

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, NOVEMBER 17, 2014.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Bobby Hopkins of Fairlawn Baptist Church 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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to excuse Commissioner Alexander from the Regular Meeting dated November 3, 2014.

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

Passed

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the November 3, 2014 meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve the Minutes of the Regular Meeting on November 3, 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 recognizing the retirement of Officer James Aikens. It was received by Officer James Aikens.

7. **LETTERS TO COMMISSION** - The following letters will be kept on file in the City Clerk's Office.

- a. Commendation letter recognizing Parks & Grounds Division Manager Paul Bertram.
- b. Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association of the United States and Canada recognizing the City of Fort Pierce and Gloria Johnson, Director of Finance, for preparing the award-winning comprehensive annual financial report (CAFR) for fiscal year ended September 30, 2013.

8. COMMENTS FROM THE PUBLIC

Ms. Dodi Spence
Mr. Roy Darby, 619 South 6th Street

9. CONSENT AGENDA

- a. Reduce Code Enforcement Lien in the amount of \$27,200.00 against 656 (Approx.) N 2nd Street, Ft. Pierce, FL owned by the Estate of Dennis J. Horvath, to \$2,720.00, contingent upon payment within 60 days.
- b. Approve the purchase of two (2) billboards from Clear Channel Outdoor to promote tourism in Fort Pierce in the total amount of \$20,475.00 for the period of one year.
- c. Approve reimbursement to the Arts and Cultural Alliance of St. Lucie County in the amount of \$5,245.00 for the maintenance of Public Art within Fort Pierce.
- d. Approve the purchase of Click2Gov software from SunGard that will allow employees and retirees to have self-service access to employee data and allow applicants to file job applications on-line in the total amount of \$12,296.00.
- e. Acknowledge staff's approval of a Minor Amendment to Site Plan for the former 84 Lumber Truss Plant, consolidating two future storage buildings, totaling 32,000 sq. ft., into a single structure.
- f. Approve permit request by Goodfellas Pizza for installation of two (2) above ground LP tanks at 1008 B Seaway Drive.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve the Consent Agenda in its entirety - items **9a - 9f**.

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

Passed

10. PUBLIC HEARINGS

- a. Ordinance No. 14-033, revising City of Fort Pierce Code of Ordinances, Chapter 11, Sections 11-48 and 11-52 with respect to noise control. **FIRST READING**

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

Lt. Robert Curry and Mr. Doug Price, independent consultant, appeared with a presentation. Mr. Price indicated that human ears do not hear all frequencies equally, higher frequencies are weaker. The low frequencies carry farther and cause more problems. They are not picked up on the A Weighted Scale adequately, particularly with recorded and amplified voice and sound. Officers will receive training on the new equipment as well as being available to assist businesses for sound checks.

The Crime Prevention Unit of Fort Pierce's Police Department will be the department in charge. They will be proactive and contact local businesses about the changes to the City's Ordinance on noise. The goal is to reduce noise levels, not to arrest the citizens in violation. Commissioner Sessions suggested to looking toward significantly fining the violators instead of putting them in jail. Lt. Curry stated they try to educate before they cite or proceed with

any enforcement action.

Ms. Grohall stated they always try to get to ahead of things in the Planning Department before noise is generated. They are currently working with a business planning to open; they have been made aware of the existing ordinance and updated on what is proposed.

Mayor Hudson opened the Public Hearing.

Mr. Jeffrey Thompson stated he has read the proposed ordinance and finds it very understandable; but he objects to the times listed. He feels the time limits need to change, he stated he researched the neighboring communities and the majority of them are set at 10:00 p.m. He would prefer 9:00 p.m. but agrees 10:00 p.m. would be more acceptable. The Edgartown Zoning District has adopted live entertainment rules which limit outside music to acoustic guitars until the hour of 9:00 p.m. They permit indoor music until 11:00 p.m. He would like to see these recommendations citywide.

Mr. Charlie Stubbley wanted to commend the City Police Department for taking care of this issue. He feels with the new ordinance the police will be able to do their job and asks that the Commission move to approve.

Ms. Holly Theuns stated she is a soon to be resident of Edgartown and wanted to commend the Police Department and the Commission for putting an enforceable ordinance in place.

Mr. Harry Stuart, owner of Skatetown USA, stated this business has been in place since 1977. He reiterated this was 4 years prior to any houses being built behind this establishment. It is not his contention that there should not be a noise ordinance, his contention is that he does not like the idea of the subjective measurement after 11:00 p.m.

Mr. Tim O'Connell stated for a reasonable, prudent person, it would be a Monday night watching football with the windows closed and the AC running and not be able to hear bass over the TV. That was the problem with Captain Jax. It didn't matter if he liked or disliked the music, he still heard it and if he is in his own home he can't leave. Now the new business is starting to get loud, he stated we all need to get along and be respectful of our neighbors.

Mr. Jimmy Freitas, owner of Bottoms Up Bar & Grill feels like he is paying for the sins of Captain Jax and asks to be cut some slack and be given the benefit of the doubt. He is working with the police and wants to be good neighbors.

Mr. Chris Higgins, Managing Partner of Bottoms Up Bar & Grill, states he has a few issues with what is proposed tonight. He takes exception with the ability to arrest the operator on premise if there is an alleged noise violation. They have been in business for about 4 months and have been approached and asked to host a number of national acts that are promoter represented. Bottom's Up has purchased their own sound equipment with the intention the scheduled acts will be utilizing this equipment for their events. He stated they are trying to work with everyone and be good neighbors.

Mr. Bobby Hopkins responded that he thinks the ordinance is great. He stated if the City has meters then there should be no decisions based on the opinion of an officer. He feels that if they have meters then they need to continue to use the meter readings to make their decisions, there should be no actions taken based on opinion. He clarified there should never be a time when an officer shuts someone down without a meter reading to state the fact of the violation.

Ms. Cindy O'Connell stated she welcomes Bottoms Up and is happy they are there and feels that a lot could be accomplished by the neighborhood having a dialogue with them. She

wants them to stay and for everybody to get along.

Mr. Greg Rosslow wants the Commission to remember that often it isn't the noise we hear, it's the vibration.

Mr. Pierre Laviolette resides behind Skate Town USA and asked the Commission to pass this ordinance because they need help; the vibrations have been really bad.

Mr. Chris Humphreys has been in his home and a neighbor to Skate Town for 26 years. He states the venues seem to have changed. There are times where it is a club like atmosphere. He believes an arrest is a good way to get your point across and the Commission should take another look at the times and lower it to 10:00 p.m.

Mr. Richard Colletti stated he is in entertainment; he books bands all over town. He feels if this starts to get out of line there will be a lot of people out of a job and establishments that will go out of business. He stated they are there to create revenue and they are trying to help this city survive. He asks the Commission to please keep that in mind.

Seeing no one else Mayor Hudson closed the Public Hearing.

Commissioner Becht stated he prefers they use a meter and would like to consider adding a fine.

Interim Chief Amandro responded they can make the change to state noise meters will be used at all times. They can also implement a fine as the third step and step four would be an arrest instead of making an arrest on the third incident.

Mr. Schwerer interjected there will be instances where there would be violations without a sound meter. The majority of discussion has been about music, but there are a variety of other noises here that may or may not be able to be read on a sound meter that would constitute a violation. He encourages the Commission to leave that portion of the ordinance in place as written.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Ordinance No. 14-033 on first reading.

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

Passed

- b. Public and City Commission review and comment on the 2013-2014 CDBG Consolidated Annual Performance and Evaluation Report (CAPER) containing a summary of programmatic activities. First of Two Public Hearings.

Libby Woodruff, Grants Administrator, appeared and stated they are required by HUD to place a draft form of the report for public review and comment for 15 days. The City will have this report out for about 25 days, advertisements were run in the newspaper, copies of the draft is posted on the City's website and hard copies are available.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

11. MISCELLANEOUS REPORTS & REQUESTS

12. CITY COMMISSION

- a. Resolution No. 14-R36 Accepting the Returns of the General Election held on November 4, 2014.

Ms. Cox responded to Commissioner Perona, the Certification process by the City has been eliminated; any Primary and General Elections will be handled by the Supervisor of Elections and her Canvassing Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve Resolution No. 14-R36.

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

Passed

13. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report

Mr. Bradshaw stated the City is updating and redesigning their website and it's in the final stages. Civic Plus has been working with staff this past week; everything is on track for January 2015.

Mr. Schwerer gave a brief report. The City is in the process of finalizing a consultant agreement in accordance to the Commission's prior directives. It will address legal services and costs to the City and is currently on track to be scheduled for the next Commission agenda for December 1, 2014.

14. COMMENTS FROM THE COMMISSION

Commissioner Alexander wanted to clarify that the decisions made by the Commission this evening does not affect the City's Christmas lights display and music.

Commissioner Perona was overwhelmed with the response of District 2 and the amount of citizens that voted. The people of our community are really interested in what is happening on a local level. He stated it has become a challenge to keep doing what they are doing and do it better and turn this community into a safe community. Along with the entertainment festivities and outdoor activities this City can become one of the finest seaside communities in Florida. He stated he accepts the challenge and is looking forward to another four years.

Commissioner Sessions requested an update on annexations. He stated he was looking forward to the City broadening to the west and the north and is expecting big results in a small period of time. Ms. Grohall responded some of the process has been slowed down due to the changes at the county. There are a group of annexations currently being processed and she will come back to the Commission with a more comprehensive update.

Commissioner Becht wanted to personally thank Jimmy Aikens; he has been a real asset to the City. He commanded a lot of respect in areas where it was needed. He wishes him well in his retirement. He echoes Commissioner Sessions' comments on annexations and would like to see another round of them by April so they can get on the tax rolls of the City. He stated he has two years left of his term and he is going to do his best to fight the negative energy that is brought forth by public comment. There are a lot of good things happening in the City, building permits are at a high. He wants to take advantage of the assets we have and work on solutions.

Mayor Hudson commented there is a Legislative Priorities session on December 8th and inquired if the City is on track for the Commission to have input as to the City's legislative priorities. Mr. Bradshaw responded the local legislative meeting coincides with the Commission's Conference Agenda. He will be submitting a draft list of issues to the Commission and is requesting a consensus of the list to be submitted to the legislative delegation. Commissioner Becht requested a list of last year's items and to tack on the new ones. He suggested coordinating with Port St. Lucie and St. Lucie County on common goals, stating we can make more headway by doing this. Mayor Hudson updated the Commission of the upcoming Veteran's Job Fair on November 19, 2014 in Palm Beach Gardens.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 8:31 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER