

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 17, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Walter Barron of Neighborhood Bible Way Revival Center 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 February 2, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the Minutes of the Regular Meeting on February 2, 2015.

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 dedication of the first Liberty Tree. It was received by Chuck McKinley, Jay Wise and Lindy Wise.
- b. Mayor Hudson issued a Proclamation recognizing February as Black History Month - A Month of Peace, Justice and Healing. It was received by Marjorie Harrell.
- c. Mayor Hudson issued a Proclamation recognizing 211 Awareness Week. It was received by Page Woodward of 211 Treasure Coast.

7. **LETTERS TO COMMISSION**

8. **COMMENTS FROM THE PUBLIC**

Mr. Robert Hall - 606 South 24th Street
Rev. John Lee - 1204 Avenue K
Ms. Dodi Spence - 833 SE Streamlet Avenue
Mr. Rick Reed

9. **CONSENT AGENDA**

- a. Approve an Agreement with the Martin Luther King, Jr., Commemorative Committee Inc. of St. Lucie County to advance funds in order to facilitate the rehabilitation of the Lincoln Theater with monies being fully reimbursed upon the committee's receipt of funds from the State of Florida Grant titled "Lincoln Theater Facade Renovation & Theater Marquee Acquisition and Installation."
- b. Approve Gentile Corporation as the lowest responsive bidder to RFP No. 2015-016 for an amount not to exceed \$12,940.00 for rehabilitation of 1115 Soltman Avenue funded by the State Housing Initiatives Partnership (SHIP).
- c. Approve Gentile Corporation as the lowest responsive bidder to RFP No. 2015-017 for an amount not to exceed \$16,055.00 for rehabilitation to 1209 Apple Street funded by the State Housing Initiative Partnership (SHIP).
- d. Approve Gentile Corporation as the lowest responsive bidder to RFP No. 2015-019 for an amount not to exceed \$23,095.00 for rehabilitation to 1012 N. 22nd Street funded by the State Housing Initiative Partnership (SHIP).
- e. Approve De La Hoz Builders, Inc. as the lowest responsive bidder to RFP No. 2015-018 for an amount not to exceed \$18,545.00 for rehabilitation to 2302 Avenue C funded by the State Housing Initiative Partnership (SHIP).

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

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

10. PUBLIC HEARINGS

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

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

Ms. Linda Cox, City Clerk, was available for any questions.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

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

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

- b. Ordinance No. 15-004 - Replacing the PUD Zoning District with a PD Zoning District in Section 22-40. FIRST READING

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

Sandy Ramseth, Senior Planner appeared with a presentation and staff recommendation

that the Commission approve the proposed changes to Section 22-40, Planned Development (PD) District as presented.

Commissioner Becht expressed concerns. He suggested a consideration be given to a two tier process that would be less costly to smaller parcels and tracts of land. He feels this could accelerate the potential for two to five acre parcels getting developed. He also stated perimeter setbacks should also include major water body or major retention area along with major roadway. Further suggesting a third option for an allowance for a reduction of the perimeter setback where the property owner creates an appropriate buffer. Commissioner Becht asked where the definition of open space is located; the ordinance makes reference to it but does not define it and requested that staff provide that information to the Commission.

Ms. Grohall responded to concerns and clarified the difference of density versus intensity, explaining that density is about residential uses and intensity is what is set for commercial and industrial uses.

He admitted to confusion with number 4 where it states all other land use regulations of the City are applicable to the PD District, it seems inappropriate where the City is trying to carve something special out only to bring all of the regulations back in. In response to Ms. Grohall's statement that this was meant to be a catchall for everything that was not specifically addressed, like signage he requested the wording be made clearer to state what is meant.

Mr. Schwerer stated he will investigate further for the Commission the scope of Unified Control, clarifying it could mean a number of circumstances. Commissioner Becht requested it be in the code exactly what is meant or needed to avoid having to contact the City Attorney for an answer.

Lastly, the Commissioner would like to see the code read that the Planning Manager has more discretionary power in determining minor and major modifications. Updated site plans are costly. He would prefer to see the code say: "may, at the discretion of the Planning Manager, require revised plans or portions thereof". This would allow for a major amendment without a redo of the entire plans.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

Commissioner Becht added that his suggestions were stated to generate discussion and feels the Commission has hit staff with some major revisions.

Mr. Schwerer made a recommendation to postpone the first reading to allow for the required changes. He would feel more comfortable with coming back before the Commission with a new ordinance for consideration.

Ms. Grohall responded a postponement would create a 30 day delay, she is confident she can revise the ordinance so as not to delay developers that are waiting to proceed. She agreed there is the option to make major revisions after the code is on the books.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Ordinance No. 15-004 as currently drafted with a request that staff come back to the Commission with comments relative to the suggestions discussed.

Commissioner Sessions commented that this was supposed to streamline and make it easier, he hopes it does not get to the point the City is micro managing.

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

Passed

- c. Ordinance No. 15-005 Amending Section 2-29 and Section 2-35 relating to procedure for making public comment at meetings and placement on the agenda. FIRST READING

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

Robert Schwerer, City Attorney, stated staff has made the requested changes and present before the Commission Ordinance No. 15-005.

Commissioner Becht mentioned an email he sent concerning a case that identified only residents could speak during public comment. Mr. Schwerer acknowledged receipt and stated he found the case interesting that it was sustained in a Federal court.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Ordinance No. 15-005 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. Approval of Resolution No. UA 2015-01 which provides for a 3% increase in the water customer and volume charges which was approved by the FPUA Board on February 3, 2015.

Mr. William Thiess, Director of Utilities, appeared with presentation and a request the Commission approve Resolution No. UA2015-01. He emphasized the Charter clearly states the water utility is a separate entity and has to sustain itself as per Fort Pierce City Charter Article XII, Sec. 176(6). Currently the water utility is not self-sustaining and in violation of the City Charter, the proposed rate increase is a necessary corrective measure.

Mr. Thiess indicated there is a process in place to assist customers that may have a leak; FPUA will make a call to the location to make them aware there may be a leak they are unaware of when an unusually high bill is noticed for the address. In turn, if the UA receives a call of a potential leak the process is to respond to that complaint usually by the next day. Once repairs are complete the procedure is for the contractor or crew to return the property to its original state.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to adopt Resolution No. UA 2015-01 as necessary by the Charter.

Mr. Schwerer suggested under Section 176 of the Charter the Resolution is before the Commission as approved by the Utilities Board, therefore the options are as submitted to the Commission and will become the effective rate within 30 days unless 4/5's majority of the Commission disapproves of the rate increase. A second an option is to waive the 30 day

disapproval period so the rates in go into effect immediately.

Commissioner Sessions does not agree and stated concerns with the water utility having to be self-sustaining. He feels there needs to be more of a practice of when one is doing well it should help offset the other collectively.

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

NAY: Commissioner Rufus Alexander, Commissioner Sessions

Failed

- b. Request by Mayor Linda Hudson for support of her advocacy for the 2015 Legislative Priorities of the Florida League of Cities.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to support Mayor Hudson as advocate of the Florida League of Cities.

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

Passed

- c. Application for Design Review to allow for a metal structure at the State Farmer's Market, located at 3503 S US Hwy 1.

Clarissa Davis, Planner, appeared with a presentation and staff recommendation the Commission uphold Code Section 22-59(g)(4)d which states metal or vinyl siding and simulated stonework on expanses of building walls shall not be permitted. Ms. Davis explained that one of the reasons this is before the Commission is that staff does not have the administrative power to overturn something that is so mandatory in its language, we have this before the Commission to make the rendering.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve site plan review application for 3503 South US Highway 1.

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

Passed

- d. Resolution No. 15-R05 Appointing members to the Planning Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution No. 15-R05.

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

Passed

- e. Resolution 15-R06 appointment members to the Board of Adjustment.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Resolution No. 15-R06.

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

Passed

- f. Resolution 15-R07 appointment members to the Code Enforcement Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Resolution No. 15-R007.

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

Passed

- g. Submittal of applications for appointment to the Board of Examiners of Contractors.
- h. Submittal of applications for reappointment to the Construction Board of Adjustments and Appeals.

As to items 12g, 12h 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. City Manager's Departmental Activity Report

Mr. Bradshaw stated the County Commissioners have agreed to meet for a Port Development Joint Workshop, this will be in mid to late May. The City is going to insure that representatives for the Florida Ports Council along with FDOT and other funding partners attend. There are 74 applicants for the Police Chief position, 27 are Florida residents. The process is on track and moving forward. On Friday, February 22nd the City will co-host with the County the Department of Economic Opportunity; they are coming to look at development in north county and the Port. As for the annexation process, he stated there has been positive communication with FPUA and thanked Ms. Grohall and Commissioner Becht for their assistance. Mr. Bradshaw stated he is feeling optimistic, things are moving forward and looking a lot better. One last item he was pleased to share the success that was recognized by the South Beach Association when they presented the City's Public Works Department with the Islander Award. The City will share this recognition at the next Commission meeting on March 2, 2015. Mr. Bradshaw commended the team on a job well done.

Mr. Schwerer stated he requires and desires advice from the City Commission regarding pending litigation involving Dickerson Florida vs. City of Fort Pierce. This announcement is made pursuant Florida Statute 286.011. He is requesting advice on litigation strategies and expenditures. Staff is in the process of scheduling a Shade Meeting, a standard notice will be posted on the City's website.

14. COMMENTS FROM THE COMMISSION

Commissioner Alexander questioned the webcams at the Jetty and if there was some kind of snafu. Mr. Schwerer stated he had worked with the Marina and Engineering staff and prepared a license agreement with Comcast to run a single service line out to the jetty. The agreement went through Comcast's channels and they have now proposed a whole new form. Staff is hopeful this will be resolved easily. Commissioner Alexander referenced Consent Agenda item 9b and inquired what control the City has to insure the contractor does not exceed the lowest bid amount that got Gentile Corporation the contract. He did not want to pull the item but he is questioning how one contractor received all three bids, even if he was the lowest bidder. He stated another point of concern is with the FMPA audit report; the results of that report should come before the Commission. Commissioner Perona supplied the FMPA has shared the report with the public and will be responding to the audit report accordingly.

Commissioner Becht remembers the FMPA representative being in Fort Pierce a number of years ago and stated the City owns a portion of their assets. He asked that the City invite him to return and speak to the Commission concerning the audit, he feels the City has a right to ask them to come and tell the Commission what is going on and their intent of addressing it. He inquired about Marina updates; he would like them to be televised so the information will be available to the tourist to see what is going on. He inquired of maybe having an update on the Melody Lane fishing pier project. Mr. Bradshaw informed the Commission there will be a full update on the Marina at the March 2, 2015 meeting. Commissioner Becht made note of the ongoing parking issues in the City and commended Mr. Nick Mimms on the great job he did of selling some of the good things that are going on right now. He stated Mr. Mimms was able to energize the crowd at the South Beach Association Annual Meeting with really positive news about Fort Pierce. He feels that anyone leaving there with an open mind left with an understanding there are a lot of good things happening here. He is also happy to report the Fire Board selected Buddy Emerson as the new Fire Chief, beginning October 2015. Buddy, in his opinion, has a good relationship with the City and he feels comfortable he will continue to be friendly with Fort Pierce. In closing, he stated there are good things happening and he compliments Nick for his energy and thanked staff for taking some of their personal time to attend.

Commissioner Sessions would like to echo what he has heard with regards to getting information about the audit with FMPA. The FMPA is partially owned by the City thus making their actions the City's responsibility. There have been some impudent practices that have resulted in unreasonable rates and unreasonable long term risk by the hedging practices of the FMPA, as is indicated by this audit. If there are any of these practices being exercised then someone needs to come answer as to what is going on. There are two municipalities getting on board with Vero to use this as a basis to get out of a contract, he states this is all the more reason why this is a situation that cannot be taken lightly and hopes staff will stay on top of this. In the event this is in fact happening then this may be an outlet for the City to get out of this contract that he feels is not in the best interest of the citizens of Fort Pierce. He cannot emphasize how important it is to stay on top of this situation and not call the UA and expect them to do it due to an apparent conflict of interest.

Commissioner Perona stated there are a lot of amenities here in Fort Pierce, there are also a lot of tourists experiencing those amenities and it is very noticeable as there is a parking problem. The Commission is mindful of that and talks of it frequently, the police department handed out over 100 warning tickets just this past weekend. There are people parking on the right of ways and along the streets with people circling trying to find spots to park. These are good problems but they are problems that take the essence from our amenities away. He is concerned people will quit coming to Fort Pierce if they don't think they can get available public parking. He would like the Commission's support to have staff reach out to the St. Lucie County Clerk to see if they have any interest in the parking lot at Melody Lane, then to speak with the owner to see if the City or County could enter into an agreement that may reduce the liability that could make this a possible solution. Mr. Schwerer stated there is the possibility of signing the same type of lease agreement the City currently has with the Manatee Center, to at least approach them. Commissioner Becht added he received an email from the Director of the Mainstreet just before FridayFest saying they did not want to have a problem. He reached out the registered agent and received a return call from the owner. The owner was okay with the City blocking off and securing the property but he accommodated another city and is now being sued by a drunken individual that fell on his property. Commissioner Becht mentioned the agreement with the Manatee Center and stated the owner seemed interested in a similar agreement. He stated the emails were copied to Mr. Mimms and at least one of them to the Commission as a whole. He stated this could be an easy possibility. Commissioner Perona requested the City still reach out to the

County because they are the primary users of that lot.

Mayor Hudson stated a local merchant has offered to invest in street ready golf carts to transport people in the downtown area to and from the parking garage. She stated she had shared this with Mr. Mimms and Mr. Bradshaw for follow up. This may help with the parking and encourage people to use more of the parking available a short distance away from the events. She stated she has been talking with Interim Chief Amandro concerning the speeding on Indian River Drive, the Police Department is very aware and working on the speeding issues throughout the City. There is now a visitor's center at Granny's Kitchen, she was very pleased to read of this in the City Manager's Departmental Report. The City has the Miami Travel Group coming to Fort Pierce to do a Black History Tour on Thursday and is excited for them to visit the new center. Mayor Hudson wanted to share that she and Commissioner Sessions both attended the Westwood Battalion Cadet Ball of ROTC on Friday night. It was a wonderful evening and they were all grateful for us taking our Friday night out with them. She commended Commissioner Sessions for his words to the cadets that night. Lastly, she reminded everyone that on February 18th and 19th the School Board is choosing its Superintendent and encourages all to attend the public meetings and provide their input.

15. ADJOURNMENT

There being no further business, Mayor Hudson declared the meeting adjourned at 8:42 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER