

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, SEPTEMBER 2, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Mary Ann Carroll of Foundation Revival Center Church of Redemption 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 the August 18, 2014 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the Minutes of the Regular Meeting on August 18, 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 September as Hunger Action Month. It was received by Amber Vlangas of the Treasure Coast Food Bank.

7. **LETTERS TO COMMISSION**

8. **COMMENTS FROM THE PUBLIC**

Mr. Roy Darby, 619 South 6th Street
Ms. Brenda DeLong-Benary
Mr. Patrick Henry, 1123 Granada Street
Mr. John Debus, 5244 Compass Cove Place
Mr. Richard Sylvestri, 5708 Buchanan Drive
Mr. Tracey Williams, 808 Georgia Avenue
Ms. Felicia Bruce, 106 Mariners Bay Blvd
Rev. John Lee

9. **CONSENT AGENDA**

- a. Waive interest and penalties in the amount of \$1766.96 for Demolition Lien totaling \$7430.21 against 815 Tumblin Kling Road, Ft. Pierce, FL owned by Carroll Collins, contingent upon payment of \$5663.25 within 60 days.
- b. Reduce Code Enforcement Lien in the amount of \$9,000.00 against 314 N. 15th Street, Ft. Pierce, FL owned by WPG Group, 4410 NE 18th Avenue, Oakland Park, FL 33334 contingent upon payment of \$1,016.12 within 60 days.
- c. Approval of Memorandum of Understanding between the City of Fort Pierce and the Fort Pierce Utilities Authority regarding the billing of streetlights due to the City's streetlight retrofit program.
- d. Approve the purchase of the six (6) remaining trail markers from Ampersand Graphics, Stuart, FL, in accordance with the attached quote, as a single source commodity in the amount of \$17,050.02.
- e. Approval to piggyback the Florida Sheriff's Association Contract no. 13-11-0904 (bid award period 10/1/13 through 9/30/14), Specification No. 47, for the purchase of a 2014 Elgin Pelican Street Sweeper from Environmental Products, Apopka, FL, in accordance with the attached quote, for the amount not to exceed \$174,780.00.
- f. Approval of Subordination of City Utility Interests Agreement between FDOT and the City of Fort Pierce for the Use and Benefit of the Fort Pierce Utilities Authority and St. Lucie County.
- g. Request approval for a contribution of \$500 to the Parent Academy of St. Lucie County from the Law Enforcement Trust Fund.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht that the following items on the Consent Agenda be approved - **9a, 9b, 9e, 9g**. Commissioner Sessions pulled item **9c**. Commissioner Alexander pulled items **9d, 9f**.

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

Passed

As to item 9c, Commissioner Sessions wanted to acknowledge the changes in the lighting the public may have begun to notice. This is not only an effort of the City to save money; it is also a crime prevention mechanism.

Mr. Mimms stated that approximately 1200 street lights have been replaced with LED technology. The LED lighting is more consistent with a brighter luminance. The City will be saving a tremendous amount of money, enabling us to operate more efficiently. The savings of upgraded lighting pays the debt service of the capital improvements that are being implemented. Our goal is to reduce the City's energy consumption and to save the taxpayers money.

Commissioner Alexander asked that he be provided information on the City's total utility bill.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **9c**, Memorandum of Understanding with Fort Pierce Utilities Authority.

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

Passed

As to item 9d, Commissioner Alexander pulled this item in error.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve item **9d**.

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

Passed

As to item **9f**, Commissioner Alexander requested clarification.

Mr. Schwerer responded this is an agreement that was worked out between the Utilities Authority and the Florida Department of Transportation. In the area of Jenkins Road, FDOT has been doing a lot of land acquisitions in preparation for widening the road and installing turn lanes. The Utilities Authority has an easement on a piece of privately owned property and FDOT is taking a portion of the property on which the utility easement is located. The Utilities Authority is being asked to subordinate their easement to the greater right of FDOT to build the roadway improvements. The agreement requires that if the Utilities Authority cannot maintain their utilities within that strip of land because of conflicts with the road improvements, FDOT will pay for and compensate the Utilities Authority to relocate those utilities to another area so the utilities can continue function in place.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve item **9f**, Subordination of City Utility Interests Agreement.

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

Passed

10. PUBLIC HEARINGS

- a. Ordinance 14-018 - Right-of-way Abandonment - Boston Avenue Extension – East of South Indian River Drive. SECOND READING

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

Mr. Kori Benton, Historic Preservation Officer, appeared and was available for questions.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Ordinance No. 14-018 on second and final reading.

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

NAY: Commissioner Edward Becht

Passed

- b. Ordinance No. 14-019 - Amending Chapter 9, Article IV - Peddlers, Solicitors and Canvassers. FIRST READING (postponed from 8/4/2014 meeting)

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

Ms. Peggy Arraiz, Code Enforcement Director, appeared with a presentation outlining the changes the Commission requested be made.

Mayor Hudson opened the Public Hearing.

Ms. Marcia Baker stated this should have been a Planning Department matter, all new rules and/or changes should be drawn up by qualified planning department staff and be incorporated into the City's current LDR and Comprehensive Plan. She stated the idea of food trucks and carts creating jobs is unlikely and that greedy franchisers will take advantage when these businesses fail to succeed.

Ms. Brenda DeLong-Benary stated the hot dog cart is not going to be in competition with the restaurants, they are not corporations that are going to put people out of work. She said they can put people to work that cannot get jobs otherwise and this is a good way to enable them to do this. She thinks the Commission made a mistake by removing the lottery and wishes them to reconsider not allowing vendors on the beach.

Mr. John Divas stated there is a difference between a cart and a truck and he does not see a problem with them being in the parks. He commented on the restriction of only 20; he likes that this can be revisited to possibly add more to the 20 stated. He feels this could be a job opportunity for today's youth.

Mr. Augusta Williams stated he used to have a cart on 16th Street and Avenue D selling ribs, chicken and fish until he was shut down. He stated he is a convicted felon and he cannot find a job because they are still on his record. He is looking for a hand up, the chance to take care of his children. This ordinance will help him.

Mr. Rick Reed stated he can understand child and sexual offenders being prohibited, but questioned the amount of 5 years for the felony conviction rule. He asked who is to judge when someone is trying to better themselves. He also questions the 500 foot setback from each vendor and the restrictions it creates on south beach.

Ms. Denise Houston stated she had received fines about a year ago for a food truck that she had set up on Okeechobee Road. She stated she was unaware of the ordinance at that time that did not permit vending. She offers jobs to the 12th graders at Westwood to earn a little money as well as to earn toward their volunteer hours. She prefers a setback of 300 feet instead of the stated 500 feet.

Mr. Richard Silvestri stated great things can come from people that push ice cream carts as his grandfather did in Miami in the 1900's.

Mr. Bruce Murray feels the revised ordinance was very well done and hopes the Commission approves. He stated he followed an ice cream truck through Causeway Park on Sunday and was concerned by the traffic that was generated by the truck and then the safety issues for the pedestrians when he parked. He is pleased that the amendment to the ordinance addressed these issues.

Ms. Carole Mushier wanted to remind the Commission that the City does have a contract in place with only one vendor for non-motorized kayaks and bicycle rentals at two beach parks that she feels should be honored. She wanted to thank staff for making the revisions simple

and comprehensive and supports the ordinance as written.

Mr. Patrick Henry questions whether it is about vehicles or push carts that are typically on the sidewalk and not parked on the street. He commented he sees plenty of people drinking alcohol and listening to loud music at the jetty and then the drinking at Friday Fest. He feels that families after being at the beach with the sand and the kids would rather have a hot dog or snow cone, they don't want a restaurant.

Mr. Charlie Hayek would like to speak in favor of having vendors on the beach and ask the Commission to reconsider vendors on the beach; he does not feel they will disrupt the restaurants on south beach. He has been a member of the South Beach Association for years. He wanted it known the Association is not a unified group.

Ms. Deanna Voehl stated the beach has changed. She sees vendors as minimal compared to the changes she sees at Jetty Park with the drinking and partying and with some organization she feels vendors could be doable. She deals a lot with repressed and recovery individuals and states they need a chance and five years is a long time to not have a job. This is an opportunity for them and they should have the same requirements as everyone else that has a business, it should be across the board and not discriminate against the vendors.

Seeing no one further Mayor Hudson closed the Public Hearing.

Ms. Arraiz clarified for Commissioner Alexander that a 2002 felony conviction would not impact an applicant's ability to get a permit. She also wanted to point out that included in this ordinance the City is allowing individuals to go knock on doors with door to door solicitations. The City wants to make sure they are not giving someone convicted of a felony permission to go knocking on the doors of its citizens.

Commissioner Sessions feels Fort Pierce is unique culturally and if the circumstances do not necessitate government getting involved he does not like it. He now does see where this warrants government even getting involved. To protect the businesses that are in existence he can understand the 500 foot setback. However, the 300 foot rule seems to be there just to protect a special interests group. He stated that he thinks five years is a little more extensive than necessary and may deny people jobs.

Commissioner Perona stated it is a balance between the safety of the people and not to take away the quality of life of the people that have an investment there. He said he is a member of the South Beach Association only as a dues payer and he received an email indicating everything that was being spoken of here tonight.

Commissioner Becht commended Ms. Arraiz on a great job balancing the varying viewpoints. He would like to look at this as a work in evolution that the City is going to try this and learn from it. The cap of 20 permits will make it easier to police and see where it goes; in the future it may increase. He would rather be more cautious and keep the 300 foot setback in place but is willing to talk compromise on a three year felony rule instead of five years. He asked Ms. Arraiz to prepare a comparison of permit costs for a 20 seat restaurant and a mobile food vendor.

Commissioner Alexander stated he is concerned about the five year felony; he is more comfortable with the requirement of two years.

Ms. Arraiz clarified for the Commission the permit process and required fees an applicant would be responsible for to obtain their vendor permit. The fees are a separate resolution that will be presented with conjunction of the second reading and can be easily amended or

changed by the Commission.

Mayor Hudson commented she wanted to commend Mr. Arraiz for all of her hard work on this ordinance. She does not have a problem with vendors on south beach; her concern is with the pedestrian traffic that would be generated. The distance requirements were for safety issues and not to prevent vendors on beachside as well as the concern for the safety issues in any park. She stated she wanted to clarify that as the Commission, it was not stated they do not want vendors on south beach, it was simply they wanted children to be safe in parks.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Ordinance No. 14-019 with a two year limitation on felony convictions on first reading.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

12. CITY COMMISSION

- a. Approve Resolution 14-R26 appointing Leon Porter as an alternate member of the Code Enforcement Board.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Resolution No. 14-R26.

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

Passed

- b. Approve Resolution 14-R27 reappointing Michael A. Perri, Jr. to the Fort Pierce Utilities Authority Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 14-R27.

Commissioner Reginald Sessions stated he is concerned about the process. He feels there is a need to look at the common practice, to evaluate and allow the public to see and decide if they want to apply instead of automatically re-appointing an individual.

Ms. Linda Cox responded Mr. Perri submitted an application for reappointment that was included on the agenda of the August 18, 2014 meeting. There were no applications on file for the position therefore, it is back before the Commission as a Resolution. The applications are online and can be submitted at any time to be kept in the respective board files until an opening becomes available.

Commissioner Alexander wants the Commission to be cognizant there are no board members representing District 1.

Commissioner suggested making an announcement 30 days in advance.

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

Passed

- c. Discussion on the consultant agreements entered into by the City Attorney.

Commissioner Alexander stated concern about turning the mortgages over to a bank and questioned approval authority for consultants.

From Commission discussion it was determined that Mr. Mimms had recommended that the Oaks and SHIP mortgages be modified; the SHIP modified loans will stay with the City, only the Oaks mortgages will go to the bank. The referenced foreclosure in Bent Creek subdivision was not foreclosed upon; the City Manager authorized an outside consultant to draft and record a Forbearance Agreement. This authorization, being under the allowable amount of \$10,000, was approved by Mr. Bradshaw. Had the fees exceeded \$10,000, it would have required approval from the Commission.

13. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Activity Report

Mr. Bradshaw wanted to remind the Commission that on September 8, 2014 at 5:05 p.m. there will be the first public hearing for the City's tentative budget and proposed millage rate. Doug Coward and his team from SELF and PACE will come and give a presentation at the next meeting on September 15, 2014. Mr. Bradshaw stated this should be extremely positive for the City. Also on the agenda for the next Conference Agenda on September 8, 2014, as per the memorandum the Commission received from Interim Administrative Services Director, is regarding the Police Chief executive search. He stated there have been some discussions, comments and concerns about the development of the King Plant site, they have asked Mosaic to come back and address the CRA, Community Advisory Board. He is hopeful the Commissioners can attend this meeting that will happen on Wednesday, September 17, 2014 at 1:00 p.m. in the Commission Chambers of City Hall. The public is welcome.

- b. Reminder - A public hearing will be held at a special meeting on Monday, September 8, 2014 at 5:05 p.m. to consider a tentative budget for Fiscal Year 2014-2015 and the proposed millage rate.

14. COMMENTS FROM THE COMMISSION

Commissioner Sessions had no comment.

Commissioner Perona had no comment.

Commissioner Alexander stated he was approached about recording a movie in Fort Pierce about the Highwaymen. He wanted to bring it before the Commission to see if it is going to be done, and that the Commission play their part. He wants the City to be open and cooperative to promote the heritage of Fort Pierce. It is his hope this can be embraced by the community.

Commissioner Becht stated the biggest obstacle he has observed so far is getting the artists united into one, common cause. He stated he cannot see them not being interested in this.

Mayor Hudson stated there is a book coming out about the life and art of the only woman Highwaymen, Mary Ann Carroll. There will be a book signing on at Jetson's on October 10, 2014. The City approved the markers for the Highwaymen Trail earlier and she agreed they are a product of Fort Pierce and the City should take every advantage to promote it.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 9:18 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER