more of a partnership." "I don't mind being seen as the bad guy if I need to be the bad guy," said **Steers**. "My sole purpose in taking this job and being here is to help better this community."

"The shakeup after 15 years of the same hierarchy is going to work out well," concluded Terenzi. "If there is a silver lining in this whole [stolen] evidence thing, I think it is the shakeup of the police department." "In the light of recent events and in the midst of the speculation that's out there, there are a lot of good guys in the department working their hearts out for the village, and at the end of the day, I hope that shines through," concluded **Steers**.

Westmore News
September 12, 2013

**Captain steps in for police chief**
**Krzeminski out for indeterminate time due to apparent illness**
Author: Jananne Abel

Due to the apparent illness of Port Chester Police Chief Joseph Krzeminski, who has been out of the office since Aug. 30, the Board of Trustees came out of their closed session meeting last Thursday evening, Sept. 5, to appoint Captain John Telesca as acting chief of police. Telesca, who started his 34th year with the Port Chester Police Department on Sept. 2, was promoted to captain in October 1999 when Joe Ferretti retired. No one knows exactly how long Telesca, 60, will be assuming this role. "Usually acting chief means something untoward happened," said Telesca. "It's not a natural way of progressing through your career. We're all waiting for Chief Krzeminski to return to work."

Krzeminski, who has undergone tests for his symptoms--which he chose not to divulge--at both Greenwich and White Plains hospitals, said "so far they haven't been able to determine what it is." Village Manager **Chris Steers**, who met with Krzeminski Tuesday, said "he's planning on being out at least a couple weeks, probably a little longer, hence the need to appoint the acting chief. There is still no confirmation as to his illness. He was in good spirits and joking with me as usual. I hope he will make a full recovery, but in the meantime, we still have to do business." Krzeminski himself said: "I don't know why they had a board resolution, it wasn't necessary," because "one of the captain's duties is to replace the chief in his absence."

"We knew he was going to be in for testing and, not knowing the results, we had to make sure the chain of command was clear to the rank and file and to the village that someone was clearly in charge," said Mayor Neil Pagano by way of explanation. Telesca, who has his master's degree in criminal justice from Boston University, said he never thought it was possible to become chief. "I was just happy when I made sergeant," he said. "These positions are so rare and so few. In a small department there is so little opportunity to advance. With every advancement, I considered myself blessed and fortunate." In New York State, a chief of police can remain in the position until the age of 70. Krzeminski is 62. "I hope whatever brief period of time I'm here, I hope I can at least make some improvements and continue the policies of Chief Krzeminski," said Telesca. "This is just a stopgap until he's well enough to return to work." He said everybody has their own style, but he is just in the chief's position "to assure business continuity and wear two hats for now and do the best I can with the time given." He said no one else will be stepping up to handle the patrol duties of the captain, so he's just got to spread his time out a little more.

While Krzeminski reported to the Board of Trustees acting in their role as the Board of Police Commissioners, Telesca is reporting directly to **Steers**. Telesca said he has no problem with either but feels **Steers** is "a good man to work with." "I look forward to it because it's a little bit of a change for me, a little bit of a challenge in light of what has occurred." He referred to the drugs and money, evidence from a joint drug case with the county, that were stolen from the

evidence lockup at the Port Chester police station in early July. "Right now it is a big, time-consuming challenge," said Telesca.

The acting chief said he wasn't going to discuss the investigation, but to give some words of reassurance, he did say: "One hundred people will have 100 different expectations. I'm sure we'll not be able to satisfy every one." Nonetheless, he added: "It's not being neglected." Mayor Pagano had much stronger words about the investigation. "The investigation continues," he said. "It has not stopped and it won't stop until this board is satisfied, and this board is not satisfied and I'm not satisfied. We owe it to the village and the police who are on duty every day." Pagano added that "the police are not the only ones who had access. The cleaning people and contractors had access to that building." When interviewed Monday, Telesca said he did not have a key to the evidence lockup now and never had one. However, since then the situation has changed. "While things are going on, he's supposed to be the only one with the key going forward," said **Steers.** While there is an open investigation where the village is working with counsel and outside agencies, this is the methodology they are following "to make sure there is a positive result at the end of the day." **Steers** confirmed the outside agencies as the county police and the district attorney's office.

While he's serving as acting chief of police, Telesca is receiving an additional $250 per week stipend and has been removed from the police union. The chief is the only person in the department who is not in the bargaining unit. However, certain articles of his contract will remain in place. "He's acting as chief of police and it was just thought because he's assuming the extra duties until the chief returns, additional compensation would be necessary," said Pagano. "If the chief went on vacation, there would be no need, but not knowing how long this is going to go on, this was felt to be appropriate." In appointing Telesca as acting police chief, the village board specifically took action directing Krzeminski "not to exercise any of the authority, responsibilities and duties associated with being the Chief of Police until he is able to perform the essential functions of his position and the Board of Trustees of the Village of Port Chester approves his return to duty."

Daily Voice
August 28, 2013

**Port Chester Modifies Building– Permit Amnesty Program**
Author: Casey Donahue

PORT CHESTER, N.Y. -- Port Chester has increased its permit-amnesty program in an effort to provide incentives for people to bring their homes up to code. The amnesty program was initially established in 2012 to provide relief to homeowners who unknowingly bought homes that had code violations. The law allowed residents to apply for multiple permits under one umbrella permit, waived fees for building permits and waived fines for violations. The program has been modified in an effort to give more relief to one- and two-family homes. The changes allow families under certain conditions to self-certify their properties, thus bypassing the Zoning Board and saving money on construction drawings. Some residencies would also be allowed "Lawful non-conforming" status if they were issued a building permit before 1955 or between 1975 and 2010.

The amnesty program was created during a three-year crackdown on building violations in the village. Many buildings contain many violations or lack proper permits and paperwork such as certificates of occupancy. Over the past few months the village has held public hearings on the proposed changes to the program, which has drawn criticism from residents. Some believe that the program rewards those with permit violations, while still forcing code-abiding homeowners to strictly follow the rules to appease the Building Department. Residents of the Landmark condominium building were very critical of the department, saying that the building's lack of a certificate of occupancy prevented homeowners from selling or refinancing their mortgages. That building received a certificate on Aug. 15.

Village Manager **Chris Steers** said that the program is misunderstood. "It has helped hundreds of people, it will continue to help hundreds more," he said. He points to examples such as one building whose owners would have had to pay $21,000 to come into compliance, but with amnesty were able to pay $12,000. With the new changes, costs and time will further be reduced for families, **Steers** said. A one-family house that was converted to a two-family house without proper permits would have had to pay $5,000 to come into compliance. Now, the homeowners will have to pay about $1,400. About 230 homeowners will now be exempt from having to go to the Zoning Board for certification of existing construction.

Mayor Neil Pagano supports the changes, and said that if further changes need to be made, the village can go back and fix it. "I look at amnesty the same way I do at zoning and the comprehensive plan. We can tweak it," Pagano said. "The only way we know what the ramifications are is once its in place and we see how it is in action." The original amnesty program was supposed to expire in December 2012, but has been extended until Oct. 31, 2013. Once a homeowner is granted amnesty, they have 18 months to bring their home into compliance.

Patch.com
August 23, 2013

**This is What Your Occupancy Certificate Should Look Like**
**The CO situation explained by Village Manager Chris Steers, Code Enforcement Director Peter Miley and Administrative Aid Chris Ameigh.**
Author: Liz Giegerich

Port Chester homeowners have documents that look like this valid Certificate of Occupancy, others have invalid "predate" letters, and some do not have any at all. The confusion over what is valid, why seemingly official documents are worthless and what needs to be done to fix it has left many residents complaining and village officials defending their ambitious Code Enforcement program. The code enforcement program was implemented to make Port Chester buildings safer and to address an epidemic of overcrowding, but residents say it is now "punishing the good guy."

Steers and Miley, the city staff leading the effort, say their method is the only way to follow state and local laws, which both require Certificate of Occupancy documents and to bring village buildings up to code. Mayor Neil Pagano has emphasized that the program is the law and is carried out with appropriate intentions, but he and other Board of Trustee members have said they sympathize with citizen complaints.

Lenient policies, alleged corruption and invalid documents issued by past leadership and the current administration's attempt to bring the village up to code, have left many homeowners frustrated as they learn their COs were never valid. Owners have said they are required to spend too much money and time to obtain a CO, that was invalid through no cause of their own. They have explained their opposition to the program many times during public meetings over the last two years.

Steers and Miley defend their efforts, explaining that the program is the only way to achieve their goals. "We are not coming out after people, we are not hurting the good people," Miley said. "What we are doing is a in a much more comprehensive and proactive way that anyone else in the state. "We'll be a model," Miley said. "The program is fair and nondiscriminatory," Steers said. That means everybody gets treated the same way and word on the street in the past was that wasn't happening. There were certain members of the public who were part of the protected class."

The reason why the CO issue is now affecting sales and refinancing is because until the recent program, officials were confirming with banks and lawyers that homes with invalid COS, often referred to as pre-date letters, were valid. Now that the department has determined all those pre-date letters are unofficial they tell banks and lawyers that homes with those documents do not have valid COs. "It is not that we don't sympathize with individuals that have this (document), but the reality is very simple," said Steers. "The way the law is written we are prohibited from issuing that type of paper work , by local law, and its been that way since 1927."

Patch spent about two hours talking with Code Enforcement Director Peter Miley, Village Manager **Chris Steers** and Village Assistant Chris Ameigh to find out how the CO situation happened, what people need to do to fix it and how the building department is handling the program. This is a summarized version of that conversation.

How did the mess happen? Pre-Date Letters, Invalid COs
Since 1927, the village code mandated that every property have a Certificate of Occupancy. Between the early 1980s and April, **2011** many homes were given "pre-date" letters that appeared to be COs and that many homeowners today believed were valid until the Code Enforcement Program. "The individuals issuing pre-date letters did not have any lawful authority to issue them," **Steers** said. When **Steers** took over the building department, they stopped issuing the pre-date letters. The letters evolved from search requests. An owner would ask for a search from the building department and the search request would be given a number; but at some point, the people issuing the documents replaced a search number with a CO number, **Steers** said. When **Steers** investigated, he found that the CO number correlated to a notebook with handwritten numbers that related to nothing. So the documents were not legal proof that any structures had been searched and approved.

In many cases, homeowners have open permits, which means permits were issued and then either no one came back to close the permit or to get a final inspection, but they still received a letter saying the property had no violations. That letter, considered a CO by many homeowners, claimed the house was up to code but indicates that no inspection ever confirmed it. "They are not legitimate with what they are meant to be," **Steers** explained. "For whatever reason, they were just created." No one knows why they issued the pre-date letters instead of the valid COs, **Steers** said. "There was a drawer that had a folder of blank letters, pre-signed by the building inspector, that would then later be filled in by somebody," **Steers** said.

What is a Valid CO?
If it indicates certificate of occupancy (not in the form of a "CO #" on a search form), it is dated and signed by building inspector, then it is a valid CO. Today, the Building Department also seals the COs.

The Amnesty Program
The Amnesty program was established in Nov. 2012 to help provide relief to people with code violations who would have faced fines if not in the program. Any homeowner can apply for amnesty as long as they are not already in violation (considered a scofflaw), which helps them avoid fines and violation summonses. "The ultimate goal of any code enforcement program is to gain voluntary compliances," **Steers** said. "And this is one of the tools you use to get there." For minor infractions, like a deck not set back far enough by a few inches, the Amnesty allows the owner to avoid going to the zoning board, which saves time and money.

The board is discussing a local law that essentially lowers the code compliance standards for small family homeowners who may be burdened by the cost of coming into code compliance because they don't have the same level of impact or risk of danger as multi-family homes. To

learn more about the Amnesty Program you can watch **Steers'** presentation and answers to many public comments at the public hearing on the local law proposal on Aug. 19 here.

What Happens If a Homeowner Has a Violation
For Non-Amnesty Residences
If the building department conducts a search or if the fire department or someone else reports a code violation and the inspector finds a violation then the homeowner will be issued a Notice of Violation (NOV). The NOV is a punch list of the problems that the owner typically has a month to fix, Miley said. But the time can vary depending on the nature of the violation and number of violations. "If it entails zoning, it is real life-safety stuff. If it is egregious life-threatening situation, the owner does not have a lot of time," **Steers** said. The punch list is easy to understand, but if the violations include more difficult building code issues then a homeowner can consult with Miley or a building inspector to talk about their "path to compliance," **Steers** said.

For Amnesty Residences
If a homeowner applies for amnesty, Code Enforcement will put them on a list for a full search. This is a comprehensive review of that property's file, where they check out paperwork and then invite the resident in to go over that file. If there are no issues and they have a valid CO then the process is over. If the search shows any outstanding problems, like if a one family had been illegally converted to a two family, they will receive a document explaining what they have to do to come into compliance. Under Amnesty, a homeowner has about 18 months with possible extension to comply. They will not get an official Notice of Violation until the 18 months or extension time has expired and the problems are still outstanding.Usually, people who get NOV have either directly contradicted requests or "have dragged their feet for more than a year," Ameigh said.

What Does That Mean?
Hypothetically, someone could have bought a house 50 years ago that had a basement bathroom and a what they thought was a valid CO. They go to sell it now and find out it has an invalid CO and the permits for the bathroom were never closed, making it an illegal bathroom. Without a CO the homeowner most likely will be unable to sell the house. To get a CO they have to go to the Building Department, which is backlogged with a year's worth of searches, and ask for a search. They can pay $200 to have the search expedited and done in ten days, or wait until the department gets to it. Once the search is completed, they will receive a written search result that is a bullet point list of the history of the property and what permits might be open (in order by the date when the property was built to current date). Because they have an open permit for a bathroom that was installed before they moved in, the village needs to certify the plumbing and work was all up to code.

If the homeowner is not under amnesty then they will have to hire a plumber to state the work is all up to code and might need an architect to submit blueprints that show it is up to code.
If the homewoner is under amnesty there would be more leniency with professional document requirements so they might not need to pay an architect for blueprints but instead a plumber for

less detailed drawing of the work that was done, Ameigh said. In either case, the village might need an inspector to check out the bathroom and if the inspector felt it was necessary, might require the homeowner to open up walls to make sure the plumbing is up to code. Once the documents are submitted the village will either accept them and issue a valid CO or they might require an inspector to visit the property again. If the work was originally done in compliance to the village code, then the homeowner will be done with the process. If it was not done to code, they may need to redo the bathroom – a much more costly situation.

Sometimes when an inspector visits a property to check out something of which the homeowner is already aware, he finds something else that is illegal that the homeowner then has to deal with. That is what is really agitating Port Chester residents. As they try to come into compliance "the target keeps moving." "They are essentially bearing the brunt of the previous owners and previous plumbers choices to not get a permit to certify that a bathroom is up to code and the village's not catching it until now," Amleigh said. "There is plenty of blame to go around to plumbers, homeowners, lawyers, banks and the village." If they are under amnesty, the situation is less costly and potentially less time consuming than if they are not, according to officials.

What Should Homeowners do?
According to **Steers**, don't wait until you are ready to sell to find out if your CO is valid.
If your documents are not valid then join the Amnesty Program and request a search. Once you receive your search results, follow the instructions and submit the documents in order to receive a validated CO. "It is better for them to find out now (about their violations) and get enough lead time even if they are considering selling next year," **Steers** said.

How many people are in the Amnesty Program?
Normally with a program like this, villages get two percent of homeowners applying, but Port Chester has had about three to four percent apply, which is about 400 owners, **Steers** said.

Can Anyone Apply for Amnesty
If an owner knows they have a building below code, they can apply for amnesty and avoid fines, as long as they haven't already been issued a notice of violation. If they apply for amnesty because they know they have an illegal four family home in a building only approved for two family home, they will avoid the fines for having an illegal dwelling, but will still have to turn the building back into a two-family home, **Steers** said. "Our ultimate goal is reducing overcrowding and illegal housing," Miley said. "We are not here to target people and throw fines at people." So landlords who know they have too many apartments in a building can avoid the fines but will have to pay to revert their buildings back to code. "It would be unconstitutional for us to turn those people away," **Steers** said. If they apply for amnesty and then never make the required changes they will be fined and eventually taken to court.

Can the Village Change the Law?
"No. The law is very specific," **Steers** said.

Is this the best way to do this?

"There is only one way to do it and it's the legal way, the right way, according to the law." Miley pointed out that banks and attorneys should have never accepted the pre-date letters as valid COs. On any pre-date letter, an inspection was not done, they said.

Are any documents lost due to flooding and/or the FBI and local investigation into the building department?
"No, if the CO exists, we have it," Steers said. "Flood, El Nino, all of that is not true. The records are there."

Overworked Building Department
The building department already has a year's worth of searches to be done and less than half the staff needed to do it. However, if people want expedited searches, they can do it within ten days. While the search could be done in ten days, the time to fix the problem could, and likely will, take much longer. Searches take days to do because staff has to go though multiple data and filling systems, pull all documents relating to a property together and review them piece by piece. It includes a lot of historical documents they need to sift through too. "People are unfortunately learning we'll get the search done for you in ten days, but that doesn't mean you have a valid CO. Odds are you're going to find you don't have valid CO, you have open permits and other issues," Steers said.

Building Department Staff:
One full-time Director
One full-time assistant building inspector and one part time assistant building inspector
Two full-time fire inspectors
One part-time fire inspector
Three code enforcement officers
Three clerks for each area who handle scheduling, paperwork, etc.
Three Interns, in process of finding another to hire
One part-time code enforcement and one part-time building department staffer
(One intern and the part time code enforcement and building department positions listed at the end are new positions that have been filled over the last few weeks, Ameigh said.)
Two interns are working full-time on the backlog of searches, but Ameigh estimates that they have received more than 400 Amnesty Applications and currently have about 20 expedited searches ordered and 100 standard searches ordered. Each search varies depending on a variety of factors, like whether the building is a simple single family home or more complicated apartment complex. A larger property search can take about two days and an average smaller property can take about three or four hours.

Steers said with a program like they are running they should have one code inspector for every 3,000 people, which would mean 10 inspectors, more than double what they have."The problem is revenues are shrinking and there are budget constraints," Steers said. "I told the board this is what I need to tackle the problems here but the scope of the problem was not as obvious to everyone else."

The money for the two new interns and part-time staff comes from a village proffer that was geared towards housing needs, Ameigh said.The board recently adopted a resolution to spend $27,000 on a new software program to scan documents to make them available for the public to search. They hope to eventually have a full system where the public can go to a map and click on any property to see its information. That is a goal they hope to achieve in the future. For now, they hope the additional staff will help with the clerical load and some inspection work.

Patch.com
August 15, 2013

**Update: Landmark Receives Permanent CO After Voicing Complaints to Board**
Author: Liz Giegerich

Update, 7 p.m. The Landmark Condominium Association received the Permanent Certificate of Occupancy that owners requested at the Aug. 5 Board of Trustee meeting on Aug. 14 around 5 p.m. The news comes as a great relief to condo owners who have been unable to sell or refinance without the CO. Several have lost sales and opportunities to buy new homes for more than a year because of the lack of CO. Owners told the board they have been working to come into compliance since they were first told the building CO was invalid last summer, but that the village was unclear and confusing with its demands. While the Association was working to fill village requirements for the new certificate, the village issued them a court summons for code violations this June. Now that many of the issues have apparently been resolved, it is unclear how the permanent certificate may affect the court case.

The now issued permanent CO does not include any of the laundry facilities located within the building or the pool. A letter from Building Inspector Peter J. Miley, Director of Code Enforcement to the Landmark Condo Association reads: "The laundry facility is still in violation of the code and requires engineering and a separate building permit application; a separate CO will be issued upon completion." The letter also states that fire safety systems must be inspected annually by certified professionals and it is the building's responsibility to arrange for these inspections and to obtain pertinent documents.

Original Article, posted 3:30 p.m. Aug. 15: Landmark condominium owner Frank Troha told the Port Chester Board of Trustees that he has suffered health problems due to a Certificate of Occupancy (CO) that the Building Department is "holding hostage," he said. The lack of CO kept Troha from being able to close on the sale of his condo twice in the last year and has cost him opportunities to buy homes he found in Connecticut, he told the Board of Trustees at last week's meeting. Other condo owners spoke at the podium to explain that the CO situation there has cost them thousands of dollars, the ability to move to senior housing communities and to move closer to family they need to care for, and has caused daily headaches and frustrations.

Over the last two to three years since the Building Department has cracked down on code enforcement, the Landmark was deemed to lack its occupancy certificate, which lenders and buyers require in sales and refinancing. Even though some individual unit owners have a valid CO, they cannot sell or refinance without a valid building CO. Landmark owners say they have been trying to come up to code, spending about $100,000 over the last several months in the process, but the building department has been unclear about what work needed to be done and has been generally insensitive. The group of owners asked the Board of Trustees to get the building department to better communicate with their Board of Directors and find a way to expedite the process of having a valid CO issued.

Village Manager **Chris Steers** responded, saying that the building department is working to make sure the building is completely up to code for safety reasons because it has serious "life threatening" violations. He said village staff has been trying to go above and beyond working with the condos Board of Directors to expedite the process but the board has not yet come into compliance. "The only reason why we are enforcing the code is to make sure someone doesn't die in that building," **Steers** said, sparking uproar from the crowd who then spoke out to defend the building, explaining it is one of the nicest buildings in Port Chester. The Landmark, a converted Lifesavers Factory, is marketed as a luxury doorman building. "Our stairwells are probably cleaner than most of the lobbies in Port Chester buildings," one of the owners said.

While the Landmark has had electricians, plumbers and other contractors work on the building to comply with building department requests, the village issued the Landmark board a court summons for failure to come up to code, the owners said, calling the move insensitive. **Steers** said that village staff are compassionate, but that the Landmark was issued the summons because the "building department got to a level of frustration because of a lack of progress with expedited process moving it forward," and emphasized that the Landmark had a lot of work done without permits in the past and serious violations. He also claimed the building had not tested its fire sprinkling system in years and had a long list of other violations. "What he is saying is absolutely ridiculous," Landmark board member Enzo Pizzamente called out. "We work 24 hours a day every day (to come into compliance). I am insulted."

Paula Cortona, a Keller Williams real estate agent who handles Landmark properties, said there is a lack of communication and constantly changing requirements. "This punch list continues to change, it is a moving target," she said. The "punch list" is the building department's list of items that must be brought up to code in order to pass inspection. "Every time an inspection is done something else comes on the list," she said. Mayor Pagano thanked the residents for speaking out about their frustrations and told them he understands they are going through some pain, "but by God, you will know the building is safe and so are the units" once they get through the process. The owners hope that their plea to the board for help will expedite their new CO as soon as possible.

Westmore News
July 5, 2013

**Municipal Center idea resurrected as sewage closes police station cells**
Author: Jananne Abel

In the ongoing saga of the deteriorating condition of the Port Chester police station/village court, eight of 10 cell blocks were closed last week due to leaking sewage. Until the situation can be fixed, Port Chester is working on an intermunicipal agreement with the City of Rye for use of their cells for prisoners in addition to the two cells that remain open.

In a July 1 memorandum to the village board, Manager **Christopher Steers** reported that the cell blocks were closed on June 24. At the Board of Trustees meeting Monday night, July 1, **Steers** explained the situation that forced their closure. It was discovered that "each time you flushed the toilets in the cell blocks, raw sewage was leaking because the seals were broken behind each one of those toilets." This discovery was made following a sewage backup in the basement caused by the main lines being clogged with various debris, said **Steers**. The plumber cleared the main lines but noticed leaking in the basement. A dye test identified the toilets in the cell blocks as the source of the leak. The sewer lines were cleaned out so they are now flowing, **Steers** said, "but we still need to repair all those broken lines." It is being treated as an emergency repair.

The estimated cost to replace all the plumbing lines in the cell blocks and eight toilets is $30,000. The project may take up to eight weeks due to the need for some welding and an extended delivery date for the specialized combination toilets, said the manager. In the meantime, once the IMA is finalized, Port Chester will be responsible for transporting prisoners to Rye, the manpower for overseeing them and the related overtime. "In all, the sewer backup turned out to be fortuitous as we were able to finally identify one of the major causes for water damage in the basement," wrote **Steers** in an e-mail. "Further, as we have prioritized and funded these long overdue repairs, we are finally able to help improve the work environment for our police officers."

Over the years the village has been pumping money into the 350 North Main St. building with no end in sight. **Steers** said he did a walkthrough of the 1930s building in October and identified a number of things that needed to be maintained. Procedures were modified, painting done and the courtroom upgraded with new carpeting and chairs. In the meantime, he previously reported that the wall behind the dais where the trustees sit at meetings is separating from the structure and moisture seeps into the walls because the bricks need repointing, among other deficiencies. Because of moisture getting inside, months ago the wall was opened up and the cinderblocks exposed at the bottom of the long stairway leading to the second floor courtroom. In May the village received a complaint from the Department of Labor with 18 building violations including the break in the plumbing, electrical infractions and problems with exit signs and egresses. **Steers** said 15 of them had been addressed before he met with Labor Department officials. Last month the board approved an expenditure of up to $300,000 to make needed repairs.

Municipal center on the table
Relocating the police station and court or building a new facility have been discussed by the village board for several years with no agreement on moving ahead. It was a campaign issue during the March election. Trustee Sam Terenzi was the loudest proponent of constructing a municipal center including a police station/court and village hall as well as a parking garage at the corner of Poningo Street and Irving Avenue which would back up to the existing firehouse on Westchester Avenue. Under previous Village Manager Chris Russo, JCJ Architects came up with a plan and a study was done to see if a parking structure in this location would pay for itself. The study determined that the demand for parking was not sufficient.

At the last village board meeting Mayor Neil Pagano asked Terenzi to come up with financial projections to build such a facility. The current quagmire at the police station "opens up the whole conversation of this building and the conditions the police have had to put up with these past many years," said Pagano at Monday night's meeting. "I think we have a great deal of talent on this board. We are going to address this problem and solve it. We are not going to kick it down the road. Sam has one plan. It's as good a place as any to start." Terenzi explained that the corner property at Poningo and Irving has been for sale for a year and a half and that the village could have friendly negotiations with two other property owners to acquire the necessary land for the project. 'We would level the entire area and put up a municipal center-police station and village hall-and tie a garage in the center" which would also service Westchester Avenue. Terenzi projected $2.8 million for land acquisition. "We are talking $20 to $24 million in expenditures," he said. Terenzi's idea is to use short-term debt to pay for the project until it is completed in five years and then go out for a 20-year bond which would add $1.6 million to the village's debt service. "At the end of the day we would sell the police station and 222 Grace Church St." "It would create a whole different atmosphere on Westchester Avenue," he said, and might have a ripple effect.

Jumping ahead, Terenzi said the village could make a favorable zoning change for Grace Church Street to allow for assisted living or "something that would bring us the best price for the property." He admitted that the village would never recoup the $15 million it has dumped into #222. "The word on the street is we're selling the Horton School building tomorrow," retorted Pagano. "This is a long-range plan and it's in the discussion stages. That's it. We're not going to close the senior center." "You need five people to borrow money," said Terenzi. "There has to be five people on this board willing to take this thing forward. If there is a will, we have to get the wheels in motion." He suggested meeting with the National Development Corporation to firm up his numbers and for professional advice, an opinion Pagano and Trustee Joe Kenner concurred with. Pagano said they do public/private partnerships and have impeccable credentials.

The mayor said the Industrial Development Corporation and Local Development Corporation might have a role as well, particularly with some of the soft costs. He also questioned whether doing a Request for Proposals was the way to go. "We can have a whole workshop on this project," said Trustee Dan Brakewood, who was more hesitant than the other board members. He asked Terenzi if he had taken into account the study that was done which said "there wasn't economic justification" for a parking structure. "That was based on more cars," Terenzi replied.

"We are talking 200 cars. He projected $100,000 in revenue from the garage. "The number one thing we need to do is to look at the design," said Brakewood. "I don't want to design a 20th century municipal center. Technology is changing everything so rapidly that it's all about the design, using technology to reduce the size, to reduce the costs, to reduce the tax burden." "The decisions this board makes have long-term consequences," he warned, noting that the village was still paying for the heavy lift to buy the Horton School about 12 years ago. "We have one white elephant," he said. "We don't want to double down and get a second white elephant until we have a plan to get out from under it." "If we weren't up against this police station issue, I don't think we would be as aggressive," responded Terenzi. "We don't have a choice anymore," said the mayor. "We've just got to bite it and move forward."

Kenner said he'd like to test out and firm up the numbers with the NDC or otherwise. **Steers** said the state now allows piggybacking on other contracts. Village Attorney Anthony Cerreto said New Rochelle had some experience with Requests for Proposals and the village could work with them off their contract. "There are so many variables," admitted Terenzi. "I think this should be one of the priorities at least by the end of the year. Maybe by the fall we'll have a better idea." "The one complaint I've heard about the Horton School is it's not well designed," said Brakewood. "It didn't really meet the needs of the village from day one...That's why I'm heavy on the need to design what we want."

There was general agreement for the staff to look into the piggybacking solution and developing an RFP. **Steers** agreed that getting a design professional was the first priority. "It's about time we need to do something," chimed in Trustee Luis Marino, adding that "we need to maintain the rest of the buildings in the village," including the firehouses. "I would like to see us move forward with this project. Don't let it die in here." "Our police and the Village of Port Chester deserve a heck of a lot more," concluded Pagano. "We need to stop apologizing for our own facilities."

Port Chester Daily Voice
May 14, 2013

**Port Chester Comprehensive Plan Wins County Award**
Author: Casey Donahue

PORT CHESTER, N.Y. -- Port Chester's recently enacted Comprehensive Plan has won a Planning Achievement Award from the Westchester Municipal Planning Federation. The plan was adopted in December after five years of work by a 15-member member commission made up of members of the village's zoning board, planning board, school board and local business owners. There was also significant input from residents of Port Chester. The purpose of the plan is to identify goals, principles and policies that promote growth and development of the village.

"The Comprehensive Planning process brought out the best in Port Chester, and serves as an example of how engaging the public through such a collaborative process can achieve great things," said Mayor Neil Pagano. Pagano thanked Trustee Joseph Kenner, a former member of the Comprehensive Plan Advisory Committee, Village Manager **Christopher Steers**, members of the CPAC and the general public for their input and support. The adopted plan led to a number of changes in the zoning laws aimed to reduce village density, preserve residential neighborhoods, reinforce the downtown retail center and modernize the village's zoning. The plan also outlined use for the former site of University Hospital. The award recognizes the hours and work put in by volunteers and village staff to make the plan a reality. The Westchester Municipal Planning Federation is made up of officials from all 45 of the county's municipalities. The award will be presented to the village at the Federation's awards dinner on June 6 in Tarrytown.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Patch.com
March 30, 2013

**Port Chester Village Manager's Tentative Budget Plan Ready**
Author: William Demarest

Port Chester Village Manager **Christopher Steers** has given his tentative 2013-2014 village budget to the village Board of Trustees to begin reviewing. The document looks at challenges facing the village this year and for the next five years. In his summary to the Board of Trustees, **Steers** says:

I have been involved in the Village's budget process for several years as a Department Head, and as your Assistant Village Manager, however this is my first fiscal budget that I have presented to the Board as your Village Manager. The development of this Tentative Budget has been very challenging. The current economic environment under which we and all other Westchester County governments are operating is extremely difficult. However, we must continue to deliver services to our community despite a continuing decline in operational revenues. Even so, our confidence in the continued successful and sound fiscal management of the Village remains high.

In sum the current economic realities create a rare opportunity for the Village to fundamentally change the way it does business within an economic environment where the status quo is unaffordable. With these realities in mind my directive to each of my Department Heads has been to aggressively seek out and implement cuts, focus on organizational efficacy and efficiency, and to think creatively in relation to identifying additional revenues. I have worked diligently with staff to cut expenditures, to identify increases in and potential increases in revenues, and to consolidate where appropriate. This Tentative Budget will enable and enhance the continuation of the current level of service delivery to the community, and the continued prioritization of Board policies and initiatives without necessitating any cuts in services, programs, and/or essential personnel.

Daily Voice
December 19, 2012

**Port Chester Building Code Amnesty Continues Into 2013**
Author: Anna Helhoski

PORT CHESTER, N.Y. – Port Chester's housing violation amnesty program, which is aimed at easing penalties for work done on homes without permits, will continue for four more months, according to the village Board of Trustees. "There were dozens of people, and we have thousands of situations," said Mayor Dennis Pilla of the applications that have already come into the village. The program was approved in October and initially supposed to wrap up at the end of the year. However, the Board of Trustees decided this month to continue accepting applications through the end of April.

In discussions, Trustee Bart Didden suggested extending the program for another four months. But he said he did not think it would be as effective to apply a proposed "everyday low pricing" for all future building permits. "That would just kick the can down the road forever," he said. The standard code enforcement program would subject property owners to substantial fines if they failed to close out permits or never obtained permits or certificates of occupancy. While the Building and Code Enforcement departments are proactive in reaching out to property owners to resolve permit issues on a case-by-case basis, the village Board of Trustees determined that an amnesty program would encourage more voluntary code compliance.

"From the time someone applies, how long does it take to get to them, and how long does it take to actually resolve the issues?" asked Trustee Daniel Brakewood. "People I'm talking to that are signing up for the amnesty program have a tremendous amount of angst. They don't know generally what they're getting into, how much it's going to cost, and how long it's going to take to resolve." About 63 people have applied for permit amnesty so far, according to Village Manager **Christopher Steers**, adding that he would be amazed if the village receives more than 300 applications during the program's extension. However, he said it shouldn't be a problem to resolve applicants' issues in an 18-month period from the beginning of January.

Residents can go to the Building Department to request research on their properties. The department will then generate a record of the property and allow the owner to correct any issues. The amnesty allows residents a chance to remedy building code violations with reduced or waived fines and fees. Once amnesty is approved, homeowners have 18 months to make corrections and can apply for an additional time period, if necessary. "This is a community project, and it is going to take everybody in the community coming together and fixing up their problems, their issues, closing their permits and upgrading the whole village," said Didden. An application for the amnesty program may be downloaded from the village website, or stop by the Building Department office at 222 Grace Church St., Port Chester.

Daily Voice
October 30, 2012

**Port Chester's Hurricane Sandy Evacuation Orders Lifted**
Author: Anna Helhoski

PORT CHESTER, N.Y. – Port Chester Village Manager **Christopher Steers** terminated emergency evacuation orders for all areas of the village of Port Chester by 5 p.m. Tuesday. Sixty-five percent of Port Chester and seventy-five percent of Rye Brook remained without power Tuesday night, as restoration efforts continued by Con.Edison. Many roads in both villages are blocked by downed trees and wires, causing hazardous road conditions. Residents were asked not to travel Tuesday. Port Chester and Blind Brook schools will remain closed on Wednesday. All offices of the village of Port Chester are now open. In Port Chester, regular garbage pickup for Tuesday in Port Chester will be moved to Wednesday. All Thursday and Friday garbage pickup will be on regular schedule, but there will be no bulk waste pick up on Wednesday. Port Chester High School will remain open as a shelter for those in both villages displaced by the storm until further notice.

Daily Voice
October 29, 2012

**More Port Chester Residents Ordered to Evacuate**
Author: Anna Heihoski

PORT CHESTER, N.Y. – More Port Chester residents were ordered to evacuate their homes Monday afternoon as the village began to feel the effects of Hurricane Sandy. Village Manager **Christopher D. Steers** ordered homeowners and businesses in the following areas to evacuate early Monday afternoon until further notice:
-Abendroth Avenue from Westchester Avenue. to Mill Street.
-Highland Street from North Main Street to the Byram River.
-Willett Avenue from North Main Street to the Byram River.
-Adee Street from North Main Street to Abendroth Avenue.
-Easterly side (river side) of North Main Street from Westchester Avenue to Mill Street.

Sunday evening after the village entered into a state of emergency, homeowners on Riverdale Avenue from Putnam Avenue to the -Greenwich boundary line, Grey Rock South and North Main Street from Mill Street to the Greenwich line were ordered to evacuate. Port Chester High School is serving as an emergency shelter for those who do not have other options.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Lohud.com
October 3, 2012

**Port Chester starts housing violation amnesty, names building inspector**
Author: Leah Rae

PORT CHESTER — The village has named a new building inspector and launched a three-month amnesty program in the latest steps toward bringing housing conditions and the related records up to standard. Peter Miley was promoted to inspector Monday, the third person to oversee the troubled Building Department in the past three years. This week also marked the start of an incentive for property owners — those without current citations — to rectify code violations and obtain verification. Applicants are eligible for reduced fees, a waiver from fines and a streamlined process. "People are a little apprehensive, because they don't fully understand the benefit of it," said **Christopher Steers**, who developed the program as assistant village manager. He will become the village's top administrator next week, replacing outgoing Village Manager Christopher Russo.

The amnesty is aimed at homeowners who unwittingly bought property where construction was done long ago without permits or follow-up inspections. Such problems come to light when the owner tries to sell or refinance the home and the records are searched. Of 522 searches in the past 14 months, 329 turned up either expired building permits or the lack of an occupancy certificate, Steers said. "It behooves everyone in the village to come into compliance with the law," he said. Violations may range from enclosing a porch without a permit to converting a home into apartments. Critics have questioned why homeowners should bear the burden of fixing such conditions if they've been allowed to remain for decades. "There needs to be some recognition on the part of the public that it's their obligation to bring their properties into compliance, regardless of how they got out of compliance," said Denise Ward, vice president of the Port Chester-Rye Bar Association. "However we got here, whether it was sloppiness, negligence, a series of corrupt governments ... we are where we are."

Police shut the Building Department temporarily in May 2010 amid an investigation into record keeping. Then-Inspector Frank Ruccolo was suspended on misconduct charges and retired in July that year. Two subsequent inspectors did not stay on beyond a probationary period. Miley, who has worked for Port Chester for 18 months, was appointed inspector at an annual salary of $110,000.

Lohud.com
September 5, 2012

**Port Chester plans amnesty on housing code; too many buildings lack proper permits**
Author: Leah Rae

PORT CHESTER — The 2-year-old crackdown on housing codes has made one thing clear to the village: Easily a third of the buildings in town do not have proper building permits. The village plans to offer a three-month amnesty, beginning Oct. 1, to help clean up the books and prod residents to make necessary fixes. Many homes lack records showing the proper completion of construction work, such as backyard decks, enclosed porches, additions or apartments. "When it becomes more of the rule than the exception, you have to treat it differently," Assistant Village Manage **Christopher Steers** said.

The three-month offer formalizes an approach that's being used already for people trying to bring their properties up to code. It's geared toward people who unwittingly bought a house where construction work was done long ago without permits or follow-up inspections. Such violations often come to light when the property owner goes to sell. Under the program, fines and penalties for work performed without a building permit are waived. The permits will be streamlined, and fees reduced. The program also allows deviations from certain setback requirements for conditions that existed before 1975. Property owners will have 18 months to complete the work necessary for a certificate of occupancy. Details about the program will be posted on the village website, www.portchesterny.com.

The village board approved the program Tuesday night. "The benefits are real. The benefits are there," Trustee Bart Didden said, adding that he needs to check whether his own home has a proper certificate of occupancy. "I'm sending my wife in the first day to get on the list." Aldo Vitagliano, an attorney who represents a number of property owners with violations, said people are being caught up in paperwork problems that date back as far as the 1920s. He said the amnesty provides a necessary "relief valve" in enforcement, but that homeowners shouldn't have to correct problems that went undetected for decades. "You're asking, many times, unsuspecting property owners to do major renovation that maybe they can't afford to do," he said. Steers said the problems still need to be corrected, so that building are up to code.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Patch.com
August 21, 2012

**Port Chester Appoints New Village Manager, Village Clerk**
**Christopher Steers promoted to replace outgoing Village Manager Christopher Russo; chiropractor Janusz Richards appointed village clerk in 4-1 vote.**
Author: Robert Heinemann

The Port Chester Village Board of Trustees didn't waste much time in filling the Village Manager's seat. Current Village Manager, Christopher Russo, submitted his letter of resignation to the Village Russo's letter states that he is set to leave his post on Oct. 5. Deputy Village Manager **Christopher Steers**, who has been highly praised for massively increasing code enforcement in Port Chester, was appointed Monday night as the man to replace Russo and fill the Village Manager position on Oct. 11. "I just want to thank the board for their support," said **Steers**. "Mr. Russo leaves some large shoes to fill. I have the same high expectations of myself that the board has of me and I am ready, willing and able to move forward." **Steers** was appointed to a two-year term and will receive an annual base salary of $180,000. The agreement between **Steers** and the village also includes a $2,000 relocation and housing allowance, an assigned village vehicle and six months' severance. His appointment was approved 5-0, with trustees Daniel Brakewood and John Branca absent.

The has been vacant since Joan Mancuso retired earlier this year. The village has been interviewing candidates for the past few months. Janusz Richards, a career chiropractor, was appointed as the new Village Clerk Monday evening. Mayor Dennis Pilla did not appear ready to make a decision. He felt other candidates were ready to hit the ground running and questioned Richards' readiness to take the clerk position. "I don't like to see people fail," said Pilla. "I am going to make sure that we work as a team to make everybody succeed here. It would have been optimal to have somebody with experience and this was an awkward conversation to have in public but it is an important conversation to have."

Pilla was the only person who seemed to have reservations about Richards. There was some significant debate but in the end Richards was appointed effective immediately at a rate of $75,000 annually and his contract expires April 1, 2013. "I've been volunteering for this community, whether it's zoning board, youth board or the planning commission for over 20 years," said Richards. "I was the chairman of the zoning board. I've been involved with elections since 1990 and that is one of the biggest responsibilities of the Village Clerk. It's not like I am just blindly stepping into something."
Correction: Joseph Kenner was incorrectly listed as absent from the meeting.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Patch.com
February 6, 2012

**Code: 40 Illegal Living Spaces Discovered in William St. Building After Fire**
**Inspectors document 466 violations and returned to the William Street building four times after a freak fire caused by spontaneous combustion on Jan. 10.**
Author: Nik Bonapartis

Inspectors found 40 illegal tenant spaces in a William Street building during an investigation that has taken the better part of three weeks since a freak fire on Jan. 10. The dwelling areas "have been built out over the last several years without any permits and or Certificates of Occupancy being issued," Assistant Village Manager **Christopher Steers** wrote in an e-mail. The fire started a few minutes after midnight on Jan. 10, and was sparked by spontaneous combustion, fire Chief Kevin McFadden said. A contractor remodeling an office loft left polyurethane-soaked rags in the open overnight; when fumes from the rag built up in the closed space, the rags and dust from a commercial sander caught fire. If a sprinkler system hadn't kicked in, and if a handful of employees working in a ground-floor recording studio hadn't seen the smoke, the fire could have been disastrous, McFadden said at the time.

The confusion after the fire was captured on a webcast, which was left streaming as the owners of Zedalza Entertainment . Port Chester's problems with illegal housing, fire hazards and overcrowding have been . But while past code investigations typically wrapped up within a day or two of major fires, the investigation at 200 William St. has taken the better part of three weeks as inspectors documented a staggering number of violations. In all, inspectors "confirmed 466 code violations," **Steers** wrote. The Notice of Violation extended to 59 pages and was too large to attach to an e-mail **Steers** sent out this weekend. Among the violations: electrical hazards, egress violations, "fire systems violations" and an overtaxed sprinkler system. The sprinkler system was "compromised due to the unlawful build-outs," **Steers** wrote.

The owner has not responded to inquiries from village employees. The owner also ignored requests for mandatory fire safety inspections last year; the village issued a notice of violation in April of 2011 after inspectors unsuccessfully tried to schedule a walk-through with the owner in January and sent a follow-up notice. The building is owned by a realty company registered in Kansas City, MO, according to documents. Village employees have devoted more than 200 man-hours to the investigation and fire, not counting the initial response by firefighters on Jan. 10.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Daily Voice
February 3, 2012

**Port Chester Seeks Input On Comprehensive Plan**
Author: Daily Voice Staff

PORT CHESTER, N.Y. - The Port Chester Comprehensive Plan Advisory Committee (CPAC) met inside the Village Hall Thursday evening to discuss the implementation of public commentary into the committee's final comprehensive plan. The CPAC, which was put together in 2007, is made up of 15 community members. The commission features members of the village's zoning board, planning board, school board and local business owners. Also in attendance at Thursday's meeting was a consultant from BFJ Planning and Assistant Village Manager **Chris Steers.**

At the meeting the commission set a public hearing for 7 p.m. on Feb. 24 inside the Village Court Room where all members of the public will be given an opportunity to discuss any concerns on the plan and provide direct input to the plan itself. While **Steers** said the plan is approaching completion, the committee is interested in hearing concerns raised by the public. "The whole purpose of the meeting is to receive public input," **Steers** said. "So far the public input has been extensive and the CPAC representatives have spoken to different individuals in the community and a lot has folded into the process." **Steers** identified village density as both the most important and most discussed issue within the plan. "The plan, overall, will reduce density village wide," **Steers** said.

**Steers** added that one of the strategies in the plan that aims to reduce density is the "up-zoning" of many of the village's existing zoning districts. While the term implies addition, "up-zoning" actually increases the number of limitations in specific zones, he said. "It means that there will be a reduction in the uses of that zoning district," **Steers** said. "Limiting what can be done, that's one of the things both the Board of Trustees and the CPAC have consistently harped on in controlling the density in the village."

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Daily Voice
December 20, 2011

**Port Chester Trustees Tackle Village Plan Report**
Author: Daily Voice Staff

PORT CHESTER, N.Y. – The Port Chester Board of Trustees held a workshop for the village's Comprehensive Plan of Advisory Committee (CPAC) at the village court room on Monday. According to the village's website, CPAC was formed in 2007 "to assist in the preparation of the village's comprehensive plan revisions."

"The committee was formed to better understand the public's vision of Port Chester," said Trustee Joseph Kenner, who served on CPAC before becoming a trustee. "The CPAC and the plan are very near and dear to my heart." Kenner called the plan a "blueprint of the village," and stated that CPAC is made up of a diverse group of village members. "Originally when we were drafting the plan, we held different forums on strengths and weaknesses of Port Chester," Kenner added. "We asked people what they liked, didn't like and went from there."

The workshop was held to acquaint the board with plan so that they can provide input. Port Chester Mayor Dennis Pilla suggested that board take time to digest the 100-page report compiled by the CPAC before delivering substantial input. According to Kenner, the board plans on returning its input to Assistant Village Manager **Christopher Steers** by the end of the year. After the board's input is received, a second workshop will be scheduled in January. The CPAC's comprehensive plan, and other documents produced by the CPAC, can be found at the village's website.

Patch.com
December 6, 2011

**Code: 'Extensive' Violations at Burned Building Include Electrical Hazards, Illegal Modifications**
**Inspectors found a long list of safety hazards after a fire on Westchester Avenue this morning.**
Author: Nik Bonopartis

Inspectors found electrical hazards, extensive work performed without permits and "possible zoning violations" during a preliminary investigation of a Westchester Avenue building that. The fire, at one of Port Chester's busiest intersections, spurred a mass response from the Port Chester Fire Department and resulted in the shut down of an entire block throughout most of the day as firefighters doused the blaze and authorities dealt with the aftermath. Port Chester's building inspector and code enforcement staff conducted a complete walk-through of the building, at 101-111 Westchester Ave., after calling on Con Edison crews to shut down power to the heavily damaged building. At least 10 businesses were closed due to the blaze, including Armenta Vision Optical. That store was destroyed in the fire, and neighboring shops remain closed indefinitely.

The fire "was started due to an overloaded extension cord and multi-plug adapter," according to Assistant Village Manager **Christopher Steers**, who oversees the code and building departments. It's the latest in almost a dozen, all of them attributed to safety hazards or code violations. Most of the fires occurred in residential properties, leaving some 120 people homeless. The building is owned by R.V. King Realty Corp. at 101 Westchester Ave. in Rye. The realty company -- and the building's Certificate of Occupancy -- are registered to an Angel Nunez, according to records.

In the past, village officials have said Certificates of Occupancy were without staff actually visiting or inspecting the properties. In other cases, key records were missing from property files. It's not clear when the Certificate of Occupancy was issued for the Westchester Avenue building, or whether the property has been recently inspected. In an e-mail, **Steers** wrote that cataloguing the violations "will require significant research" and a full report is likely on Wednesday. In the meantime, it appears owners of shops at the property haven't complained previously about conditions in the building -- there are no entries for 101-111 Westchester Ave. in the Department of Code Enforcement's public complaint log for this year. Check back with Port Chester Patch for updates.

Patch.com
November 4, 2011

**Inspectors Find Illegal Apartments, Landlord Was Repeat Offender**

An Olivia Street home that caught fire Thursday night had illegal basement and attic apartments, and the owner didn't comply with inspectors despite citations in 2006 and 2009, according to village hall. Port Chester firefighters were credited with a quick response that contained the fire and averted disaster. They rushed to the 259 Olivia St. home at 6:20 p.m. and had the fire contained within 10 minutes, preventing it from spreading beyond the basement and part of the first floor.

"The property is balloon construction and would have been lost if not for the prompt and professional response of the fire Department," Assistant Village Manager **Christopher Steers** wrote in a report compiled after the fire. Balloon construction is another term for a common type of wood framing used in home construction. The fire was sparked when a worker was "sweating pipes" with a torch in the home's basement, according to authorities. "Multiple fire code and building code, and zoning code violations were found," **Steers** wrote in his report.

Tax assessor records show the home was listed as a two-family house. It was previously listed as a three-family structure until 1995, according to the report. Three families were left homeless by the fire, including a family of two adults and three children; a family of two adults and two children; and a couple who lived in a third apartment, according to Carolyn Sherwin, a spokeswoman for the Red Cross of Greater New York. "They were all provided emergency lodging and we will be following up with them today pending status of inspection," Sherwin said. Staff at village hall are drafting an appearance ticket for the landlord, **Steers** wrote. Thursday's fire was at least the sixth recent major blaze involving unsafe housing conditions and code violations.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Lohud.com
September 8, 2011

**Attorneys caution Port Chester against property– inspection requirements**
Author: Leah Rae

PORT CHESTER — Local attorneys are cautioning the village not to create further delays in real estat sales by requiring an inspection each time a property is sold or refinanced. The village is considering adding the requirement as the next step in straightening out Port Chester's Building Department records — many of which have been found to be erroneous, incomplete or fraudulent. The department is under new supervision amid a criminal probe. The Port Chester-Rye Bar Association says it wants to help the village find its way out of the quagmire — carefully. "We want to make a law that will wor, and we want to give it enough time to happen," association Vice President Denise Ward said Wednesday.

A vote on the proposed law was delayed Tuesday night over objections from Trustee Bart Didden, the sponsor. Board members said they wanted more feedback on the proposal and how much staffing it would require. They plan to look at a revised plan in November. The scope of the problem became clearer as Trustee Daniel Brakewood asked the staff whether "anybody in Port Chester" had a valid certificate of occupancy, the document that ensures compliance with zoning and safet codes. Only a minority of buildings — about 40 percent — have a valid certificate, Assistant Village Manager **Christopher Steers** said. Some have code violations that were never properly addressed, or more housing units than the zoning allows. The proposal calls for a $50 fee to obtain an inspection and certificate of occupancy. An inspection could trigger added costs to fix zoning or safety violations.

Christopher Pierro, who works for New York Title and Research Corp., raised concerns about the time it already takes to obtain records in a property sale. "Port Chester is a very active village, with a lot of city problems," he said. "The board is on the right track, I just think they're going a little too fast." Mayor Dennis Pilla argued for an incremental approach, while Didden said the village already has the resource to handle the new requirement. He pressed for quick passage so the law could take effect in January. The board has authorized almost $200,000 to scan and digitize the paper file, which will speed the requests for property records. It is considering a $170,000 boost in staff over the next six months to deal with the growing workload. Other proposals would require property owners to clear up any code violations before submitting new applications to the planning and zoning boards.

Lohud.com
August 18, 2011

**Port Chester may add inspections, certificates for property sellers as part of records mess**
Author: Leah Rae

PORT CHESTER — As part of an overhaul of Building Department files, village officials may require new inspections and occupancy certificates each time a property is sold. A revamp of the department by Assistant Manager **Christopher Steers** has unearthed discrepancies, errors and possible fraud in village files going back decades. Some documents misclassify a two-family home as a four-family dwelling, for example, and safety-code violations were often documented but never properly resolved. The proposed requirement aims to help clear up the confusion. Sellers of residential and commercial property would pay a fee to obtain a new document and safety check.

"It's the only way to really be able to get a baseline on what is going on with these properties today," said Trustee Bart Didden, who is sponsoring the proposal. "These actions that we're taking now will improve the property values of every single piece of property in the village, because there won't be a cloud over the properties, there won't be any ambiguity. And somebody who's buying a piece of property will know that a (certificate of occupancy) issued by the Village of Port Chester is something that they can take to the bank."

The village board will hold a hearing on the proposal Sept. 6. Mayor Dennis Pilla said he thinks it's the wrong strategy for cleaning up the records. "This is a situation that, in large part, the village is responsible for creating," he said. "So to impose such a draconian solution on the backs of what, for the most part, are good people trying to do the right thing — that's not the right way to go about it. I think, moreover, that we should focus on an amnesty program, (with) rehabilitation funding to get more compliance." **Steers** said the village would have to consider the difficulty of managing Didden's proposal, which resembles a policy in place in Peekskill.

On Monday, the board agreed to pay $161,000 for a firm to scan and digitize the unwieldy array of paper filed in the Building Department. It is considering a request for $170,000 to boost staff levels over the next six months to keep up with building and code functions. The board hopes to offset the cost through increased fine collections. The staff, meanwhile, continues to turn over with the resignation of Building Inspector Peter Tringali in July. Tringali was the second inspector to lead the department since Frank Ruccolo retired last year amid misconduct charges. Police closed the Building Department temporarily on two occasions, and the Westchester County district attorney's office has been investigating.

**Internet – Newspaper Archives Searches**
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Lohud.com
July 3, 2011

**Port Chester finds building agency's 'destroyed' files**
Author: Leah Rae

PORT CHESTER — A criminal probe has cast a big shadow over the Building Department since it was padlocked more than a year ago, and now some questionable records are coming to light. Assistant Village Manager **Christopher Steers** is describing some odd discoveries: files that were supposedly lost in a flood, certificate numbers that refer to no actual certificate, and countless safety violations that were never resolved. About 80 pending cases of illegal apartments show an absence of follow-up by the department under its former leadership, **Steers** said. The files lack the requisite plans to fix safety problems, and many related work permits and occupancy certificates are now being revoked. "In many, many instances we were misinformed by the Building Department. That has forced us to back-track in a number of cases and correct things from there," **Steers** said.

There is no greater hot-button issue in Port Chester than illegal apartments, and village trustees plan to deliberate Tuesday on how to sort out the record-keeping mess. One plan is to hire a firm to identify and digitize a bewildering assortment of paper files. **Steers** said he became aware of the problem when his job changed. He was appointed in 2009 to lead the new Code Enforcement Department, and now oversees both code and building functions. "The consistent issue has been the plans are deficient, they do not correct the violation, and/or the plans were never submitted," he said. Permits for plumbing, electric work, building alterations and zoning changes were kept in 21 different batches of files dating to the 1920s, **Steers** said. With detective work, often going back to inspections from 1955 and 1967, the staff can usually determine a building's proper use as a single-family home, three-family apartment building or whatever the case may be, he said. But title searches and other requests are taking up to a month to complete, prompting complaints from the public.

**Steers** said he is also facing objections from applicants seeking to alter a building without licenses, insurance and workers compensation. "They're testing the fences, and I'm plugging the holes, because there were many, many holes," he said. "All I'm doing is following the rules. That's the only thing I'm doing different." Police closed the Building Department temporarily in May 2010. Village officials filed misconduct charges against Frank Ruccolo, then acting building inspector. He retired last July, and the charges were never made public. Efforts to reach him were unsuccessful. The Westchester District Attorney's office said only that an investigation into the department is ongoing. **Steers** said the department staff, led by Building Inspector Peter Tringali, is all new. He wants not only to organize the files by address, but to make sure the information gets to code inspectors and planning and zoning officials. Last week he stood next to a shelf full of old files and ledgers. "I was told that they were destroyed in a flood or in a water-damage incident or something," he said. "I found all of them in a storage room upstairs."

Lohud.com
July 3, 2011

**'Unfit' building reflects dispute over Port Chester records**
Author: Leah Rae

PORT CHESTER — The "unfit for human occupancy" sign posted at 142 Oak St. is one reflection of the village's effort to crack down on unsafe buildings — and on its own internal paperwork issues. A June 6 fire in the basement triggered charges over electrical wiring, vents and an illegal living area on that level. The building had passed a fire safety inspection in April 2010. But according to Assistant Village Manager **Christopher Steers,** code enforcement director at the time, that's because of erroneous information from the Building Department. "After the fire we reviewed everything again, because we had actual hands-on access to the documents ... and came to find that we were misled," **Steers** said. Though several documents refer to 142 Oak as having four legal units, there are no zoning variances or occupancy certificates to allow that use, he said.

Port Chester officials are revoking many certificates issued by former inspectors amid new leadership and a criminal probe of the department. "I bought a four-family house. I have all the papers," said Annamaria Blass, owner of 142 Oak. An April 20 fire safety compliance certificate — signed by **Steers** but since revoked — refers to the house as a "4 Family Dwelling." Blass disputes allegations that the basement was being used as an apartment and that the building was overcrowded. She has until July 17 to rectify 26 charges and 60 days to make the building safe with regard to electricity and code compliance. The fire was blamed on chemicals stored on a shelf. Of the apparent contradiction in records, Blass said, "That's not my fault."

Patch.com
March 14, 2011

**Police Shutter Building Department Again; Employees Sent Home**
**Ten months after launching an investigation into corruption at Port Chester's building department, police have shut the office down again.**
Author: Nik Bonopartis

In a sign that a 10-month corruption investigation may be coming to a close, Port Chester police shuttered the building department at village hall on Friday, freezing operations and sending employees home. Details remain few. Port Chester police Lt. James Ladeairous confirmed detectives closed the office on Friday, saying the office is physically off-limits pending action by the police and village government. Mayor Dennis Pilla also confirmed the lock-down. "This is yet another step in the journey of rooting out corruption in Port Chester," he wrote in reply to a query from Patch.

The investigation was revealed publicly for the first time last year, when police first shut down the department and hauled away boxes of records on April 29. Frank Ruccolo, the department's building inspector, was suspended without pay in the resulting investigation, and soon after submitted retirement papers. Although the village drafted administrative charges against Ruccolo, the disgraced former building inspector used the protection of state personnel law to bury the charges when he retired. As a result, the details of those charges never became public, and village residents have become increasingly frustrated as other suspended former employees used the same legal strategy. State law says the personnel files of public employees are protected, unless details in those files point to dereliction of duty or other allegations of misbehavior. Two employees have been suspended in an investigation into money stolen from Port Chester's parking meters. Estimates suggest the thefts totaled about .

On Sept. 22 of last year, former DPW General Foreman Gary Racaniello by resigning. In a letter, Racaniello told Russo his resignation was "conditioned on" two things: "that all disciplinary charges...are hereby withdrawn" and "that all copies of disciplinary charges (pending or to be lodged), as well as other paperwork related to any other disciplinary charges will not be filed." In January, village hall against William Oxer, a DPW employee and former chief of the Port Chester Fire Department. Those charges have not been publicly revealed, and Oxer declined to comment when reached by phone. Oxer's name came up in the parking meter probe as early as November, but his legal troubles were not limited to the meter investigation and hint at the alleged wide-scale corruption involving building department operations–after a home he co-owned caught fire in September, for allowing illegal occupancy, conducting work on the home without permits, and renting the home without installing smoke or carbon-monoxide detectors. In December, police served the DPW and finance department with a subpoena, marking the third time in one year that criminal authorities took records from village hall departments during corruption investigations.

The investigations and suspensions have fueled political disagreements within Port Chester, sparking heated exchanges and drawing the attention of the district attorney's Public Integrity Bureau. Mayoral challenger Bart Didden has said the investigations signal a lack of oversight, while incumbent Mayor Dennis Pilla says it's the staff he's hired and supervised – including Village Manager Christopher Russo and Code Enforcement Director **Christopher Steers** – have been the driving force behind finding and exposing corruption in the village.

In October, Trustee Sam Terenzi was called in to speak to investigators at the Public Integrity Bureau after an outburst during a public meeting in which he referred to a tipster in the parking meter probe as "a rat." Terenzi and the board's Republicans were accused of trying to fire Robert Lombardi, the assistant village manager who headed the administrative investigations in the parking meter probe. Republican trustees, including Terenzi, Didden and Kenner, argued that eliminating Lombardi's $79,000-a-year position was a cost-cutting measure, but raised eyebrows among the public for the timing of that effort, days after Lombardi revealed charges in the meter investigation.

After months of praising Code Enforcement Director **Christopher Steers** for thousands of homes in Port Chester since taking over enforcement duties from the building department, mayoral candidate Bart Didden issued a campaign press release earlier this month saying those efforts were not enough. Downtown "is an embarassment to our residents," Didden said, while criticizing the pace of code enforcement efforts ahead of Tuesday's mayoral vote.

Lohud.com
January 31, 2010

**Q&A: Christopher Steers, Port Chester's new top code enforcer**

**Christopher Steers** leads Port Chester's new Department of Code Enforcement, which took on responsibilities formerly under the Building Department. Since leaving a position in Florida and arriving in September, he's begun overhauling Port Chester's system for inspecting properties, keeping data and enforcing codes. One of his first directives was to get people to dispose of trash properly. Next he will focus on fire safety. **Steers** spoke with reporter Leah Rae.

Q: It's January. Are you missing Sunny Isles Beac, Florida?
A: Actually, it was St. Lucie County. Yeah, I miss some of the challenges, but there are a lot of challenges here for me as well. I'm really enjoying myself, actually.

Q: What are the codes that you enforce?
A: I deal with several of the village codes, but my primary task is to deal with the Uniform Fire Prevention and Building Cod for the state and, more specifically, with the administration of the Fire Safety Inspection Program.

Q: What are some of the things you look for in those inspections?
A: You look at the means of egress, meaning the trave path to get out of the building in an emergency, (whether it) is clear, (ensuring) it's a proper width, there's no obstructions. You make sure the exit signs are in place ... that the doors of that travel path open outward and they don't need a key, they're not locked.

Q: On the trash issue: What are some of the problems?
A: What I've seen so far, the issues come from absentee landlords. They have rental properties in the village, they're not necessarily here to see what's going on from day to day, or perhaps they don't have a management company that's watching out for the property. So you have tenants and sometimes owners who put out too much trash, they put out the wrong type of trash on the wrong day. What we have had happening, habitually, is on holidays, when there is no trash picku, a large part of the population continues to put trash out, on the bulk days especially, which is Wednesdays. ... That creates an eyesore, it creates litter, it makes the village look very unaesthetically pleasing.

Q: What do you do with an old television?
A: The village no longer picks it up, and I think most jurisdictions in the state no longer do so. But they allow you to drop them off at the transfer site (Public Works facilit at 82 Fox Island Road). The TVs, as innocuous as they seem, they have heavy metals, they have gases. You leave them on the street, someone kicks them over, it rains, all those things go into the drains and then into the river and the water supply.

Q: What are the penalties for these types of violations?

A: For the trash violations, you (can) get a summons with a possible civil penalty of $500. The first time out of the gate, we limited the fine amount to $250, and prior to issuing a summons we issue a notice of violation with 24 hours to cure. So people have an opportunity to fix the problem instead of just taking them directly to cour.

Q: Where can people find all the rules and regs?
A: Our newly updated site (www.portchesterny.com).

Tcpalm.com
September 18, 2009

**St. Lucie assistant county administrator abruptly resigns after three months on job**

ST. LUCIE COUNTY - After three months on the job, Assistant County Administrator **Christopher Steers** abruptly resigned from his post Friday. **Steers,** 42, is leaving the county to become code enforcement director of Port Chester, a village in Westchester County, N.Y. He will make $129,000 annually, according to a Port Chester news report. He gave the county a four-day notice, and his last day was Friday. **Steers** was an assistant city manager in Miami Gardens before he was hired by the county on June 15, beating out 78 other applicants. He made $108,356 annually. County Administrator Faye Outlaw said Friday she was unsure whether she would fill **Steers'** position. She said she would take some time to think about it and then make a decision.

Internet – Newspaper Archives Searches
**CHRISTOPHER "CHRIS" STEERS**
*(Articles are in reverse chronological order)*

Tcpalm.com
June 11, 2009

**New St. Lucie County assistant county administrator named**
Author: Eric Pfahler

ST. LUCIE COUNTY – St. Lucie County plucked the former assistant city manager of Miami Gardens to become the new assistant county administrator. **Christopher Steers,** 42, was among 79 applicants who met the county's criteria. Of those, 12 got phone interviews and four others received personal interviews, County Administrator Faye Outlaw said. **Steers** said he used to spend time in St. Lucie County visiting friends and is looking forward to a return. "I've actually always loved the area," he said. **Steers** said he is eager to get started on the new job. "I love new challenges and I want to hit the ground running," he said.

The exact job duties will come after Outlaw meets with **Steers** and decides how he will fit into the administration. Outlaw was promoted from assistant county administrator to county administrator in January after former county administrator Doug Anderson retired. **Steers'** starting salary will be $108,356.30 a year, but he will not receive a raise after the six-month evaluation period. **Steers** has a bachelor's degree from the University of Miami in general studies and sociology and a master's degree in public administration from Nova Southeastern University. He worked in Miami Gardens from 2004 to November 2008 before starting **Steers** & Associates Inc., which specializes in management consulting, among other work. He also did government consulting work for NJC Corporate Enterprises Inc.

Outlaw described **Steers** as an easygoing individual who got to the bottom line. She said she liked **Steers'** ability to work across all departments at Miami Gardens and his development of programs and policies. "That was certainly something that impressed me," she said.

Research Compiled by: Cara Slade and Tammie Gardner
Colin Baenziger & Associates

# Salaries

## Candidate Salaries

The following are the base salaries that the semi-finalist candidates gave to us. Although salary is always a consideration, we recommend that it not be the determining factor. A highly qualified, experienced candidate may warrant a higher salary. That individual may well save the City several times the difference in salary by making better decisions.

We should also add that we have spoken with all the candidates and made it clear what the City wants to pay. Each has agreed to accept a salary in the advertised range.

| Candidate | Current / Most Recent Salary |
|---|---|
| Daniel Biles | $ 176,800 |
| Russ Blackburn | 181,000 |
| John R. Conklin | 132,600 |
| Robert DiSpirito | 153,000 |
| Charles M. Duggan | 195,000 |
| Joseph L. Lessard | Base: 140,000<br>2015 Total*: 216,800 |
| John J. Murphy | 180,000 |
| Christopher R. Philbrick | 130,500 |
| Francine L. Ramaglia | 140,000 |
| Christopher D. Steers | 190,000 |

We suggest you ask the finalists about their salary requirements when you interview them.

* Includes bonus.

COUNCIL ITEM 14A
DATE 9/26/16

# MEMORANDUM

TO: MAYOR, CITY COUNCIL, AND CITY MANAGER

FROM: RON BOWEN, COUNCILMAN CF for RB

SUBJECT: EXCUSED ABSENCE

DATE: 9/20/2016

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This memo serves to request an excused absence from the Special City Council and Regular City Council meetings on September 12, 2016. I was unable to attend due to a previously scheduled commitment which ran longer than expected.

Thank you,

RB/cf

RECEIVED
SEP 20 2016
CITY MANAGER'S OFFICE

# MEMORANDUM

TO: MAYOR, CITY COUNCIL, CITY MANAGER AND CITY ATTORNEY

FROM: RON BOWEN, COUNCILMAN CF for RB.

SUBJECT: SCHEDULED ABSENCE

DATE: 9/7/2016

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Please be advised that I will not be able to attend the Attorney/Client Session regarding VGTI on September 12, 2016, at 5:00 pm. I have been advised with short notice that I have to attend an obligated business function, which may overlap in time.

Thank you,

RB/cf