

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, APRIL 20, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:32 p.m.
2. **OPENING PRAYER** - Reverend Dr. Kenneth Mills, Save our Children 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 April 6, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the Minutes of the Regular Meeting on April 6, 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 April 24, 2015 as Arbor Day. It was received by Paul Bertram, Public Works.
- b. Mayor Hudson issued a Proclamation recognizing May 1, 2015 as Law Day. It was received by Carlos Wells, St. Lucie County Bar Association President.
- c. Mayor Hudson issued a Proclamation recognizing April as Child Abuse Prevention Month. Mayor Hudson accepted the proclamation on behalf of CASTLE.
- d. Mayor Hudson issued a Proclamation recognizing April as Guardian ad Litem Month. It was received by H.L. "Vern" Melvin, Circuit Director.

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

- a. Commendation letter from The Daniel M. Center for Behavioral Change thanking the Building & Code Enforcement Department for their swift response when the building was hit by a car.

- b. Email received from Mears Construction commending the Building Department, in particular, Kim West, for Kim's professional manner and great attitude.

8. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS

Ms. Elizabeth Brown, Consent Agenda item 9a

9. CONSENT AGENDA

- a. Waive interest, penalties and administrative fees in the amount of \$324.40 for lot clearing lien against 3061 S 10th St, Ft. Pierce, FL owned by Elizabeth Brown, 5202 Palmetto Dr., Ft. Pierce, FL, contingent upon payment of \$139.93 within 60 days.
- b. Reduce code enforcement fines in the amount of \$32,290.00 against 3111 Boston Avenue owned by Danilo Ortega (TR) and Lurine Foster (TR), 3549 SW Riviera Street, Port St. Lucie, FL 34953 to \$1000.00 payable in 60 days.
- c. Reduce code enforcement fines in the amount of \$262,915.00 against 508 N. 14th Street; previously owned by Alcinne Calixt (TR) C/O Reynard Millien, 508 N 14th St., Ft Pierce, FL and currently owned by Royston Dass, 1528 SW Abington Avenue, Port St. Lucie, FL 34953 to \$1,000.00 payable in 60 days.
- d. Approve Blackstreet Enterprises, LLC in response to RFP No. 2015-021 for an amount not to exceed \$20,444.00 for rehabilitation of 2008 Avenue P funded by the State Housing Initiative Partnership (SHIP).
- e. Approve De La Hoz Builders, Inc. in response to RFP No. 2015-022 for an amount not to exceed \$22,922.00 for rehabilitation of 2802 Avenue I funded by the State Housing Initiative Partnership (SHIP).
- f. Approval of Lease Extension Agreement with Little Jim Bait and Tackle, Inc. for property located at 601 North Causeway Drive, Fort Pierce, Florida for a ten year period commencing on March 1, 2015 in the amount of \$2,000.00 per month adjusted annually by CPI.
- g. Approval of settlement agreement between Dickerson Florida, Inc. and the City of Fort Pierce.
- h. Approval of travel expenses in the amount of \$898.78 for Commissioner Sessions to attend the 30th Annual National Conference on Preventing Crime in the Black Community being held May 27 - 30, 2015, in Tampa, Florida.
- i. Approval of travel expenses in the amount of \$898.78 for Commissioner Alexander to attend the 30th Annual National Conference on Preventing Crime in the Black Community being held May 27 - 30, 2015, in Tampa, Florida.
- j. Approval of Travel for Mayor Hudson to attend the Florida League of Cities Regional Summit Series - Economic Development Tools on August 11, 2015 in the amount of \$173.77.
- k. Approval of Employment Agreement between the City of Fort Pierce and Diane Holey-Burney for her services as Chief of Police for a three year term commencing June 1, 2015 at an annual salary of \$124,091.00 subject to City Attorney review.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander that the following items on the Consent Agenda be approved - **9a, 9b, 9c, 9e, 9g, 9h, 9i, 9j**. Mayor Hudson pulled item **9d**, Commissioner Becht pulled items **9f, 9k**.

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

Passed

As to item 9d, Mayor Hudson stated staff has been informed by Blackstreet Enterprises that they are unable to complete the bid.

Mr. Mimms explained to the Commission the bid process. Staff is recommending an alternate bid go to De La Hoz Builders in the amount of \$22,873 since Blackstreet Enterprises was unable to meet the insurance requirements, specifically for Workers Compensation.

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

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

Passed

As to item 9f, Commissioner Becht stated this is not fair market rent and cannot approve this item; initially he was not in support of the lease and wanted to maintain consistency by not supporting it now although he sees no option but to extend it.

Mr. Mimms responded the staff recommendation is to approve the renewal as per the existing lease agreement. The tenant has made all required improvements as designated by the current, active lease. The Building Department has inspected the facility and verified the tenant has completed all necessary repairs, stating the tenant has held up their end of the agreement.

Commissioner Perona would feel more comfortable with a 5 year extension instead of the long term 10 years as proposed.

Mr. Schwerer interjected that the City's legal options are somewhat limited as to the extension.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Consent Agenda item **9f**.

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

NAY: Commissioner Edward Becht

Passed

As to item 9k, Commissioner Becht stated he did not want this item to be approved as part of the Consent Agenda, he pulled this item to give the City the opportunity to meet the new Chief. City Manager Bradshaw stated that June 1, 2015 is Ms. Hopley-Burney's first day and wanted to announce that during the first meeting in June there will be a reception and swearing in ceremony.

Ms. Hopley-Burney agrees that prayer is a wonderful thing, stating fate brought her here and fate is keeping her here. She is proud to be a part of Fort Pierce, further saying everyone

has embraced her and shared with her their concerns. She is looking forward to this opportunity to take the City of Fort Pierce to a place that everyone can be proud of.

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

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

Passed

10. PUBLIC HEARINGS

- a. Ordinance No. 15-009 - Amending Chapter 22 to permit Farmer's Market and Farm Stand Use in Light Industrial Zoning Districts. **SECOND READING**

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

Planner Clarissa Davis appeared and was available for 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 Rufus Alexander to approve Ordinance No. 15-009 on second and final reading.

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

Passed

- b. Approval of application for Waiver of Distance submitted by Bunwin, Inc. (owner) and Robert Smith (applicant), operating as Celebrity Peacock Jazz and Blues Club, for a 4COP Alcoholic Beverage License, located at 510 Orange Avenue. Property is zoned C-3, General Commercial.

Historic Preservation Officer Kori Benton appeared with a presentation and clarified the title for the agenda item should indicate a request for SRX Special Restaurant license, a type of alcoholic beverage license. The applicant has revised the presented hours of operation to remain closed on Sundays to avoid the traditional church services. City staff is recommending the Commission deny the waiver of distance application as presented based upon health, safety, welfare concerns and various issues related to criteria a., b. and c. presented in Section 3-11 of the City Code.

Mayor Hudson opened the Public Hearing.

Mr. Fred Ralston requested clarification of the address.

Mr. Mike Menard of Cook and Menard Architecture thinks this is a good idea. He is 100% for fixing up the older building and bringing businesses to the west side of US 1 and feels the building will have parking issues no matter what type of establishment moves in based on the sheer size of the structure and that a restaurant that is open after hours can surely utilize the parking of the other businesses surrounding that are closed, thus eliminating mass parking issues.

Pastor Tim May of United Methodist Church stated parking has been an issue for the downtown Farmer's Market and it was his understanding the Marina would be opening up and also looking for additional parking. The City has a parking issue and he feels the church would then become the parking police, mentioning property owners taking the liberty of towing cars. He wanted to remind everyone that the decision made tonight will set a precedence regarding other vacant buildings on the Orange Avenue corridor. When initially approached the location was to be a Red Lobster type of restaurant, but it changed to a club atmosphere with live music until 2:00 a.m.; there needs to be a distinction between what a club is and what a restaurant is.

Mr. Robert Smith, applicant for Celebrity Peacock Jazz and Blues Club, stated this was to always be a restaurant with entertainment and alcohol that would bring business and jobs into the community, specifically the downtown area. Mr. Smith stated he has been trying to work out the parking issues by meeting with establishments and members of surrounding churches, obtaining permission from two that will provide written consent to utilize their after hours parking. This is a business that provides jobs; the main thing is to bring back jobs.

Commissioner Perona commented on the closing on Sunday, inquiring how this can be done on such a key day in the restaurant business. Mr. Smith responded it was done to respect the churches and to eliminate any problems; he would take that chance so he could be a part of that downtown area.

Pastor Todd Smith of Common Ground Vineyard Church stated the church was started 19 years ago on Orange Avenue and for 3 ½ years on 2nd Street. The church dealt with open containers on the street, intoxicated individuals and drug deals being conducted behind their building to which they had to call the Fort Pierce Police. He wanted the Commission to know that when the focus shifted from a takeout restaurant to a bar and a liquor license came into play, the church felt they were being misdirected and withdrew their parking lot agreement. He stated there is no problem supporting a legitimate business coming into the area, as long it is clear what the business is intending to do; there needs to be transparency.

Ms. Millie Santiago stated she does not agree with Pastor Tim May's opposition of this business. She feels this is a great opportunity for many to obtain jobs, not only a place to hang out. Ms. Santiago sees this business as a way to extend the downtown area to the other side of U.S. 1 and wanted to say she does not agree with the church and is for the business.

Mr. Greg Rosslow stated the Church is like the home team, playing by the rules, while the restaurant owner is coming in and asking to change the rules. He stated this does not seem right. Further stating that most restaurants do not make it a habit to stay open until 2:00 a.m., he feels it is the entertainment aspect that is creating the opposition.

Ms. Robin Smith, a member of First United Methodist Church stated she thinks it is a good idea to have more jobs and a restaurant but she knows what it is like to go to clubs with the drinking and intoxication and fighting. Ms. Smith is against the club.

Mr. Magnus Huggins of Magforce Protection Agency stated was hired by Celebrity Peacock and wanted the Commission to know there will be security on the premises to handle a variety of issues that may arise such as congestion and intoxication.

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

Mayor Hudson stated there are people that are interested in this area filled with empty buildings and the Commission needs to be proactive of the Orange Avenue Corridor,

regardless of what is decided.

Commissioner Perona feels one of the key issues is parking and he is not in favor of using the City's parking garage to meet the parking requirements. He is for this business coming to Fort Pierce, but states it would be detrimental to this area.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to deny request for Waiver of Distance for discussion.

Commissioner Becht indicated that what ended up happening was Mr. Smith's dream kept evolving and transform into a component the churches could not accept. He wanted to thank Mr. Smith for his tremendous compromises and for making staff make the Commission make the community look at the parking problem. If it is not this business, any inherent business will be looking at a parking problem as well as the common wall with United Methodist. Commissioner Becht stated with the inability to meet the parking requirements, the common wall and the club entertainment component he cannot support the applicant's request.

Commissioner Sessions appreciates a potential business coming into Fort Pierce and he is grateful for Mr. Smith's vision, had this been a more amenable business and more compatible he thinks they could have worked with the parking issues. The bottom line is the shared wall with a church. Commissioner Sessions stated his hopes for a relocation of this vision to an area with comparable activities surrounding.

Commissioner Alexander encourages Mr. Smith to reach out to the City Manager to locate a vacant property that may be more amenable for this project.

Mr. Bradshaw responded to Mayor Hudson the timing is perfect to have further discussions at the Strategic Planning next week.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Baccalaureate Degree Legislation Update - Andy Treadwell, Administrative Director of Legislative and Executive Communications, Indian River State College.

Administrative Director of Legislative and Executive Communications of Indian River State College, Mr. Andy Treadwell, appeared and gave a brief update on legislation that may affect the Baccalaureate degrees at IRSC. At the end of March, a strike all amendment was attached to Senate Bill 1252, an alarming measure attached would remove the work STATE from the school's title. Most alarming being a 5% cap of baccalaureate enrollment versus total enrollment, the school is currently at 9.1%. Mr. Treadwell informed the Commission that last week a compromise was reached; the school name will remain the same and the school system will revert back to being called the Florida Community College System and the moratorium will be lifted on new 4 year plans. These changes will appear as a strike all on Senate Bill 948. At this time the council has settled with the issue, trying to move forward

It was the consensus of the Commission to approve ask Mr. Treadwell to draft a letter to be signed by City Manager Bradshaw and Mayor Hudson in support of Indian River State College from the City Commission.

- b. FPUA Commercial Utility Services Application process presentation by Bill Abramowicz, Customer Service Manager

Customer Service Manager, Bill Abramowicz, appeared and presented to the Commission at Mayor Hudson's request the information he previously presented before the FPUA Board explaining application for utilities, services provided, clarifying the deposit and collection processes. He stated there are approximately 5,000 local customers to FPUA. He recommends start-up businesses call the UA at (772) 466-1600 to inquire about average bill and services available for a location and to verify the necessary deposit amounts, or any potential upgrades that may be needed.

Mr. Abramowicz addressed Commissioner Alexander and Commissioner Sessions concerns about the grease traps in the City. He clarified they are not a local issue, there are federal laws and state, local and utilities codes that are in place that have to be followed. When a neighboring business experiences backups and suffers damage, the UA is liable due to a lack of enforcement of the Codes. In addition there are reports that have to be submitted on a regular basis to the Environmental Protection Agency. Typically, they leave most businesses alone unless ownership and/or use of the building changes or it starts to affect the UA's system. If a business can avoid the grease trap, the UA does offer the business to qualify for an interceptor. Secondly, the businesses have to hire an independent contractor to engineer and install the grease traps; none of this process is done by the UA.

Commissioner Becht recommends the UA make recommendations to the local businesses with other businesses in waste removal, Commissioner Becht is optimistic that there is potential for an agreement between the local business and the waste removal company that may provide for a funding source for the necessary upgrades by an exclusive contract for the grease removal. He stated there is no model there yet but he sees potential.

Mr. Bradshaw stated his intent to have staff check to see if there are CDBG funds available to help address some of the grease trap issues. Commissioner Becht believes this would be good use of funds to help the local businesses to stay in business. Provided the funds are available there is potential for a great partnership with the UA.

Commissioner Sessions stated he is looking for solutions and ways to assist the public and be more business friendly. Mayor Hudson added that everyone needs to be aware and on the same page to be able to assist the public, thanking Mr. Abramowicz for attending. Commissioner Alexander brought to the attention of the Commission and FPUA a noticeable offensive odor that he has been complaining about for the past week on Avenue D. In closing the Commission expressed their appreciation of Mr. Abramowicz.

- c. Presentation of the Financial Report for the quarter ending March 31, 2015.

Chief Accountant Johnna Morris appeared and stated the City has a stable financial position for the quarter. There is a shortfall from the telecommunications tax for \$250,000; however, there will be a revenue share increase of about \$100,000 along with utilities transfer from the UA for \$130,000. At the end of the quarter the City is looking at a projected shortage of \$19,000 in revenue, expenses are on target with no shortages recognized.

12. CITY COMMISSION

- a. Discussion on Avenue D businesses requested by Commissioner Alexander.

Commissioner Alexander feels there has been enough discussion, he is looking forward to some action.

13. COMMENTS FROM THE PUBLIC

Ms. Dodi Spence

14. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report.

Mr. Bradshaw wanted to remind the Commission of the Strategic Planning Workshop scheduled for next week, Monday through Wednesday. He stated that staff will meet from 8:00 a.m. until 5:00 p.m. on Monday. On Tuesday and Wednesday the Commission is to meet at the Riverwalk Center at about 9:00 a.m. until the close of the meeting at 5:00 p.m. He encourage them to come enjoy the continental breakfast before the meeting commences.

15. COMMENTS FROM THE COMMISSION

Commissioner Perona stated he attended the FMPA meeting in Orlando and provided a handout to the City Clerk for the Commission. He extended an invitation to the CEO Nick Guarriello to come to the City of Fort Pierce to speak to the Commission on the auditor's general report. Commissioner Perona downloaded an executive summary of the issues outlined in the report, further requesting a copy of their worksheet of FMPA's formal response. Mr. Guarriello welcomes the opportunity to visit the City once the legislative session is over and the formal response is complete, this should be in June.

Commissioner Sessions had no comment.

Commissioner Becht inquired of the status of the U.S. 1 annexations. Ms. Grohall stated the annexations are progressing very well. She wanted to extend her thanks and appreciation to the staff at FPUA who have been working diligently on this issue. The Planning Department is processing a group of annexations that will go before the Planning Board in May, the Commission will see them the first and second meetings in June. There will be 36 parcels, approximately 125 acres with a tentative generation of \$250,000 annually into the ad valorem.

Commissioner Alexander had no comment.

Mayor Hudson wanted to thank the community for their support of the Haitian Independent Assembly, noting specifically Commissioner Alexander for all of his hard work, the Police Department, the Sheriff's office, the county, and the city. The whole community response was something to be very proud of. There was a lot of national attention and the church was very appreciative; a funeral for seven individuals is not easy and will never be forgotten. Commissioner Becht added that Congressman Murphy spoke on the floor and wanted that to be noted. Commissioner Alexander wanted to reach out to the Interim Chief, the police department, the sheriff's office and Public Works for all they did, it couldn't have happened without them all. Interim Chief Amandro commented a warm welcome to the Cadet Class at IRSC for volunteering their services, he will be writing a letter to Dean Barry thanking them for their service.

16. ADJOURNMENT

There being no further business, Mayor Hudson called the meeting adjourned at 9:37 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER