

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, MAY 5, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Reverend Robert Smith of Deliverance Holy Temple offered the opening prayer.
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Edward Becht; Commissioner Thomas Perona; Commissioner Reginald Sessions

Staff Present: City Clerk Linda Cox
City Manager Robert Bradshaw
City Attorney Robert Schwerer

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from April 21, 2014.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Minutes of the Regular Meeting on April 21, 2014.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a Proclamation declaring the week of May 18 - 24, 2014, as National Public Works Week. It was received by Paul Bertram, City of Fort Pierce Parks and Grounds Manager.
- b. Mayor Hudson issued a Proclamation in honor of the 100th Anniversary of the Cooperative Extension Service. It was received by Pat Alley, Vice-Chair of the St. Lucie County Extension Advisory Council.
- c. Mayor Hudson issued a Proclamation declaring the week of May 11 - 17, 2014, as Police Week and May 15, 2014, as Peace Officers Memorial Day. On Thursday, May 15, 2014 flags at all City of Fort Pierce facilities will be flown at half-staff. It was received by Chief R. Sean Baldwin of the Fort Pierce Police Department.
- d. Mayor Hudson issued a Proclamation in honor of the 100th Anniversary of the Cora Stickney Harper Chapter, National Society Daughters of the American Revolution. It was received by Karen Evans, Regent.
- e. Mayor Hudson issued a Proclamation declaring the week of May 17 - 24, 2014, as National Safe Boating Week. It was received by Tom Butler, Commander, United States Coast Guard Auxiliary Flotilla 58.

7. **LETTERS TO COMMISSION**

8. **COMMENTS FROM THE PUBLIC**

Mr. Richard Ross - 977 SE Bywood Avenue
Mr. George L. Gibson - World of Unite Muslim
Mr. Jakeem Jordan - 2017 Avenue D
Mr. Terrence Beauford - C.O.Y.P.
Ms. Alice Mitchell - 1202 Avenue B
Ms. Vera Harrell - Fort Pierce
Ms. Delores Johnson - United for Animals Grant
Rev. John Lee Sr. - 1204 Avenue K

9. **CONSENT AGENDA**

- a. Approval to submit and accept the U.S. Department of Justice Bulletproof Vest Partnership Grant 2014-2015 with a total project cost of \$40,000.
- b. Approval of travel expenses in the amount of \$980.93 for Commissioner Sessions to attend the 29th National Conference on Preventing Crime in the Black Community being held May 28 - 30, 2014, in Jacksonville, Florida.
- c. Increase Purchase Order No. 120798 to Lake Point Restoration in the amount of \$51,785.21
- d. Approval of two (2) Interlocal Agreements creating two Municipal Services Benefit Units (MSBUs) which will fund the cost of proving potable water to the Noa Street and Parkland Boulevard ares in unincorporated St. Lucie County.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve the Consent Agenda in its entirety, items **9a - 9d**.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

10. **PUBLIC HEARINGS**

- a. Ordinance No. 14-013, Amending Chapter 16 - Nuisance Definitions. **SECOND READING**

City Clerk Linda Cox introduced the ordinance, read by title only, into the record.

Code Enforcement Manager, Peggy Arraiz, appeared and was available for questions.

In response to Commissioner Alexander, Ms. Arraiz stated there is currently an ordinance that prohibits wrecked motor vehicles, this will now include inoperable watercraft.

As to the 15 foot setback, it is specific to businesses. It is to stop auto dealers from parking their cars on the public right of way creating a hindrance to traffic. Commissioner Becht summed it up by stating we are not telling anyone what they can do on their own property, but if you want to use the public right of way to park your cars for show they have to be at least 15 feet off of the paved edge. Ms. Arraiz agreed.

Mayor Hudson opened the Public Hearing.

Mr. Rick Reed stated we are targeting specific people in specific areas. He feels the City needs to be more business friendly.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve Ordinance No. 14-013 on second and final reading.

AYE: Mayor Linda Hudson, Commissioner Edward Becht, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

b. Ordinance No. 14-014 Creating Article VI - Florida Friendly Fertilizer Use SECOND READING

City Clerk Linda Cox introduced the ordinance, read by title only, into the record.

Mr. Jack Andrews appeared and was available for questions. He said this was part of the model ordinance that the state has mandated all the municipalities enact. Our ordinance is in concert with the County and Port St. Lucie's with a standard ordinance to address fertilizer. In response to Commissioner Alexander Mr. Andrews stated the requirement for yard clippings is housekeeping, the yard clippings are not to be blown into the street where they can end up in the stormwater drains when it rains.

Mayor Hudson opened the Public Hearing.

Mr. Marion Matthews asked why this is an issue now. He sees this as corporations trying to make money and get the little people out of the way. He stated he does not think the correct science is in yet and he does not agree with it.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Ordinance No. 14-014 on second and final reading.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

c. Request for Authorization of Similar Use Recreational Vehicle (RV) Sales & Service - C-6, Marine Commercial Zoning District

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation to approve the sales and service of recreational vehicles as a similar use in the C-6 zone.

Commissioner Becht asked how RV sales is dependent upon or benefits from proximity to the water. Mr. Benton explained the applicant indicated to City staff they do export RV's via the port at Fort Pierce making the location beneficial for their business. Another benefit is that since both boats and recreational vehicles are integrated in the market they share similar clientele.

Mayor Hudson opened the Public Hearing.

Mr. Rick Reed stated we should do everything that we can to encourage and accommodate,

we should be assisting them grow their businesses.

Mr. Cody Banks, applicant, appeared and gave a brief explanation of the similarities between boats and rvs. He stated the A/C, appliances and axle trailering systems are the same for both conveyances and the marine industry would benefit also from their system technicians.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve authorization of Similar Use for Recreational Vehicle sales and service in a C-6 zone.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Sunrise Marine & RV - Conditional Use - Recreational Vehicle (RV) Sales & Service at 657 North 2nd Street

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation the City Commission approve the Conditional Use with the parameters consistent with the intent of the zoning district to preserve area for usage that are dependent on or benefit from the proximity to the water. Furthermore, there are three additional restrictions and conditions for compliance.

Mr. Benton explained this extension of Avenue G was abandoned in 2005 for the development of this site for St. Lucie Outboard. Due to the foreclosure of the property and some of the legal descriptions associated with that situation, the Avenue G right of way extension the City had granted is currently maintained by the previous owner. Mr. Benton believes the applicant is pursuing purchasing that property.

Mayor Hudson opened the Public Hearing.

Mr. Cody Banks stated his current business location is 3462 North U.S. Highway 1.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Conditional Use with conditions. 1. the use and its accessory of the parcel will be for boat sales and service. 2. the off street parking required by City code is reserved solely for employee and customer parking. 3. the applicant resolve the property ownership discrepancy of the former Avenue G extension within 90 days.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

a. Paperless Agenda System Demonstration

Ms. Linda Cox, City Clerk, appeared with a presentation. Ms. Cox explained this online information is in the Cloud. This means the information is hosted offsite, in the event of a hurricane or if something were to happen to the servers at City Hall we will not have to worry about our backup documents. That documentation is safe, secure and accessible in the Cloud.

b. The Retirement Board was tasked to provide recommendations of reform to the City of Fort Pierce Retirement System that would generate cost saving to our citizens, as well as maintain a viable and cost effective pension for City employees and retirees.

Ms. Johnson stated the committee had numerous workshops and lengthy discussions and Ms. Johnson read the Retirement Board recommendations.

1. Increase the final average period to 8 years with a 3 year phase-in.
2. Decrease multiplier to 2.5 percent and allow for a buy up option at the employees expense.
3. Not to institute a defined contribution plan.
4. No retroactivity for any of the options considered.

After much discussion it was determined there was enough consensus to move forward with the recommendation to increase the final average period to 8 years with a 3 year phase-in. Mayor Hudson asked they consider on all new hires the 2.5 percent multiplier as well as the 8 year average recommendation.

12. CITY COMMISSION

a. Request by Commissioner Alexander to allocate the travel funds he did not use for the Legislative Conference in Tallahassee in the amount of \$1,086.44 to Community Outreach Youth Program, Inc. (COYP) to support the attendance of youth and young adults at the National Preventing Crime in the Black Community Conference being held May 29-May 30, 2014.

A motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve.

Commissioner Perona stated he would feel more comfortable if we did not attach it to a Commission travel expense. He feels it sets a precedent by maneuvering through the travel budget. It would be better if we were just talking about funding the C.O.Y.P. to support the attendance of the youths to the conference.

Mr. Bradshaw stated that within the budget those line items were for Commission travel. The process is being circumvented. There is a contingency fund that can be pulled from for this request.

Commissioner Alexander made a motion to approve \$2,500 for the C.O.Y.P. for the youth to attend National Convention of Crime in the Black Community Conference. Commissioner Sessions withdrew his second from the previous motion. It was requested his motion include where the funding is coming from.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve \$2,500 from the contingency fund for C.O.Y.P. for the youth attendance at the National Convention of Crime in the Black Community Conference.

Commissioner Sessions asked to discuss further. A member of the audience responded to the Commission and identified this amount will allow 30 children to attend. Mayor Hudson is requesting a report back from the attendees so the tax payers know what they are getting for their money.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- b. Discussion led by Commissioner Sessions on the creation of a port authority.

Commissioner Sessions feels a need to approach the County about an Interlocal Agreement where we can develop a port authority so we can start to increase our origin of activity there. This he sees as a movement to help the City's economics.

The Commission agreed to schedule this topic at the next workshop Mr. Bradshaw stated it will be on the next Conference Agenda for June. Commissioner Becht requested staff to find out what resources, manpower and money the county is allocating to the Port Authority. We need to be clear on what we want the port to be first, before we begin discussions with the County for an Interlocal Agreement.

- c. Consideration of Commissioner Hutchinson's request for a letter of support for the selection of a site for the State of Florida's next veterans' nursing home in St. Lucie County.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to authorize letter of support.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- d. Resolution No. 14-R16 appointing members of the Civil Service Appeals Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 14-R16.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- e. Appoint/Reappoint Advisory Board Members to Fort Pierce Authentic Tours (FPAT) Program

City Clerk, Linda Cox, indicated applications are attached and will come back at the next meeting in the form of a Resolution for approval.

13. COMMENTS FROM THE CITY MANAGER

a. **Departmental Activity Report**

Mr. Bradshaw stated the Conference Agenda is scheduled for Monday, May 12, 2014 from 8:30 to 10:30. Mr. Bradshaw then deferred his time to Mr. Rob Schwerer, City Attorney.

Mr. Schwerer is requesting guidance from the Commission concerning stormwater litigation case, Australian Properties, etal vs. City of Fort Pierce, at a Closed Session Meeting. He is required to announce this at a public meeting to begin the process of scheduling.

Over the weekend Mr. Schwerer received a notification from the 11th Circuit Court of Appeal. He has a written opinion in the case of Mazzella Smith vs. City of Fort Pierce dated April 30, 2014. It sustains Judge Moore's earlier final summary in favor of the City, the Court reconfirmed there is no factual support for a legal claim against the City of Fort Pierce.

14. COMMENTS FROM THE COMMISSION

Commissioner Perona had no comment.

Commissioner Alexander stated he is excited about the grants and the work these individuals are doing in the community, it's amazing. However, he thought the grant for the animals was done and submitted in. Mr. Bradshaw responded, the grant has been submitted and the City appreciates what they are doing. We are going to recommend to continue funding their organization as an independent organization of the City; there will be a recommended line item for \$10,000 in next year's budget. He emphasized they will be an independent organization then they can take the funding as a grant and use it as they see fit.

Commissioner Sessions wanted to inquire about the ShotSpotter, he is aware the grant for the funding fell through so he is requesting an update on what is being done to obtain the necessary funds to proceed. He has been contacted by the vendors and been told they can make a difference in Fort Pierce if we just give them the chance. He feels ShotSpotter will be a deterrent, that if you have a weapon and know when you discharge it the police will be there instantly the crime will begin to decrease. We need to do whatever we possibly can to get this tool into our city to stop some of this crime.

Commissioner Becht wanted to follow up on the conversation about volunteers. The Sunrise Theater has a very active volunteer program and their expenses are reduced because of it. PAL in the Police department has a very active program; in his opinion the spay and neuter program is a volunteer program and we have a Citizens Academy that can be developed into a feeder for whatever volunteer programs we have or may want to develop. Commissioner Becht wanted to give a shout out to the Lions Club, the historic park looks wonderful and we appreciate your contribution. We need to do what we can to make sure we stay focused on crime, on economic development and everything else that we can do. He wanted to compliment Ms. Linda Cox, City Clerk, on the transition of the paperless agenda with the City. He wanted to thank her and staff for how quickly that was accomplished.

Mayor Hudson stated she is serving on both the Steering Committee and the Executive Round Table. She is new to the Round Table but wanted to let everyone know they are concentrating all of their efforts on the crime in Fort Pierce. She met with the Steering Committee today, they have had hours of meetings learning what led to the problem and what the whole county can do to help with the problem. Mayor Hudson is going to continue to try to work with this group because she feels it is really important. She also wanted to remind everyone that the Lincoln Theater has a fund raising event on May 10, 2014 at IRSC. Thank you for the Backus parking and don't forget about the Great American Clean-up on May 17th.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 10:13 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER