

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, FEBRUARY 2, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Minister Rose Smith of Real Life Church, Port St. Lucie 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 January 20, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the Minutes of the Regular Meeting on January 20, 2015.

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

Passed

6. **PROCLAMATIONS**

7. **LETTERS TO COMMISSION**

8. **COMMENTS FROM THE PUBLIC**

Ms. Dodi Spence

9. **CONSENT AGENDA**

- a. Rescind Code Enforcement Lien in the amount of \$161,500.00 against 312 N 12th Street, Ft. Pierce, FL owned by Beracah Estima Mellon, 312 N. 12th Street.
- b. Request to reduce Code Enforcement Lien in the amount of \$60,840.00 against 5315 Edwards Road owned by Mariner Cove Fort Pierce LTD, 2379 Beville Road, Daytona Beach, FL to \$836.32 (administrative costs) payable in 60 days.

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

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

Passed

10. PUBLIC HEARINGS

- a. Conditional Use and Site Plan Application submitted by Allied Well for construction of a Brine Storage & Transfer Tank Facility on property located at 650 S 29th Street, Fort Pierce, Florida.

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation that the Commission approve the application for Conditional Use. Mr. Benton added the City has established ordinances that would prohibit deliveries prior to 7:00 a.m., preventing disturbances to the surrounding facilities during the night time hours.

Mayor Hudson opened the Public Hearing.

Mr. Abraham Chabab, Engineer and Agent for Allied, stated the site will have 6 tanks that will be housed inside the containment area. He clarified the operation of the site and stated the hours of operation will be during daytime hours. He informed the Commission that FDEP considers this a non-hazardous waste stream product, reassuring it is not hazardous. Allied has followed all rules of FDEP and coordinated with staff to provide all materials required in reference to the brine materials. The deep injection wells will discharge below the aquifer, eliminating a concern of the Planning Board.

Mr. Tim Perkins, Director of Water and Wastewater of FPUA, appeared and commented that 99% of the solid material in question is sodium chloride, table salt. The remaining 1% is sulfate, and is not a hazardous material to humans.

Commissioner Becht read into the record an email document he received on February 2, 2015 from Mr. Tim Perkins.

No one is discharging an uncontrolled substance into the FPUA well. This activity will be done under the Florida Department of Environmental Protection permit which has undergone rigorous scrutiny including an administrative hearing in a Circuit Court review of the administrative hearing finding. The customer will deliver a 6.5% brine solution to FPUA which will be mixed with FPUA's brine; the resulting solution is .8% brine which will be dumped 2700 to 3000 feet down where the water is 4.5% brine. A full analysis of the wastewater to be discharged using all drinking water parameters have been run with no parameter concern identified. The waste stream is not hazardous waste; the waste water flow will be continuously monitored for PH conductivity and flow rate. The customer has been issued an FPUA Industrial Discharge Permit with a requirement that a full water puddle analysis be run every 6 months.

Seeing no one further, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve application for Conditional Use and Site Plan.

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

Passed

- b. Ordinance No. 15-001 Extending the territorial limits of the City of Fort Pierce Florida to include property located at 9850 Midway Road, known as the Village At Midway. FIRST READING

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

Ms. Clarissa Davis, Planner, appeared with a presentation and staff recommendation that the City Commission approve the application. She responded that FPUA stated this is within the bulk service area and they did not raise any concerns with St. Lucie County providing service, there is a utility line in the vicinity of the property.

Commissioner Perona commented this property is outside of the FPUA service boundaries and it will take a lot of capital investment to provide water to this property. The City has to make sure they have a monopoly on providing service to the area and that has not yet been done. Until then, there will be a question of who can serve as provider.

Commissioner Becht stated there is a disagreement between FPUA and St. Lucie County over who is going to be the retail provider to the properties in that area; they all need good retail water. St. Lucie County does not have the capability to do this.

Mayor Hudson opened the Public Hearing.

Mr. Lee Dobbins with the Dean Mead Law Firm, representative for the applicants, explained these parcels are in addition to properties already owned and annexed in prior years. The owner anticipates being one of the first users of the new PD zoning district with the master site plan they are currently working on. The utility issue is something they would like to see addressed and find resolutions. They would welcome help from the County and City in providing the utility service quickly and as economically as possible.

Seeing no one further, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Ordinance No. 15-001 on first reading.

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

Passed

- c. Ordinance No. 15-002 - Creating Section 22-420, Economic Development Impact Fee Mitigation Program within Chapter 22 - Zoning, Article XVI. FIRST READING

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

Deputy City Manager, Nick Mimms, and Historic Preservation Officer, Kori Benton, appeared with a presentation. Mr. Mimms stated this program is designed to generate and accelerate development, to attract businesses to Fort Pierce. The City wants to make Fort Pierce as accessible and understandable as possible; this ordinance will be a helpful tool to accomplish this.

In response to Commissioner Sessions, Mr. Benton noted that across the state of Florida agricultural operations are provided substantial subsidies or incentives from the State; they are encouraged to pursue possible qualification for this specific program.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Ordinance No. 15-002 on first reading.

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

Passed

- d. Ordinance No. 15-003 - Creating a Disability Review Committee at the request of the City of Fort Pierce Retirement Board. SECOND READING

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

Ms. Gloria Johnson, Finance Director, appeared and addressed prior concerns on the make-up of the representatives of this committee. She reiterated the committee will be in an advisory capacity only; they will not give any designation of benefits.

Mayor Hudson opened the Public Hearing.

Ms. Dodi Spence stated she had sent an email to the members of the Commission with a list of her questions. Further stating, a lot of the information they are requesting be done by the subcommittee is already a part of the Retirement Board's rules of procedure.

Seeing no one further, Mayor Hudson closed the Public Hearing.

Commissioner Alexander inquired if the City could hire experts for the small amount of times there are cases being considered. Ms. Johnson responded the City does have professionals in place they can hire if need be, it could be costly.

Commissioner Perona indicated from a technical standpoint the committee would be a valuable tool to the Retirement Board in the rare times a case comes before them. He believes the function is not to make it go faster, but to be able to give the retiree a better shot at the benefits available to them. This is that one step that would be invaluable to the board in making that final decision.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 15-003 on second and final 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. Resolution 15-R03 granting a Historic Preservation Tax Exemption for property located at 301 S. US Highway 1.

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

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation and staff recommendation to approve tax exemption for a period of 10 years based upon eligibility and compliance with local and federal regulations for rehabilitation of a historic structure. He

stated the waiver would not be a specific impact to the City general fund, but more a waiver of revenue for the FPRA.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Resolution No. 15-R03.

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

Passed

- b. Resolution 15-R04 renaming the Avenue D Historic District as the Lincoln Park Historic District based upon historic accuracy and appropriateness.

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

Mr. Kori Benton, Historic Preservation Officer, appeared with a presentation with a staff recommendation for the City Commission to approve the presented Resolution to improve the historic accuracy and appropriateness of the nomenclature of this historic district. Mr. Benton clarified the street name Avenue D will not change, it will remain the same.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Resolution No. 15-R04.

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

Passed

- c. Submittal of applications for the Planning Board.
- d. Submittal of applications for the Planning Board of Adjustment.
- e. Submittal of applications for appointment to the Code Enforcement Board.

As to items 12c, 12d, 12e City Clerk, Linda Cox, indicated applications are attached and will come back at the next meeting in the form of a Resolution for approval and the City will hold the application submittal time open until Friday, February 6, 2015.

13. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report

Mr. Bradshaw stated there have been 59 applications received for the Police Chief position, 21 are from within the state and 38 nationwide. The consultants expressed their pleasure with the quality of the applicants. The closing date for the position is February 6, 2015; at that time the second phase of the process will begin. The requested update for the marina and floating docks will be on the agenda for the next meeting on February 17, 2015. He stated another project is North 2nd Street, a joint project between City, County, FPUA and FDOT.

Mr. Edwards, City Engineer, responded to the City Manager's request for an update on the North 2nd Street Project. They are anticipating construction to begin March 1, 2015 and that there will be a joint meeting with County representatives, City representatives and the property owners to bring everyone up to speed on the construction schedule.

Ms. Grohall, Planning Manager, gave a brief update on annexations and stated staff

continues to work with FPUA finding ways to streamline, improve and strengthen the annexation agreement process. She informed the Commission there will be a full update at the Conference Agenda meeting on Monday, February 9, 2015. Mayor Hudson clarified that after speaking with staff at FPUA they expressed their dedication to working with the City staff to rectify any issues with the City's annexation agreements.

Commissioner Sessions expressed his concern of the number of properties receiving utilities that do not have annexation agreements on file. He asked for the number of properties.

In closing, Mr. Bradshaw stated the City will have a workshop for the Development of the Port sometime in March.

- b. REMINDER - The next meeting will be held on TUESDAY, February 17, 2015 at 6:30 p.m.

14. COMMENTS FROM THE COMMISSION

Commissioner Alexander expressed concern the questions that are raised during comments from the public aren't being addressed. Some questions have some validity to them and he would also like to know the answers. He feels the City needs to give the public their respect and not make them feel they are wasting their time. He inquired of a partnership between the City of Fort Pierce and St. Lucie County with FPRA. There are concerned citizens asking questions and getting the run around, especially with the façade grants. Mr. Schwerer clarified the partnership consists of the fact that both the City and the County equally contribute to the tax increment increases. The FPRA is a dependent district to the City only. Commissioner Alexander commented on the amount of street lights that are on Avenue D between 7th Street and 25th Street that are not lit. He stated that when all of the lights are lit Avenue D is a beautiful sight from 7th Street. Mr. Bradshaw to follow up with Public Works.

Commissioner Perona stated Fort Pierce was alive this past weekend, entertainment all over. He is concerned with finding suitable, convenient parking. Cars are being towed; these experiences really frown on all of the efforts by the City and the citizens of the community. He noted that City has partnered with landowners in the past and suggests staff reach out to the individual owners to negotiate and possibly enter into a low cost agreement, or at least an understanding, to increase areas for parking; this may help alleviate some of the liability issues to those individual original owners. He listed free parking areas available as the City's parking garage, the Manatee Center as well as street side parking. With the City expansion of the Marina, all of the entertainment, all of the festivals and markets he affirmed there is a need for this all to be a happy experience of finding suitable parking and knowing their cars are going to be there when they come back to it. Commissioner Perona stated the area between the Renaissance and St. Andrews is a key location and he would like to see if an agreement can be reached with the owners of the property.

Commissioner Alexander interjected that he had been approached by an owner that suggested putting up a gate and charging for parking during events, thus assuming all of the liability. Commissioner Alexander suggested letting the owner assume the total liability and allow gates to be installed on the property and charge for parking.

Commissioner Becht was pleased to say the parking problem is a great problem to have; the City has not always had the problem of too many people wanting to visit downtown or the beach area. The City needs to get ahead of this and he brought to staff's attention that he had a recollection about addressing pervious versus impervious parking and that there would be allowances for event parking. He stated he know the new owner of the property east of Harbor Community to be the company owned by Hans Kraaz, even though he was unable to find the new recorded deed of ownership and he has contacted City Hall about

what he can do to improve the properties. Interim Chief Amandro responded to Commissioner Becht that he would reiterate to staff and coordinate with Public Works to address the lights out on Avenue D. He wanted to share that Taco Dive, a privately owned business, has relocated and opened in downtown Fort Pierce. Lastly, he questioned a letter he received asking for a verification of marriage and was concerned that he received no prior notice it was coming to him. Ms. Johnson responded this company was contracted to conduct this survey as a cost saving measure for the City.

Commissioner Sessions just wanted to give some general information for the public; there is a FPUA meeting on February 3, 2015 at 6:00 p.m. where they will be discussing an increase in water rates. He encourages the public to be there and be proactive.

Mayor Hudson enjoyed attending the March Against Domestic Violence at Greater Mount Pleasant Primitive Baptist Church; it was a great supportive group. There was a representative from Operation Safe Space that spoke of the positive working relationship they share with the Fort Pierce Police Department. She also attended an open house at the Zora Neale Hurston House for the seniors that attend there during day time hours. They were also celebrating the birthday of Zora Neale Hurston; Mayor Hudson stated it was a very nice celebration. Lastly, she attended a luncheon with Mayor Oravec and four of the Boys and Girls Youth Club leaders. These leaders were chosen by their clubs to be leaders and the Boys and Girls Club arranged this luncheon to talk and motivate them to become future leaders. It was a great experience.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 8:45 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER