

CITY OF FORT PIERCE

CONFERENCE AGENDA

Conference Agenda Meeting - Monday, June 9, 2014 - 8:30 a.m.

City Hall - 2nd Floor Conference Room, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
 - A. Lincoln Theater Presentation by Margaret Benton, Dr. Martin Luther King, Jr. Commemorative Committee
 - B. Urban Redevelopment Mortgage Delinquencies - Deputy City Manager
 - C. Governance of the Port of Fort Pierce - Marina Manager / Deputy City Manager
5. **Adjournment**

City Commission Conference Agenda

Agenda Item # 4. A.

Meeting Date: 06/09/2014

Re: Lincoln Theater Presentation

SUBJECT:

Lincoln Theater Presentation by Margaret Benton, Dr. Martin Luther King, Jr. Commemorative Committee

SUMMARY:

As requested by the City Commission, Ms. Benton will give an update regarding the Lincoln Theater.

RESPONSIBLE STAFF:

Nick Mimms, Deputy City Manager

COORDINATED WITH:

Jennifer D. Robinson, Executive Assistant

Attachments

[May 15, 2014 Newspaper Article](#)

[May 4, 2014 Newspaper Article](#)

[May 19, 2012 Program](#)

[May 17, 2013 Program](#)

[May 10, 2014 Program](#)

[Website Info](#)

Form Review

Form Started By: Jennifer Robinson
Final Approval Date: 06/04/2014

Started On: 06/04/2014 03:33 PM



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EVE SAMPLES

COLUMNIST

Military rhetoric can backfire in campaigns

In 2004, when John Kerry was running for president, a leader in his own party crossed an invisible line.

The chairman of the Democratic National Committee, Terry McAuliffe, went on national TV and attacked President George W. Bush for not being a war hero.

"He didn't show up when he should have showed up," said McAuliffe of Bush's service in the Air National Guard. "And there's John Kerry on the stage with a chest full of medals that he earned by saving the lives of American soldiers."

We know how that race turned out.

Kerry's own military service was used against him in the now-infamous Swift Boat ads. He lost the presidency.

There's a reason candidates tend to steer clear of more-patriotic-than-thou military rhetoric.

It can backfire. That didn't stop former state Rep. Carl Domino from going there.

Domino, one of six Republicans on the Aug. 26 primary ballot in the District 18 congressional race, recently called out rival Calvin Turnquest on his Facebook page:

"Calvin will use the military for photo opportunities, but when it came his turn to serve his adopted country, he turned his back on it and refused."

The post was a response to Turnquest's comments at two recent candidate forums, when the Bahamas native explained why he

See SAMPLES, 10A

WHERE'S ANTHONY?

Anthony Westbury is off today. For more on St. Lucie County topics, follow his columns at TCPalm.com/anthony-westbury.

Ruling in Faiella case appealed

Assistant State Attorney Ryan Butler files 'because court made an error'

By Melissa E. Holsman
melissa.holsman@scripps.com
772-221-4213

The State Attorney's Office is appealing a Martin County judge's May 9 ruling that dismissed civil infractions against Port St. Lucie Mayor JoAnn Faiella for allegedly violating public records laws, court records show.

A notice of intent to appeal Martin County Judge Kathleen

Roberts' ruling was filed Tuesday. The appeal will seek to overturn Roberts' order that threw out the noncriminal infractions filed against Faiella last year on grounds that her right to a speedy trial had expired.

Since December, Faiella had faced a pair of civil infractions for allegedly deleting text messages — considered public records — from her city-issued cellphone and speaking with another council

member about city business outside of a public meeting in violation of Florida's Government-in-the-Sunshine Law.

Roberts ruled both cases expired under the rules of speedy trial and recapture periods, under criminal proceeding laws.

Assistant State Attorney Ryan Butler said the state is appealing "because the court made an error."

"A person shouldn't escape justice," he said, "just because the

court makes a mistake."

He said the state's appeal will argue Roberts committed an error by dismissing the citations Faiella faced, because there is no right to a speedy trial for noncriminal infractions.

"The court erred as a matter of law in holding that there was," he said Tuesday.

Roberts further erred, Butler

See FAIELLA, 10A

Restoring history Gator assists PSL police



CONTRIBUTED RENDERING

The proposed renovated Lincoln Theatre in Fort Pierce.

\$200K from state could kick-start Lincoln Theatre renovations

By Janet Begley

Special to Treasure Coast Newspapers

FORT PIERCE — With \$200,000 included in the new state budget for the historic Lincoln Theatre on Avenue D in northwest Fort Pierce, Margaret Benton is hopeful renovations to the exterior of the old building can begin quickly.

Benton — whose father, Dr. Clem Benton, was one of the original developers of the theater along with Dr. Harry Center — chairs the Lincoln Theatre Restoration Committee, a group that is part of the Martin Luther King Jr. Commemorative Committee. The committee purchased the building in 2001 to save it from the wrecking ball.

If the money comes through from Tallahassee, it will be used to complete the exterior restoration



ALEX SLITZ/TREASURE COAST NEWSPAPERS

The Florida Legislature allocated \$200,000 in the state budget for the renovation of the Lincoln Theatre.

phase of the historic building, which was built in the 1940s. It is one of the few remaining African-American theaters in Florida.

"The money is designated for the façade on

the southern side of the building," Benton said. "It also will allow us to restore the Lincoln Theatre's marquee."

The Lincoln Theatre played an important role

in the history of Fort Pierce, serving as the centerpiece for entertainment, shopping and socializing along the bustling thoroughfare. In addition to films, the 500-seat theater hosted concerts and other live stage shows, and briefly served as a church after it closed in the late 1960s.

The building sat vacant for years and fell into disrepair. In 2008, the Fort Pierce Community Redevelopment Agency provided about \$300,000 to clean up the theater and replace the roof on the aging building.

Benton estimates it may take at least \$1.2 million to restore the interior of the building after the façade and marquee are repaired. The Lincoln Theatre Restoration Committee is

See HISTORY, 10A

PORT ST. LUCIE — A 7- to 10-foot alligator may have helped police take a bite out of crime.

The toothy green critter got in the way of Calvin Rodriguez, 22, on Westmoreland Boulevard earlier this week soon after Rodriguez was accused of stealing a car and fleeing in it.

He crashed into the gator, then into the median. The gator may have died in the line of duty.

"That was definitely a first for me," Detective Timothy Bordt said Wednesday of coming upon a dead alligator on Westmoreland and then seeing a little farther down the road the black Honda Civic that Rodriguez is accused of stealing.

It's unclear whether the alligator died after being hit, or if it was dead beforehand and stretched in the road.

But this much is certain: the creature helped in the final stages of a police investigation linking Rodriguez to five stolen 1990s model Acuras and Hondas. He's accused of using "shaved," or modified, keys to access the vehicles quickly.

According to Bordt and police arrest affidavits, here's what happened:

Police got on Rodriguez's trail Monday while investigating the theft of a 1999 Honda Civic from the Walmart Supercenter on South U.S. 1.

Using video surveillance, police learned a

See GATOR, 10A

Judge dismisses wrongful termination case

By Brittany C. Valdes
brittany.valdes@scripps.com
772-221-4232

PORT ST. LUCIE — A federal judge on Wednesday dismissed a lawsuit against the city by former Assistant City Attorney Gabrielle Taylor, who claimed she was wrongfully terminated in 2012.

Judge Jose Martinez ruled in favor of the city, stating there were no material facts to support Taylor's allegations.

Taylor's lawsuit claimed the city violated the Americans with Disabilities Act



when former City Attorney Roger Orr fired her in March 2012. She claims council members wrongfully perceived her to be an alcoholic and discriminated against her. That is a violation of the act, which considers alcoholism a disability, making her termination illegal, according to the lawsuit.

The lawsuit included a five-count complaint against the city, Orr and

each council member at the time. A jury trial date was set for May 19.

Taylor, who was hired in 2006, found herself at the center of controversy when she was pulled over by a city police officer on suspicions of drunken driving at 2 a.m. Feb. 18, 2012.

Instead of giving her a field sobriety test, police drove her home. The event resulted in public outcry when residents learned Taylor was not arrested or charged with driving under the influence. The city was scrutinized for unlawful favoritism.

Orr ultimately fired Taylor on the basis that staff and City Council had lost confidence in her ability to represent the city.

Taylor's attorney, Guy Rubin, said they will consider an appeal.

"We're disappointed that we didn't get to state our case to a jury," Rubin said. "We believe we have proven by convincing evidence that Sunshine Laws violations took place by City Council. We are confident that justice will prevail."

Taylor could not be reached Wednesday for comment.



Jayne Glierymski Angel Rodriguez



Calvin Rodriguez Anna Tropepe

86°/70°
Rain: 65%
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FROM 1A

SAMPLES
from 1A

didn't follow in his father's footsteps by entering the military.

"Why would I not serve this country in the military?" said Turnquest in Juno Beach. "That's simple. I ask too many questions."

The former Tequesta councilman went on to explain that he could be more effective serving the country "in a position where I know I can impact people in a more tangible, positive way."

That didn't sit well with Domino, a Vietnam veteran who served 20 years in the Navy and retired as a commander in 1989.

"To Calvin Turnquest I say there is no higher calling than fighting to protect the freedoms that Americans have because so many, unlike you, were willing to go in harm's way," Domino wrote on his page.

But the tussle turned on Domino when the parents of a Navy SEAL who was killed in Afghanistan came to the defense of Turnquest.

In a letter posted on Turnquest's website, Billy and Karen Vaughn wrote that they never heard their late son, Aaron Vaughn, boast of his military service.

"And we certainly never heard him speak with disdain toward those who lived out the freedoms he fought and ultimately died for," the Vaughns wrote.

“To Calvin Turnquest I say there is no higher calling than fighting to protect the freedoms that Americans have because so many, unlike you, were willing to go in harm's way.”

Former Rep. Carl Domino, District 18 congressional candidate

The four other Republicans in the primary race have avoided the fray. They are Beverly Hires, Brian Lara, Alan Schlesinger and Nick Wukoson.

The primary winner will face Rep. Patrick Murphy, a Democrat from Jupiter, in the November election.

Voters in District 18 should be accustomed to posturing about military service.

Murphy faced similar attacks when he narrowly beat former U.S. Rep. Allen West in 2012.

Those didn't work either. I asked Turnquest if he thought Domino's offensive was fair.

"No, I don't think it was fair for him to attack me on that point," he said. "We all are called to serve in different areas, and military service is not mine."

Domino said he doesn't plan to make his military service a central part of his campaign, as West did two years ago.

"Allen West's whole thing is his military service, but I went as high in the military as he did," Domino said.

He won't be referring to

himself as "Commander Domino" the way West called himself "Colonel West."

"It's something I did — just like being a business executive, just like growing up in Florida," Domino continued.

What's likely to matter more for the six Republicans in the District 18 race is their message about the economy, health care and pollution in the Indian River Lagoon.

And, of course, money. Murphy's campaign had raised about \$2.8 million as of March 31.

Domino was a distant second at \$578,000, most of which has come from his personal coffers.

Money doesn't guarantee victory, as Murphy's win over West showed.

But in a tight battleground like District 18, it will be necessary to stay competitive.

Eve Samples is a columnist for Scripps Treasure Coast Newspapers. This column reflects her opinion. Contact her at 772-221-4217 or eve.samples@scripps.com.

FAIELLA
from 1A

said, "in changing a prior judge's order that the speedy trial rule did not apply."

That's a ruling Butler said St. Lucie County Judge Phillip J. Yacucci Jr. made in March before he stepped off the case and it was reassigned to Roberts. Yacucci ruled that speedy trial periods would not hold up because there is no mention of them in regard to noncriminal infractions under criminal proceeding laws.

"(Roberts) didn't have any authority to change the prior judge's ruling," insisted Butler, "because that was already the law of the case."

GATOR
from 1A

Ford Focus drove through the parking lot before a man got out.

The man, later identified as Rodriguez, worked with the Honda Civic's lock for less than 30 seconds and got in the car. He started the car and drove off.

Meanwhile, two women, identified as Anna Tropepe, 24, and Jayne Gierymski, 55, got out of the Ford and went inside Walmart.

A fourth person, 28-year-old Angel Rodriguez — the brother of Calvin — drove with Tropepe and Gierymski.

The investigation led

Faiella's lawyer, John Anastasio, on Tuesday disagreed with Butler, and said they will fight the appeal.

"I am shocked that they would waste more taxpayer money," Anastasio said.

A key issue now, he insisted, is that the state convinced the first judge on the case, St. Lucie County Judge Kathryn Nelson, to rule that applying the rules of criminal procedure was proper for resolving the civil infractions she faced, rather than rules of civil procedure, which opened the door to Faiella's right to a speedy trial.

"Judge Roberts correctly asked the question to the state, do you agree that the rules of criminal procedure apply? The state said yes," Anastasio recalled. "And then she

asked 'if the rules of criminal procedure apply, why wouldn't the speedy trial in the rules of criminal procedure apply?'"

"The state essentially said it applies, but not this rule," he noted. "Judge Roberts looked at (prosecutors) and said 'you're either all in or all out, and you said the rules applied but now you're picking what rules apply?'" She wouldn't buy that argument and I don't think the appellate panel will buy that argument."

The appeal eventually will be heard by a panel of three circuit judges. It could be late summer before the state files its brief and Anastasio is expected to file a written response.

It could take from six months to a year for the appeal to be ruled upon.

police to Calvin Rodriguez's home in the 2000 block of Southeast Hideaway Circle where Gierymski, also of the 2000 block of Southeast Highway Circle, answered the door.

"As I'm talking to Jayne, I look over and I see the Ford Focus and a Honda Civic traveling south on Veterans (Memorial Parkway)," Bordt said.

In the Ford Focus were Angel Rodriguez, of the 400 block of Southwest Souris Avenue, and Tropepe, of the 300 block of Southwest Jeanne Avenue, while police say Calvin Rodriguez was in the Honda.

"I was driving to where the Ford Focus was pulled over. ... There was an

alligator in the roadway," Bordt said. "A little bit farther down the road was a black Honda."

Bordt said Calvin Rodriguez gathered keys somehow and shaved them or cut them in ways that he could access an array of cars.

Rodriguez on Tuesday said he took five vehicles in Port St. Lucie. He told police he learned how to steal cars "by growing up in a tough town in Connecticut."

He was arrested on charges including five felony counts of grand theft auto and single counts each of larceny and dealing in stolen property.

Police arrested the other three, each on at least a single grand theft auto charge.

HISTORY
from 1A

looking at a variety of ways to raise the money, Benton said.

"We will be continuing to apply for grants for the project and ask for consideration from government for funding," Benton said. "We will also be doing a number of fundraisers and events to raise additional revenue."

One of those fundraisers included a recent concert at the McAlpin Fine Arts Center at Indian River State College, featuring jazz composer and pianist Nat Adderley Jr., a songwriter and music arranger for the late Luther Vandross. Other concerts are planned in the future, with all proceeds benefiting restoration efforts.

Benton said the local community will benefit

from the project in several ways, including job growth through construction and, ultimately, in theater production and management. The theater will be used for cultural events, film festivals, field trips and

lectures for students.

"The Lincoln Theatre is historically significant and when restored, it can again provide an economic anchor for the community as it did in the mid-20th century," Benton said.

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Michael Goforth: Restoration effort continues for historic Lincoln Theater

By Michael Goforth

Sunday, May 4, 2014

The white-painted, odd-shaped, boarded-up building doesn't look like much. Like many structures in the neighborhood, it's seen better days.

But, there's something special in the history of the building and something special about what its future might hold.

Reginald Floyd grew up a few blocks away and, if he finished his chores on time on Saturday mornings, he could go with his friends for an afternoon of movie-watching at what was then the Lincoln Theater.

"The Lincoln Theater and church were the places to go," he said of the Fort Pierce building that was a magnet for some residents of the Treasure Coast. "That theater was important to that community more than you would think a theater is today. It galvanized the community."

Margaret Benton lived closer to the Lincoln Theater and remembered how the movies would change about every two days. She remembered the cowboy movies, the serials, the news reels.

The theater was built in 1946 by her father, Dr. Clem C. Benton, the first black physician in the area, and Dr. Harry Center, a white pharmacist. One part of the building was the movie theater. The other part was a store selling sundries and concessions for the movie theater, which were passed through a window to movie customers.

Those were far different times for the Lincoln Park community and Avenue D.

The theater attracted black residents of Martin, Indian River and Okeechobee counties.

"They didn't have a theater," Floyd said. "We had a theater."

That theater was also the centerpiece for what was the "economic, commercial anchor for that area of Fort Pierce," he said.

"On Friday, Saturday and Sunday nights," he said, "Avenue D looked like on Times Square," with families walking about, shopping, socializing.

Today, the area is trying to overcome a recent history of poverty and violence.

And, many believe restoration of the Lincoln Theater can play a major role to revitalizing and bringing greater pride to the area.

The Lincoln Theater, which also hosted live entertainment and graduation ceremonies, served as a hurricane shelter and briefly served as a church following its closing in the late 1960s. But, in 2001, as a wrecking ball threatened to demolish the structure, the Martin Luther King Jr. Commemorative Committee acquired it with the hope that it might eventually be restored.

Benton chairs the Lincoln Theater Restoration subcommittee of that committee and Floyd is a subcommittee member.

“We are one of the last remaining historic black theaters in the country,” Benton said. “It’s really an historic prize.” Formerly a 500-seat venue, she said, “It’s a wonderful size for a regional theater. We have a good fit for providing those acts that don’t need a huge theater.”

“There’s a certain romanticism associated with the Lincoln Theater,” Floyd said. “A lot of people remember the Lincoln Theater and thought that theater could be brought back to life.”

About five years ago, thanks to the Community Redevelopment Agency of the city of Fort Pierce, the interior of the theater was gutted and the roof replaced. Benton said she hopes the next step in restoration will be marquee and facade improvements, which may cost some \$180,000 to \$200,000. Then, she said, funds will be solicited to redo the interior and turn it into a performing arts center.

As of late last week, \$200,000 for the theater was included in the state budget.

On May 10 at the McAlpin Fine Arts Center at Indian River State College, a fundraiser for the restoration project will feature jazz composer and pianist [Nat Adderley Jr.](#) The son of famed jazz cornet player Nat Adderley Sr. and nephew of Cannonball Adderley, one of the all-time great saxophone players, the younger Adderley has spent much of his career as [songwriter, music arranger and director](#) for the late Luther Vandross. Adderley first visited his aunt, Joelene Hayling, in Fort Pierce as a child.

State Rep. Larry Lee, D-Port St. Lucie, grew up on Avenue O in Fort Pierce and walked to the Lincoln Theater with friends Saturday afternoons. Admission was about 25 cents and he recalled seeing movies like “King Kong” and “The Ten Commandments.”

“It was really a great time for Fort Pierce,” he said. “It was really bustling.”

Noting that the theater is one of the few black movie houses still standing in Florida, Lee said, “We should do all we can to preserve that theater.”

FUND-RAISER FOR RENOVATION

OF HISTORIC LINCOLN THEATER

Who: Nat Adderley Jr. and quartet

Where: Indian River State College McAlpin Fine Arts Center in Fort Pierce

When: 7 p.m., Saturday, May 10

Ticket price: \$25

Purchase tickets: Jackson Hewitt/Al Johnson & Associates, Kmart Plaza, Fort Pierce; Granny's Kitchen, 901 Avenue D., Fort Pierce; Men's Rags, KMart Plaza, Fort Pierce; Drummers Only Drum Shop, 1532 S.E. Village Green Drive, Port St. Lucie; online at www.LincolnTheaterConcertSeries.com.

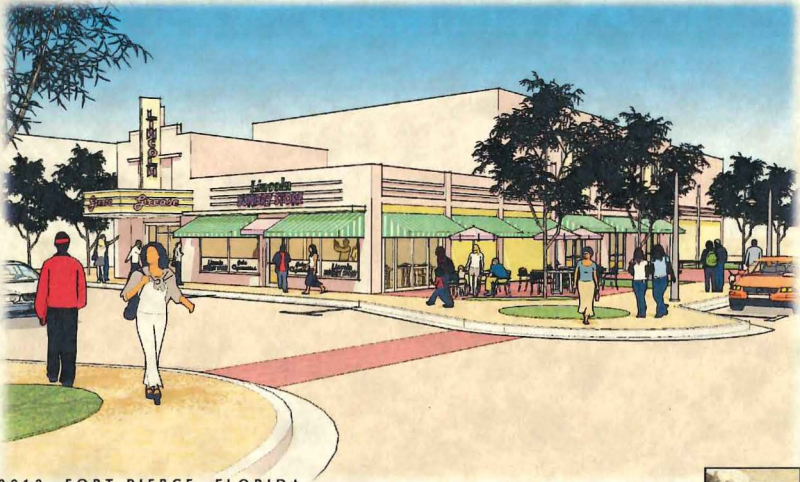


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THE LINCOLN THEATER

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2012 FORT PIERCE, FLORIDA
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PROGRAM

Welcome

Attorney Margaret A. Benton
Chair of Restoration Committee

6:00 p.m. Hors d'oeuvres & Cash Bar

7:00 p.m. Dinner Served

8:00 p.m. Past History of the Lincoln Theater

Attorney Margaret A. Benton

Vision for the Future

Mr. Reginald Floyd, IRSC, Director of Upward Bound Program

Architectural Renderings

Mr. Al Phillips, REG Architects, Inc.

Capital Campaign

Mrs. Arlease Hall
Community Relations Director for SLC Health Department

Programming

Mrs. Theda Rucker
Retired Educator, Detroit Public Schools

Introductions

Mrs. Shelby J. Walton
Retired Educator, St Lucie County Schools

Recognition of Sponsors

Attorney Margaret A. Benton

Remarks

Mr. Andrew McIntosh, Chairman of the Dr. Martin Luther King, Jr., Commemorative Committee of St Lucie County

8:30 p.m. Dancing to the Sounds of Ossie Wright & The Grove Division Band

Raffle Tickets \$5.00 each or 3 for \$10.00

**Dr. Martin Luther King, Jr.,
Commemorative Committee of St Lucie County**

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Lincoln Theater Restoration Committee

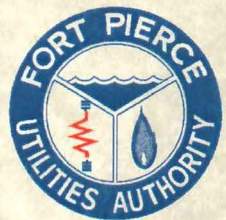
Atty Margaret A. Benton, Mary H. Butler,
Reginald Floyd, Arlease Hall, Rudy Howard,
Andrew McIntosh, Theda Rucker and Shelby J. Walton

HISTORY

The Lincoln Theater is one of the last remaining African American Historical Theaters in the United States. It was built in 1946 by Physician, Dr. C. C. Benton, and Pharmacist, Dr. Harry Center, partners in the venture. It is located in an Historic District on the main street of the African American Community, at 1132 Avenue D, Fort Pierce, Florida.

From its beginnings through its closing in the late 1960's, the Theater served as a center for culture and entertainment for the Community that it served. The Theater screened current movies and hosted live musical and theatrical performances on stage. It was the site of graduation ceremonies, and it served as a hurricane shelter. In its hey day, the Theater was an anchor for commercial development along the Avenue. The economic impact of the Historic Lincoln Theater was that it provided numerous jobs for people in the community over many years. Recently, the City of Fort Pierce improved the Avenue D infrastructure, including roads, lighting, and sidewalks, in anticipation of redevelopment. This improvement assists restoration.

The interior of the Theater building included both the movie house and a sundry store with a concession area. At the time it was built, the Lincoln Theater was state of the art.



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Friday, May 17, 2013

7:00 p.m.

IRSC McAlpin Fine Arts Center

Featuring Jazz Pianist

NAT ADDERLEY, JR.

(former Musical Director for Luther Vandross)

&

QUARTET

Sponsored by:

The Rev. Martin Luther King, Jr. Commemorative Committee
and

Indian River State College



All proceeds will support the Lincoln Theater Restoration.

The Nat Adderley, Jr., Quartet

Nat Adderley, Jr., pianist is well known for his work with Luther Vandross. Nat wrote and arranged Luther's first top 20 pop hits, *Stop To Love*, as well as *Wait For Love* and the Grammy nominated *Give Me The Reason*. Nat arranged many of Luther's most popular records, including *Superstar*, *Here And Now*, *If Only For One Night*, *Creepin*, *If This World Were Mine*, *So Amazing*, *There's Nothing Better Than Love*, *Never Too Much*, and *So Let Me Wait*. Nat produced tracks on the last seven Vandross studio albums, including *My Favorite Things*, *Have Yourself a Merry Little Christmas*, *Going Out Of My Head*, *Knocks Me Off My Feet*, and *The Closer I Get To You*, a duet with Beyonce, which won a Grammy in 2004. Nat produced Luther's *Live 2003 at Radio City Music Hall*.

Nat wrote *The Wave* for Kirk Whalum; arranged Natalie Cole's 1987 hit *When I Fall In Love*; produced *Just Another Lonely Night* for Johnny Gill; arranged most of Aretha Franklin's album *Jump To It*; produced Gloria Lynne's album *No Detour Ahead*; and did the string arrangement for Doc Powell's Grammy-nominated version of *What's Going On*. All the piano heard in the Broadway production of August Wilson's *Piano Lesson* on tape was played by Nat Adderley, Jr. Nat produced two tracks for the last Ruben Studdard CD; arranged and played on the new critically acclaimed CD *Telling Stories* by Paulette McWilliams; and provided piano for the CD *Defining Me* by Longineu Parsons. Nat has performed in jazz clubs and festivals worldwide. His father was the great cornet player Nat Adderley, Sr. His uncle, the great Cannonball Adderley, was one of the best alto saxophonist ever. Nat Adderley, Jr., received his BA from Yale University.

Kenny Davis on bass. Kenny is a fine bassist, composer and arranger. He was the bassist of the Tonight Show Band. He arranged a song, *Blue Light Till Dawn*, on the Grammy Award Winning CD by Cassandra Wilson, and has toured with such artists as Herbie Hancock, Dianne Reeves and Art Farmer. Kenny received his BA in Music Education from Northeastern Illinois University and a Masters in Music from Rutgers University. He has taught bass at the University of Connecticut.

Vincent Ector on drums. Vincent is in demand as a recording artist and has performed jazz festivals throughout the world. He has performed with many luminaries, including Freddie Hubbard, Ron Carter, Gloria Lynne, Grover Washington, Jr., Dr. Lonnie Smith and Bobby Watson. He has appeared as a musician on ABC's "One Life To Live." He is a featured teaching artist in Harcourt/Brace Media Literacy Video Series.

Longineu Parsons on cornet. Longineu has been hailed as one of the finest trumpet players in the world. He has performed in 30 countries and for such dignitaries as the King of Morocco, President of Gabon, and the Royal Families of the Netherlands and Monaco. Longineu received a BS Degree in music from Florida A&M University; a Master of Music in classical trumpet from the University of Florida; and studied at the Berklee College of Music in Boston. He teaches music at Florida A&M University.

PROGRAM

7:00 p.m. Welcome

Margaret A. Benton, Esquire

Chair of Restoration Committee

Andrew McIntosh and Reginald Floyd

Members of Restoration Committee

7:10 p.m. First SET

8:05 p.m. Intermission

8:25 p.m. Second SET

HISTORY

The Lincoln Theater is one of the last remaining African American Historical Theaters in the United States. It was built in 1946 by Physician, Dr. Clem C. Benton, and Pharmacist, Dr. Harry Center, partners in the venture. It is located in the Historic District of the African American Community, at 1132 Avenue D, Fort Pierce, FL.

From its beginnings through its closing in the late 1960's, the Theater served as a center for culture and entertainment. The interior of the Theater building included both a movie house and a sundry store with a concession area. The Theater screened current movies, hosted live musicals and theatrical performances, graduation ceremonies, and served as a hurricane shelter. In it's hey day, the Theater was an anchor for commercial development. The Historic Lincoln Theater provided numerous jobs for people over many years.

Recently, the City of Fort Pierce improved the Avenue D infrastructure, including roads, lighting, and sidewalks, in anticipation of redevelopment. This improvement assists restoration.

The Lincoln Theater, owned by Dr. Martin Luther King, Jr., Commemorative Committee of St Lucie County, has undergone an initial phase of restoration. With a grant from the City of Fort Pierce, the first phase of restoration has been completed with interior demolition and the installation of a new roof.

**Dr. Martin Luther King, Jr.,
Commemorative Committee of St Lucie County**

Officers

Chairperson ~ Andrew McIntosh
1st Vice Chairperson ~ Mary H. Butler
2nd Vice Chairperson ~ Dianne Williams
Corresponding Secretary ~ Delores Hines
Treasurer ~ Cheryl McCrary
Financial Secretary ~ Patricia Gascoigne
Parliamentarian ~ Ruth Davis
Chaplain ~ Rev. Delores Williams
Scholarship Chairperson ~ Gertrude Walker

Dean Andre Hawkins, I.R.S.C., Liaison
Dr. Mark J. Rendell, SLC School Board, Liaison

Advisory Board

Havert Fenn, Kenny Gary, Dr. Leon Hendley, Rudy Howard,
Gloria Johnson-Scott, Alice Lee, Arlena B. Lee, Larry Lee, Jr.,
Queen Townsend, Gertrude Walker, Jessye Walker

Lincoln Theater Restoration Committee

Margaret A. Benton	Arlease Hall
Simmie Burns	Shelby J. Jones
Mary H. Butler	Andrew McIntosh
Reginald Floyd	Theda Rucker

Community Sponsors

Indian River State College	
The City of Fort Pierce	Al Johnson & Associates
WFLM FM Radio	Jackson Hewitt
Men's Rags	WPSL AM Radio
Granny's Kitchen	Benton Properties
Atty Margaret A Benton	Down South Car Wash
	Sessions Law Firm

Thank you for supporting the Lincoln Theater Restoration!

KING BENEFIT CONCERT
FOR THE
LINCOLN THEATER RESTORATION



Sponsored by the
Dr. Martin Luther King, Jr. Commemorative Committee
and Indian River State College

Saturday, May 10, 2014
7:00 p.m.

Indian River State College
McAlpin Fine Arts Center
3209 Virginia Avenue ▪ Fort Pierce, Florida

Program

Welcome

Margaret A. Benton, Esquire
Chair, Lincoln Theater Restoration Committee

Andrew McIntosh & Reginald Floyd
Lincoln Theater Restoration Committee Members

FIRST SET

7:10 p.m.

INTERMISSION

8:05 p.m.

SECOND SET

8:25 p.m.

Featured Artist

Pianist Nat Adderley, Jr.

Nat Adderley, Jr. is well known for his work with Luther Vandross. He wrote and arranged Luther's first top 20 pop hits, including *Stop To Love*, as well as *Wait For Love* and the Grammy nominated *Give Me The Reason*. He also arranged many of Luther's most popular records, including *Superstar*, *Here And Now*, *If Only For One Night*, *Creepin*, *If This World Were Mine*, *So Amazing*, *There's Nothing Better Than Love*, *Never Too Much*, and *So Let Me Wait*.

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Quartet Members

Longineu Parsons on Cornet

Longineu has been hailed as one of the finest trumpet players in the world. He has performed in 30 countries and for such dignitaries as the King of Morocco, the President of Gabon, and the Royal Families of the Netherlands and Monaco.

Longineu received a Bachelor of Science Degree in Music from Florida A & M and a Master of Music Degree in Classical Trumpet from the University of Florida. He also studied at the Berkley College of Music in Boston. Longineu teaches music at Florida A & M University.

Delorean Chris Fullington on Bass

Delorean is a professional electric and double bassist in several musical genres, including Jazz, Gospel, Classical, and Rhythm & Blues. He has toured Europe with various artists, performing theatrical musicals, including "Dream Girls" and "The Alabama Gospel Choir." He has performed with many luminaries, such as Longineu Parsons, Freddie Jackson, Roberta Flack, and Isaac Hayes. Currently, he is the house bassist for Tribal Records.

Delorean graduated from Florida A & M University with a degree in Jazz Studies and is now pursuing a Master's Degree in Music from Florida State University. He supports music education and teaches private bass lessons.

Ray Ellis Nelson II on Drums

Ray is a dedicated drummer in all musical genre, specializing in Jazz. He has broad stylistic range and improvisatorial flexibility. He has been featured at numerous festivals and concerts and has performed in front of live audiences, on television and as part of theater productions. He has recorded and produced a solo DVD, "Out The Box." Ray has been a member of the FAMU Marching 100 and the FAMU Jazz Ensemble and has played for the FAMU Essential Theatre in various productions. In his short career, he has played with Nat Adderley, Jr., Longineu Parsons, Scotty Barnhart, Dilbert Felix, and Dr. Ronald McCurdy.

Ray is a senior at Florida A & M University where he is majoring in Jazz Studies. He performs with the FAMU Jazz Faculty Ensemble and the FSU Jazz Faculty. He will be performing this summer with the Disney All American Band.

History of the Lincoln Theater

The Lincoln Theater is one of the last remaining African American historical theaters in the United States and is located at 1132 Avenue D in Fort Pierce, Florida. Dr. Clem C. Benton and Dr. Harry Center partnered in 1946 to build the Theater, and it is currently owned by the Dr. Martin Luther King, Jr. Commemorative Committee of St. Lucie County.

From its beginnings and through the closing in the late 1960s, the Lincoln Theater served as a center for culture and entertainment. The interior included both a movie house and a sundry store with a concession area. It was used for screening current movies and hosting live musicals, theatrical performances, and graduation ceremonies. It also served as a hurricane shelter. In its heyday, it was an anchor for commercial development, providing numerous jobs for many years.

In anticipation of redevelopment, the City of Fort Pierce improved the infrastructure surrounding the Lincoln Theater with roads, lighting, and sidewalks and provided a grant to assist in the restoration. The first phase of restoration has been completed with the demolition of the interior and installation of a new roof.

**Dr. Martin Luther King, Jr.
Commemorative Committee of St. Lucie County
Officers**

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Ruth Davis, *Parliamentarian*
Reverend Delores Williams, *Chaplain*
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André Hawkins, *Dean/IRSC Liaison*
Dr. Mark J. Rendell, *SLC School Board Liaison*

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Dr. Leon Hendley	Arlena B. Lee	Jessye Walker
Rudy Howard	Rep. Larry Lee, Jr.	
Gloria Johnson-Scott	Queen Townsend	

Lincoln Theater Restoration Committee

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Sponsors

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WFLM FM Radio 104.7
WIRA AM Radio 1400
WOSN FM Radio 97.1
WPSL AM Radio 1590
www.aabbtreasurecoast.com

***All proceeds will support the Lincoln Theater Restoration.
Thank you for your support!***

Lincoln Theater Concert Series

Concerts to Benefit the Restoration of the Historic Lincoln Theater

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Nat Adderley Jr.

Tickets

[Buy Now](#)

Tickets can also be purchased from the following outlets

Men's Rags
772-461-3553

Jackson Hewitt/Al Johnson & Associates
772-468-6366

Granny's Kitchen
772-461-9533

Drummersonly Drum Shop
772-337-4002

FEATURED REVIEWS

"You can't get much more down home than this!"
The International Review of Music

EVENTS

MAY 10

Saturday, May 10, 2014
7:00 PM
IRSC McAlpin Fine Arts Center
Tickets \$25.00

Nat Adderley Jr.

A dynamic rhythm and blues music arranger and pianist who spent much of his music career arranging as music director for Luther Vandross tours and contributed as co-songwriter on most of Vandross's albums. His father Nat Adderley (1931-2000) was a composer and jazz cornet and trumpet player, while his uncle Cannonball Adderley (1928-1975) was a jazz alto saxophonist.

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City Commission Conference Agenda

Agenda Item # 4. B.

Meeting Date: 06/09/2014

Re: Urban Redevelopment Mortgage Delinquencies

SUBJECT:

Urban Redevelopment Mortgage Delinquencies - Deputy City Manager

SUMMARY:

An update on the status of the mortgage delinquencies at the Oaks at Moore's Creek.

RESPONSIBLE STAFF:

Nick Mimms, Deputy City Manager

COORDINATED WITH:

Johnna Morris, Chief Accountant

Attachments

Memo re: Oaks at Moore's Creek - Delinquent Mortgages

Form Review

Form Started By: Jennifer Robinson

Started On: 06/04/2014 03:44 PM

Final Approval Date: 06/04/2014



INTEROFFICE MEMORANDUM

FROM THE OFFICE OF THE
CITY MANAGER

To : The Honorable Mayor and Members of the City Commission

THRU : Robert J. Bradshaw, City Manager *RJB*

FROM : Nick Mimms, P.E., Deputy City Manager *NM*

RE : **OAKS AT MOORES CREEK - DELINQUENT MORTGAGES**

DATE : April 7, 2014

The City Manager's Office received a request from Commissioner Becht to report the status of the mortgage delinquencies at the Oaks at Moore's Creek neighborhood. The City Manager's Office, in collaboration with the Finance Department, Urban Redevelopment Department, and City Attorney's Office, has been systematically responding to this issue with progressive steps toward a feasible resolution.

The first step was to identify the residents of the Oaks at Moore's Creek neighborhood that were delinquent in their mortgage payments. Upon this investigation four (4) delinquent homeowners were contacted and brought into the City Manager's Office to discuss the situation. All of the homeowners detailed financial hardships which contributed to their current situation, but now all of the identified homeowners are reportedly employed and earning wages. The original concept of the Oaks at Moore's Creek program was explained to the homeowners and City of Fort Pierce staff also emphasized the strong desire to maintain a sustainable neighborhood. At the conclusion of this counseling session, all of the four (4) homeowners agreed to begin paying their mortgages beginning March 1, 2014, and, subsequently, all of the four (4) homeowners have paid their current due to include escrow. This matter will be monitored for the next 90 to 120 days to evaluate their payment performance prior to presenting any modification agreements. The City Attorney's Office will be drafting modification agreements if these homeowners perform satisfactorily during this evaluation period. If their payment performance is not satisfactory, then the City of Fort Pierce shall utilize the most efficient mechanism to take possession of the homes.

The Oaks at Moore's Creek is one of the most beautiful subdivisions in Fort Pierce and it is our intent to work with the homeowners to ensure this does not change. Also, the City of Fort Pierce is scheduled to begin credit reporting for the homeowners of the Oaks at Moore's Creek subdivision, which has not been prepared for several years. Credit reporting can enhance the homeowners' credit worthiness and buying power, which is the original intent of this program. The Oaks at Moore's Creek has proven to be a successful program that has rejuvenated this neighborhood and provided local families with sufficient housing stock that allows them to continue their contribution to our community.

Please review the attached memorandum and contact this office if you need any additional information.

Attachment

cc: Director of Finance
City Attorney

Oaks at Moore's Creek Mortgage Delinquency Status to CC 4-8-14

City Commission Conference Agenda

Agenda Item # 4. C.

Meeting Date: 06/09/2014

Re: Governance of the Port of Fort Pierce

SUBJECT:

Governance of the Port of Fort Pierce - Marina Manager / Deputy City Manager

SUMMARY:

At the June 2, 2014 meeting, the City Commission directed staff to schedule this item for discussion.

RESPONSIBLE STAFF:

Nick Mimms, Deputy City Manager

COORDINATED WITH:

Dean Kubitschek, Marina Manager

Attachments

Memo from Marina Manager

St. Lucie County Budget for Port of Fort Pierce

Proposed Interlocal Agreement - North Second Street Improvements

Form Review

Form Started By: Jennifer Robinson

Started On: 06/04/2014 03:51 PM

Final Approval Date: 06/04/2014

CITY OF FORT PIERCE
MARINA OPERATIONS

M E M O R A N D U M

TO: Honorable Mayor and Commissioners

FROM: Marina Manager, H. Dean Kubitschek



SUBJECT: Governance of the Port of Fort Pierce

DATE: June 4, 2014

As you are aware, the City Marina is not a part of the Port but a close neighbor. Over the years, the current governance of the Port of Fort Pierce had no effect on the City Marina as the Port has been in a period of stagnation. There has been no real communication with the Port Authority other than to direct captains interested in the docking of larger vessels to the County Administrator, who is the Port Authority.

Effects of future governance of the Port of Fort Pierce on the City Marina cannot be determined until future goals and direction can be outlined, but I do believe that better communication relating to the ongoing status would be of benefit to both parties. If it is decided that the Port focuses on freight, then there would be no direct impact. If it is determined that the port moves in the direction of accommodating larger yachting vessels for dockage and services, it would generate additional revenues and jobs for the local area and all the local marine facilities, retail trade, manufacturing and local tradesmen. The City Marina, once completed, will be able to accommodate larger vessels up to any size with the limitation dictated by the draft of a vessel. At this time, we can only accommodate a maximum of a 7 ft. draft vessel. In the future, we will need to deepen the entrance channel and the Intercoastal waterway from the bridge to the entrance channel to 12 ft. to take full advantage of the larger slips in the marina for larger vessels. When completed, this action will feed other service yards in the area as well as the Port. At this time, we cannot accommodate requests from deeper draft vessels for dockage or service so we have to turn away the captain and the vessel from the area.

The Port of Fort Pierce has the advantage of the deeper water, but does not have the facilities. Some of the larger vessels have a draft up to 12 ft. that many boat yards cannot accommodate. Growth of this market has now reached West Palm Beach benefiting from the mega yacht businesses they have developed over the last 5 years. The spin-off effect of creating a larger yacht facility able to accommodate mega yachts would put the local area in the position as a contender for this market, which would create future growth of local maritime business and education. The Fort Pierce location should become a port of desire and destination for the boat captains who usually make the determination on where the vessel will be facilitated. Due to our geographic location, a deep water inlet, access to the Bahamas and a possible maintenance location within 2 miles of the ocean with year round moderate warm weather in comparison to Fort Lauderdale or Savannah, Georgia, that are both extremely hot in the summer and Savannah cold in the winter, makes this port an ideal location for future growth in this industry.

Transportation-Port of Ft. Pierce

Project #	Project Title	Phase Fund	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
4315-46502	North Entrance to Port	CST	<u>4,896,100</u>		0	0	0
4315-094650	Spoil Site Construction	CST	<u>899,941</u>	0	0	0	0
4315-4657	Taylor Creek Improvements	CST	<u>589,000</u>	0	0	0	0
4315-46504	Spoil-Site Acquisition	ACQ	<u>16,542</u>				
Total			6,385,041	0	0	0	0

Source: St. Lucie County CIE Annual Update FY 2013/14 - 2017/18.

Transportation-St. Lucie International Airport

Project #	Project Title	Phase Fund	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
140372	Design/Const Terminal Building	DSN/CST	267,666				
140375	Design/Construct Customs	CST	2,022,069				
140	Design & Const Parallel Twy	DSN/CST	375,000				
140380	Install REILS 28L	DSN/CST	81,250				
140	Install & Rehab Airport NAVAIDS	CST		700,000			
140	Airport Drainage Improvements	DSN/CST			400,000		
140372	Rehab Taxiway C	DSN/CST	15,311				
140	Construct Terminal Surface Parking	CST				739,000	
140	Design/Construct 10L/28R South Apron	DSN/CST			500,000		
140373	Airport Terminal Apron Construct	CST	649,037				
140381	Taxiway D-1 Realignment/drainage	CST	614,431				
140382	AP Parallel Runway Taxiway Connector	CST	623,750				
TOTAL			4,648,514	700,000	900,000	739,000	0

Source: St. Lucie County CIE Annual Update FY 2013/14 - 2017/18.

Transportation-State Roads

Project #	Project Title	Phase	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	Current LOS *
231440-2	West Midway Road, CR 712 from S 25th St, CR 615 to US1	CST	<u>7,547,322</u>	<u>35,151,401</u>	<u>2,329,418</u>	<u>3,725,163</u>	<u>3,976,460</u>	D
230256-6	SR-713/Kings HWY Fr 800' S of SR-70 to N Picos	CST	<u>996,413</u>	<u>4,694,332</u>	<u>4,001,779</u>	<u>26,433,176</u>	<u>767,368</u>	D
230256-7	SR-713/Kings Hwy frm N Picos to N of I-95	CST	<u>0</u>	<u>166,270</u>	<u>1,655,770</u>	<u>3,509,389</u>	<u>0</u>	D
424143-1	SR-713 @ SR-614 Add Turn Lanes (ROW Only)	CST	<u>0</u>	<u>4,550,132</u>	<u>2,000,000</u>	<u>450,000</u>	<u>435,708</u>	D
424143-2	SR-713 @ SR-614 Add Turn Lanes	CST	<u>0</u>	<u>0</u>	<u>4,086,824</u>	<u>5,767,231</u>	<u>0</u>	D
230262-2	SR-70 From Okeechobee to CNTY Line, add lanes	CST	<u>502,440</u>					C
230338-4	SR-614/Indrio Rd, West of I-95 to Emerson Ave	ACQ/CST	<u>1,303,009</u>	<u>4,947,688</u>	<u>1,120,273</u>	<u>1,231,402</u>	<u>0</u>	C
428984-1	SR-70 From 900' W of Jenkins, add lanes	CST	<u>1,516,195</u>	<u>6,352,326</u>	<u>1,118,756</u>			F
429936-1	SR-A1A N Bridge Rehad to Fixed Bridged	PE	<u>0</u>	<u>1,523,558</u>				B
TOTAL			11,865,379	57,385,707	16,312,820	41,116,361	5,179,536	

Source: St. Lucie County CIE Annual Update FY 2013/14 - 2017/18.

Transportation-Mass Transit

Project #	Project Title	Phase Fund	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
434548-1	Capital Assistance for Fixed Route	CAP FTA	<u>197,314</u>	<u>197,400</u>	<u>197,400</u>	<u>197,400</u>	<u>197,400</u>
433790-1	Purchase Vehicles and Equipment (computers)	CAP FTA	<u>505,000</u>				
413494-1	Capital Assistance for Transit Operations Transit Operations/Maintenance Facility	CAP FTA	<u>4,980,674</u>	<u>1,947,000</u>	<u>1,947,000</u>	<u>1,947,000</u>	<u>1,947,000</u>
Total			5,682,988	2,144,400	2,144,400	2,144,400	11,644,400

Source: St. Lucie County CIE Annual Update FY 2013/14 - 2017/18.

**INTERLOCAL AGREEMENT
NORTH SECOND STREET IMPROVEMENTS**

THIS AGREEMENT dated this _____ day of _____ 20____, by and between the **CITY OF FORT PIERCE**, a Florida municipal corporation, hereinafter referred to as the "City", and **FORT PIERCE UTILITIES AUTHORITY**, hereinafter referred to as "FPUA" and **ST. LUCIE COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as the "County."

WHEREAS, the North Second Street Project involves a partnership between the City, FPUA and the County to construct the roadway improvements on North Second Street. Project funding is being provided by the State FDOT in the form of grant contracts; and,

WHEREAS, North Second Street is the primary access road into the Port of Fort Pierce Operations Area. The road provides access to most of the existing businesses located at the Port, as well as access to the undeveloped properties with deep-water frontage. The primary commercial and industrial users of the Port of Operations Area all use North Second Street to access their property; and

WHEREAS, North Second Street is a City-owned and maintained right-of-way. The underground utilities are owned and maintained by FPUA including water mains, sanitary sewer system, sanitary sewer lift stations, natural gas mains, and electrical systems; and

WHEREAS, the Project involves total reconstruction of North Second Street, including relocation and upgrading of all existing utilities and construction of a new stormwater management system. The utilities that will be relocated and upgraded include water mains, sanitary sewer system, sanitary sewer lift stations, natural gas mains and electrical systems. The road construction will include new pavement, curb and gutter, sidewalks, stormwater collection system, detention ponds, landscaping and streetlights; and

WHEREAS, according to Chapter 98-497, Laws of Florida, St. Lucie County Board of County Commissioner is the Port Authority and is the entity responsible for preparation of the Port Master Plan. State Seaport funding is available to St. Lucie County acting as the Port Authority for the Port of Fort Pierce; and

WHEREAS, Port grants were obtained from the Florida Seaport Transportation and Economic Development (FSTED) Council for the construction of the North Second Street Project. The grant contracts are administered through the Florida Department of Transportation (FDOT), and the County must administer the funds as the Local Sponsor and as the Port Authority; and

WHEREAS, the engineering and construction plans have been prepared by Taylor Engineering, Inc. Construction funds are currently available in the following amounts hereinafter referred to as the "approved budget"

St. Lucie County Port Budget	\$2,500,000
FDOT Grant Funds	\$2,500,000
FPUA Utility Funds	<u>\$1,966,000</u>
Total	\$6,966,000

WHEREAS, the purpose of this Agreement is to identify the responsibilities of each party and to allow for the exchange of funds between the entities during the project construction and implementation; and

WHEREAS, FPUA has requested that the County include the FPUA's utility relocation as part of the County's projects; and

WHEREAS, the County had agreed to include FPUA's proposed utility relocation as part of the County's project subject to the terms of this Agreement, including reimbursement.

NOW, THEREFORE, IT IS AGREED as follows:

1. **General.** This Agreement is entered into pursuant to Section 163.01, Florida Statutes, Florida Interlocal Cooperation Act.

2. **Project Construction.** The recitals set out above are incorporated herein, the County agrees to construct the project, including FPUA's utility construction, contingent upon the County acquiring strips and/or parcels of land required to construct the project and relocations within the proposed new right-of-way and contingent upon the County being able to construct the project within the approved budget.

3. **Utility Relocation Plans Prepared by FPUA.** The plans, drawings, and specifications for FPUA's utility construction prepared by FPUA shall be subject to the review and approval of the County within ten (10) business days from receipt of plans. Specifications for construction shall be in compliance with St. Lucie County, FPUA Construction Standards and Specifications, State of Florida Department of Transportation Standards and Specifications and all other appropriate regulatory standards. FPUA agrees to provide a reproducible copy of the approved utility construction plans and specifications to the County. Similarly, the County will provide the FPUA with 60%, 90% and 100% Project Design Drawing releases in an electronic AutoCAD format.

4. **Contract Award.** The County intends to bid the construction of the project, including FPUA's utility construction, and award the bid to a single contractor who is the lowest responsible bidder as determined by the County in accordance with the County's bid documents. The County agrees to include FPUA's utility construction as a separate bid alternate in the County's bid documents so that the cost of the FPUA's construction will be separately identified. The County agrees that the award of the contract for the bid alternate for FPUA's utility construction is subject to the approval of FPUA. The FPUA shall provide written notification to the County within ten (10) days after receipt of the price of the bid alternate from the lowest responsible bidder of the FPUA's decision regarding whether the price for the bid alternate is acceptable to the FPUA. If the bid alternate is not acceptable to the FPUA, then the FPUA will be responsible for retaining a contractor to perform the utility construction within the time frame established by the County's construction engineering consultant as part of the overall project schedule. If the FPUA's utilities are not constructed within the time established by the County's construction engineering consultant, then the FPUA will be responsible for delay damages incurred by the County's Contractor.

5. **Contract Administration.** In the event of bid award and approval of the contract including the utility construction, the parties agree that the County shall be the contracting agency and shall be responsible for administration of the contract. FPUA agrees to reimburse the County for the cost of constructing the FPUA's utility construction. Additional expenditures for the utility construction shall be subject to approval by the County and FPUA. In processing requests for reimbursements, the County shall forward copies to FPUA of all invoices received from the County's contractor in sufficient detail for audit purposes. Upon receipt of all Invoicing, Approved Utility As-builts, Assignment of Warranty for said Utility Work, and a Bill of Sale consistent with the invoiced quantities and

as-builts, FPUA will approve final payment for water and wastewater utility construction to contractor.

6. **Contract Inspection.** The parties agree that the City shall perform the construction inspection of the project to determine whether the Contractor has properly constructed the project in accordance with the approved plans. FPUA shall perform the construction inspection of the water, wastewater, electric, and natural gas utility work. The parties agree that FPUA shall be notified of all dates and times of all utility inspections and shall be present for said inspections and shall report to the City and the County and/or their agents any observed deficiencies as work progresses. The parties agree that the City shall provide all utility-related shop drawings to FPUA. FPUA and the City shall provide a representative with authority to authorize field changes. The parties agree that any field changes to the utility relocation plans shall be subject to the approval of FPUA and the City within forty-eight (48) hours from the date that written notice of any proposed change is received. For the purpose of this Agreement, construction inspection shall include resident project services, contract administration, engineering services during construction, utility coordination, and certification by all appropriate agencies.

7. **Ownership and Maintenance Responsibility Upon Completion; Stormwater Certification.** The City will be the entity responsible for ownership and maintenance of the completed roadway and stormwater improvements, including detention ponds. FPUA will be the entity responsible for ownership and maintenance of the completed utility improvements, including water, sewer, natural gas and electrical. At the completion of construction, all property that was acquired by the County for purposes of North Second Street right-of-way or for use as stormwater detention ponds shall be conveyed to the City. The City will be responsible to certify the stormwater system for final acceptance in accordance with the South Florida Water Management District (SFWMD) permit requirements.

8. **Amendment.** This Agreement may only be amended by a written document signed by all parties and filed with the Clerk of the Circuit Court of St. Lucie County, Florida.

9. **Notices.** All notices, requests, consents, and other communications required or permitted under this Agreement shall be in writing (including communication) and shall be (as elected by the person giving such notice) hand delivered by messenger or courier services, telecommunicated, or mailed by registered or certified mail (postage prepaid), return receipt requested, addressed to:

As to the County:

St. Lucie County Administrator
2300 Virginia Avenue
Administration Annex
Fort Pierce, Florida 34982

With a copy to:

St. Lucie County Attorney
2300 Virginia Avenue
Administration Annex
Fort Pierce, Florida 34982

As to the City:

Fort Pierce City Manager
City Hall
100 N. US 1
P.O. Box 1480
Fort Pierce, FL 34954

With a copy to:

Fort Pierce City Attorney
City Hall
100 N. US 1
P.O. Box 1480
Fort Pierce, FL 34954

As to the FPUA:

Fort Pierce Utilities Authority
P.O. Box 3191
Fort Pierce, Florida 34948

With a copy to:

R.N. Koblegard, III
P.O. Box 3191
Fort Pierce, Florida 34948

Or to such other address as any party may designate by notice complying with the terms of this Section. Each notice shall be deemed delivered: (a) on the date delivered if by personal delivery, (b) on the date telecommunicated if by telegraph, (c) on the date of transmission with confirmed answer back, and (d) on the date upon which the return receipt is signed or delivery is refused or the notice is designated by the postal authorities as not deliverable, as the case may be, if mailed.

9. **Filing; Effective Date.** This Agreement shall be filed with the Clerk of the Circuit Court of St. Lucie County, Florida, prior to its effectiveness.

IN WITNESS WHEREOF: The parties hereto have caused the execution hereof by their duly authorized officials on the dates stated below.

ATTEST:

DEPUTY CLERK

DATE: _____

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
CHAIR

**APPROVED AS TO FORM AND
LEGAL CORRECTNESS**

BY: _____
COUNTY ATTORNEY

ATTEST:

CITY CLERK

DATE: _____

CITY OF FORT PIERCE, FLORIDA

BY: _____
MAYOR

DATE: _____

**APPROVED AS TO FORM AND
LEGAL CORRECTNESS**

BY: _____
CITY ATTORNEY

ATTEST:

SECRETARY
(FPUA SEAL)

FORT PIERCE UTILITIES AUTHORITY

BY: _____
CHAIRMAN

**APPROVED AS TO FORM AND
CORRECTNESS:**

BY: _____
FPUA ATTORNEY

DATE: _____