

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, JULY 20, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Commissioner Reginald Sessions 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 July 6, 2015 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the Minutes of the Regular Meeting on July 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 declaring July 25, 2015 as Treasure Coast Waterway Cleanup Day.

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

- a. Brief presentation by MAD DADS Fort Pierce Chapter Inc. thanking City Commission for donation towards the youths participation in the Crime Prevention Workshop in Tampa.
- b. Letter from Main Street Fort Pierce thanking Public Works, the Police Department and the City of Fort Pierce for the support, assistance and funding of Stars over St. Lucie - 4th of July Celebration and fireworks show.
- c. Letter from St. Lucie County Commissioner Chris Dzadovsky extending his gratitude to City staff and to Rob Schwerer and his legal team for their significant contribution to the success of several joint projects with the County.
- d. Email from Upendo Shabazz-Phillips with Allegany Franciscan Ministries thanking Public Works employees with their contribution to the success of their recent event.

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

There were no comments from the public.

9. CONSENT AGENDA

- a. Waiver of interest and penalties in the amount of \$2,945.03 for demolition lien totaling \$5,295.03 against 1006 Avenue F, Ft. Pierce, FL 34950 previously owned by Pearl Eckles (Est), 299 Lefferts Ave., Brooklyn, NY 11225 and currently owned by Michelle A. Williams, 906 Avenue E, Ft. Pierce, FL 34950 in consideration of payment of \$2,350.00 with a payment plan of \$50.00 per month until paid.
- b. Approval of Interlocal Agreement between the City of Fort Pierce and St. Lucie County for City to assume marketing, promotion, administration, operation and maintenance of all kiosks and markers associated with the Zora Neale Hurston Dust Tracks Heritage Trail.
- c. Approval to enter into contractual negotiations with highest ranked proposer on RFP No. 2015-043 for the redevelopment, transfer or sale of surplus land located generally at 1920 Seaway Drive.
- d. Approval to enter into an agreement with FDEP relating to Grant Agreement No. G0417 which provides funding for the construction and operation of a stormwater treatment system to be located at Veterans Memorial Park.
- e. Approval of travel for Mayor Hudson to attend the Florida League of Cities Annual Conference in Orlando, FL on August 13-15, 2015 in the total amount of \$1,264.41.
- f. Approval of travel for Commissioner Alexander to attend the Florida League of Cities Annual Conference in Orlando, FL on August 13-15, 2015 in the total amount of \$1,420.86.

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

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

Passed

As to item 9c, Commissioner Perona stated he does not remember declaring this property as surplus land. He does not believe the board had formally considered this property as disposable. When you do the numbers of the costs it comes out to roughly \$30,000 a parking space, stating this makes him feel uncomfortable. He wants to make sure that at the end of the period, no matter how great the applications are, that this is something the City wants to do. Commissioner Perona does not believe the 36 spaces that will be obtained with the \$1.3 million investment really gets that job done.

Deputy City Manager Nick Mimms indicated that Mr. Berg came before the Commission at a conference agenda with the Planning Department and his Square Grouper project and at that time suggested a private/public partnership to look at ways to improve parking conditions at the jetty area. At that meeting, it was suggested that to pursue further development on this publicly owned parcel, an RFP process would be required. The RFP process started with an advertisement in April, a closing date in May, the RFP proposals were evaluated in June with presentations of the proposals in July. The highest ranked proposal was from Jim Berg/Jam 3

LLC; staff recommendation is to obtain authorization from the Commission to enter into contractual negotiations with this company to determine if their proposal is feasible for the City of Fort Pierce. They are proposing parking, lighting and access improvements, and a small commercial retail development.

Commissioner Becht stated the City has a piece of property purchased for \$1.1 million for historical perspective. A quarter of an acre of this property was used to complete the roundabout, it would have been difficult to complete without it. The public benefit would be in the 36 parking spaces, but feels the 4,000 square feet of retail will compound the exacerbated parking problem. He does not see the public benefit in the Conceptual Plan. Commissioner Becht stated that if the Board as a whole is interested in labeling this as surplus property when the City sells to a private user it will compound an already bad parking problem. He suggested selling the property 2 to 3 years from now, take that money to purchase a larger parcel a few blocks over to install interior parking. Then the people could park and walk to the waterfront areas. He calls this good planning and further suggested a partnership with the County because of their vested interest in solving the problem. This is not the use that he was looking for; he stated he would be horrified to say that he supported this plan for the use of that public property.

Commissioner Sessions does not think the City should be giving up valuable waterfront property for parking. If they are willing to pay waterfront prices to build a parking lot he is not adverse to that. However, he does not feel the City can afford to give the property in exchange for a parking lot. He asked if the bid process suggested or requested a monetary amount as opposed to parking.

Mr. Mimms clarified the RFP did not include a minimum price; the RFP was for proposals to redevelop the land. Once the negotiation process has concluded, the proposal would then come back before the City Commission with a breakdown showing the costs for sale, transfer, lease or disposal.

Commissioner Perona does not believe this to be a solution for the City's parking issues stating there are other solutions like a trolley system. By selling the property it creates a tax entity that benefits the City that could also commit to other parking solutions. He does not think it's time to waste their time, effort and money to go on with the RFP process.

Mayor Hudson stated that at some time there may be paid parking on the beach, but the Commission has not made that decision. Commenting that people are currently parking on this property and will safely assume they will continue to park on this property, asking for verification that the Square Grouper will continue with their development plans. Mr. Mimms responded that as far as he knows the development is moving forward, he is unaware of any contingency plan involving this land.

Planning Manager Rebecca Grohall interjected that this is a buildable lot but, it is highly unlikely to get a hotel or motel. The amount of acreage for this parcel would make it very difficult for anything other than a typical boutique, garden style hotel.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to reject Consent Agenda item **9c**.

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

Passed

10. PUBLIC HEARINGS

a. Public Hearing on Proposed Allocations for CDBG 2015-2016 Action Plan

Grant Administrator Libby Woodruff appeared with a presentation. The City will receive \$474,148 from HUD this year, estimating the approximate program income to be around \$6,000. This brings the total amount of funds available for programs for the fiscal year of 2015-2016 to be \$480,148.00. Ms. Woodruff outlined the suggested activities for this program year.

Commissioner Becht responded to the mural program, stating there needs to be a maintenance agreement in place for all City murals.

Commissioner Sessions feels the Percy Peak Gymnasium needs to be open later than the current 8:00 p.m. closing time. The City cannot afford not to be open, the City needs to take action and give younger folk's a place to go that is supervised and off the streets. Stating it is the wee hours of the night and early morning when the young people seem to be getting into trouble.

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 Reginald Sessions to approve CDBG 2015-2016 Action Plan on first reading.

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

b. Ordinance 15-047 rezoning properties generally located at 600 S 3rd Street from I-1, Light Industrial Zone to PD, Planned Development Zone. SECOND READING

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

Senior Planner Kori Benton was available for any questions.

Mayor Hudson open the Public Hearing.

Mr. Michael Jacquin wanted to thank the Commission and inquire if there were questions for the applicants and developer. Mr. Pete Tesch, President of the Economic Development Council, came forward in response to Commissioner Becht's request for clarification of the property's taxable value. He stated based on the capital budget outlay that was provided by Rocla Industries the property's taxable value is \$1.2 million. In consultation with the Property Appraiser's Office it was estimated in year 1 the total taxes generated will be \$260,000, a total of \$67,133 to the City of Fort Pierce.

Mr. Rusty Croley added that the project estimate provided to the Commission includes the actual budget for this project. He stated that he cannot stand before the Commission today and say that \$10.2 million is the definite number, in the building portion there were numbers included for site work that includes the landscaping.

Commissioner Becht inquired if the City can legally impose a condition that states their contribution to the General Fund for ad valorem taxes will be no less than \$60,000 for the next 10 years, irrespective of the tax value of the property. Mr. Schwerer explained this is a very complicated subject and requires time to research the issue. He would have to look into that,

stating that is similar to the payment in lieu of concept. The Board and the applicant are not in control of what is assessed, noting the Property Appraiser does not assess at full value. Secondly, he wanted to point out that a substantial portion of this is equipment which is subject to depreciation. In the event the Commission wishes to pursue this he made the recommendation to postpone their decision until sometime in August to allow for the necessary time for research.

Commissioner Perona stated that all he wanted was for somebody to justify to him that the numbers provided are going to be true and accurate. He does not want to stop the process right now and go back over all of the information to make a decision down the line. He just needs validation the numbers are going to be what has been stated.

Mr. Jacquin reiterated that this is the information he has received. He stated that Pete Tesch read the numbers and everyone is trying to be forthcoming. They have been submitted and provided to the Commission. He wanted to mention what they have offered \$50,000 of improvements to 3rd Street. This was not required, he feels by doing so they have gone above and beyond.

Commissioner Sessions asked how they could legally hold them to saying this is a guaranteed tax assessed value. From a legal standpoint, can the City even do that? Mr. Schwerer has concerns on how that type of agreement could be structured to meet current legal parameters. He stated he cannot tell the Commission tonight if there is a way to structure that request. There are certain variables that they have no control over and he finds it difficult to hold the applicant accountable to a specific dollar amount.

Commissioner Becht is not in favor of delaying a decision. He stated that sometimes he comes across as not being warm and inviting, but a huge part of his decision is based on the initial meetings with the applicant and developer. He had heard stated there were \$10 million of improvements and \$10 million of equipment, not a combined project amount \$10 million total. He stated that he must have been mistaken in what he heard.

Mayor Hudson stated there is a lot of fear out there that the City is allowing industrial uses into our downtown area. She thinks there is push back from the local citizens strictly because of the location; otherwise they welcome Rocla to Fort Pierce. The Commission is making this decision because it will be good for Fort Pierce, she is making this decision based on the fact the City will have a manufacturing establishment that is paying taxes. This will alleviate the tax burden on the citizens.

Commissioner Perona pointed out that the applicants did not ask for anything, he is comfortable the number provided is real and he wants the project to move forward and wants to welcome Rocla into the City of Fort Pierce. Commissioner Sessions echoes Commissioner Perona.

Mr. Jacquin commended Mr. Benton on all of his hard work. He stated he has had preliminary discussions with the Building Director Marc Meyers and they are working towards a ground breaking to get started and get the project moving forward as quickly as possible.

Mr. Bob Ledoux with the Florida East Coast Railway thanked the Commission for their due diligence. He stated they have a vested interest for this to be a success here in Fort Pierce. Rocla spoke of 42 jobs, FEC will be increasing jobs in Fort Pierce as well, and there will be ancillary positions beyond the 42 at the plant. They appreciate all of the hard work and effort and look forward to a long and prosperous future here in Fort Pierce.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Ordinance 15-047 with the conditions previously approved on the development plan.

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

Passed

- c. Approval with conditions an application for a Site Plan and Conditional Use submitted by Mosaics Of America Inc. to construct a 14,500 S.F. structure to include a new showroom, warehouse, and business offices located at 890 S US Highway 1, Fort Pierce, FL.

Senior Planner Kori Benton appeared with a presentation. There are 3 components of their proposed development plan; the site plan and conditional use, request for abandonment of an alleyway as well as a request for transfer and acquisition of a small portion of property from the City of Fort Pierce to reconfigure and provide strategic improvement to the site. Staff recommends the City Commission approve the project with the following conditions:

1. The applicant installs an additional bike rack within 50 feet of the main entrance of the new structure, pursuant to City Code Section 22-60(f) (1) c.
2. The applicant shall record a shared agreement between the 2 facilities, benefitting the abutting properties to the northwest prior to issuance of a Certificate of Occupancy.
3. The applicants request for abandonment of alleyway contained within proposed Ordinance 15-008 is approved prior to issuance of building permit, as the development plan encompasses the subject property.
4. The applicant successfully acquires the portion of city owned property (.18 acres) contained within proposed Resolution 15-R13 prior to issuance of building permit as the development plan encompasses the subject property.

A Unity of title will be required and will be processed prior to issuance of the building permit. The applicant is familiar with this policy.

Mayor Hudson opened the Public Hearing.

Mr. Michael Jacquin stated he is here on behalf of the owner. He wanted to give some background on the property. The property between the 2 parcels was a roadway with no easements, not even for utilities. Basically this road will remain accessible to the public, allowing access to Dr. Moll's property as well as improvements that will include all forms of utilities. He questioned the unity of title, due to the road that divides both parcels of land. They would prefer to keep them as two separate parcels, explaining that a unity of title would prevent them in the future from selling one parcel separate from the other. Mr. Benton responded that shared agreements have been explored for the sake of parking and access; as long as long as no non-conformities are created there is the option of maintaining 2 separate independent parcel ids. They would have to explore that further in lieu of having a unity of title.

Mr. Schwerer believes that was discussed with legal staff and legal counsel for the applicant. It was discussed at length therefore Mr. Benton's suggestion would be a departure from previous discussion to abandon the unity of title at this time. Mr. Schwerer requested of Mr. Jacquin have their counsel, Mr. Fee, follow up with a phone call on July 21st.

Mr. Benton added as long as any potential non-conformities such as parking requirements, lot lines, setbacks and other access to and from the roadways are taken care of prior to issuance of building permits, the City would not necessarily require the unity of title in this instance. It is a regulatory policy that was not recommended for approval this evening because there are two

options for the developer to consider.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve Site Plan and Conditional Use with conditions outlined by staff.

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

Passed

- d. Ordinance 15-008 abandoning remaining Alleyway located between Georgia Avenue and Hayes Road. FIRST READING

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

Senior Planner Kori Benton appeared with a brief presentation. Staff is recommending that the City Commission approve the requested abandonment, contingent upon the associated development agreement.

Mayor Hudson opened the Public Hearing.

Mr. John Foster, architect and land planner for the project, stated he appreciates all of the hard work that city staff has done to help pull this all together. He explained they are taking a unused parcel and doing an infill development project that utilizes existing utilities that the city has paid for and installed years ago. They will be providing a significant upgrade to the Policeman's Memorial Park as well as providing a shield for the industrial area. He thinks this project is a significant improvement for the City. Mr. Foster added this business currently employs 50 and will be looking to take on another ten; stating the business is internationally known throughout North America and Europe. He requests approval of the abandonment.

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

Mr. Benton indicated that staff will coordinate with Chief Hobbey-Burney and welcome her to the process to explore the park improvements as they transpire. There are established improvements on the table for the Policeman's Memorial Park, but there are future improvements that they would like to coordinate and allow the Police Department to move forward with what they believe the vision of this park to be.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve Ordinance No. 15-008 on first reading.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Presentation "Garden of Lights" by Robin Goldman, Fundraiser/Event Coordinator with Heathcote Botanical Gardens.

Ms. Goldman appeared with a presentation of the Garden of Lights hosted by Heathcote Botanical Gardens. She wanted to say a special thank you to Commissioner Alexander for his support at the Tourist Development Meeting last week. She appreciates the Commission's

continued support, they want this to be a community event. A safe, family oriented place for the holidays. It will begin the week of Thanksgiving through the week after New Years on Friday and Saturday nights. Except on Christmas weekend, then it will be on Saturday and Sunday night from 5:30 p.m. to 9:30 p.m. There will a Gala on Tuesday, November 24th for all sponsors and dignitaries to attend.

Ms. Goldman stated to make a donation simply call her at (772) 464-4672, call anytime from Monday through Friday between the hours of 9:00 to 5:00.

Ms. Tracey Telle was tasked with coordinating a ribbon cutting ceremony for the Indian Hills Recreational Area Phase I with Heathcote Gardens and the kick off of their event.

b. Interpretation and Implementation of Section 22-3 and Definitions & Section 22-22 Vacation Rentals

Senior Planner Kori Benton appeared with a presentation. The City of Fort Pierce's definition for dwelling rental is very similar to the State's definition for vacation rental. Vacation rentals are permitted in specific zones or require a conditional use and prohibited in others.

Mr. Schwerer added that this is a subject that is highly debated throughout the state. It is a complicated subject; in the City code the definition of dwelling rentals appears to meet some of the same characteristics of the State Statute vacation rentals. It is believed the City has some regulations that prohibit vacation rentals in place in certain zones that were adopted prior to the effective date of June 1, 2011. It is also believed the City has conditional use regulations that are valid. There is a meeting scheduled with the City Attorney and Planning staff to further discuss this issue.

Commissioner Becht suggested this presentation was premature and does not want inaccurate information to be shared with the public. The goal was not to confuse, but to educate the public.

Commissioner Perona received an invitation to list his house as a vacation rental, commenting there are homes that have gone into this business. If this is illegal or not allowed, the City needs to be able to give good information to the public and the code enforcement department.

It was the consensus of the Commission to postpone for future discussion.

c. Presentation by Joseph Noel on a City owned and/or operated charter school.

Commissioner Sessions feels that drastic times call for drastic measures, stating that a lot of the youth today have lost hope. Behavioral problems have put them out of school; he has seen the same families and their children in and out of the court system. The crimes and the consequences are getting more severe, he does not feel incarceration is always the answer. He feels the City could reach out and offer them hope and an opportunity for an education. He stated that Mr. Noel shared his wealth of knowledge with him of other cities that have taken the raise the village concept and put it into practice by opening charter schools.

Mr. Joseph Noel stated the village concept is not new. A great city can educate and inspire its young people to do great things. As cities expand and grow the schools need help and a charter school gives a city an opportunity to operate its own school. These schools are publicly funded with fewer governmental regulations; the school can be as creative as possible. One key factor is the partnership that begins with the local school district, it is really important for the application process to work and be approved by the State and ranked by the State Accountability System. He stressed that charter schools are not as large and allow for more individual attention to the students.

Commissioner Becht inquired how many students will this bring in, where is the money going to come from, is there matching funds available from the state, federal and/or school board. Mr. Noel responded that because this is a public school, it would receive the same level of funding as any public school would receive. Mr. Noel will look at getting the Commission a copy of the budget for the school in Pembroke Pines or Cape Coral.

Mayor Hudson stated that she will follow up with the League of Cities for additional information to be shared with the Commission. She should have that information within a week.

Commissioner Sessions was excited to be able to bring something to the table that is different, creative and outside the box. He asked the City Manager to please not let this fall through the cracks and requested a report be presented back to the City Commission in a timely fashion.

Commissioner Perona stated the City needs to look at the feasibility, the financial obligation and risks. He shared that charter schools in recent years have suffered due to funding issues.

- d. Presentation of the financial report for the quarter ending June 30, 2015.

Chief Accountant Johnna Morris appeared with a brief update of the 3rd quarter financial report for 2015. She is happy to say that with the exception of the Marina's expense budget and the Building's revenue projections all of the funds are meeting with their projections. The City is projecting at the end of this quarter an excess overage in revenue of \$403,500 with shortages in the Local Option Gas Tax and Telecommunication Tax totalling \$290,000. She stated when taking into consideration revenue and expenses the City is over by \$210,853.

12. CITY COMMISSION

- a. Resolution 15-R21 appointing Mrs. Jane B Zezeck and reappointing Ms. Shirley Walker to the Fort Pierce Tree Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution 15-R21.

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

- b. Resolution No. 15-R22 appointing an alternate member to the Civil Service Appeals Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution 15-R22.

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

- c. Request for letter of support from Doug Coward, Executive Director, Solar and Energy Loan Fund (SELF) in support of its application to the National Oceanic and Atmospheric Administration (NOAA) FY 2015 Regional Coastal Resilience Program.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to draft a letter of support to the National Oceanic Atmospheric Administration.

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

Passed

13. COMMENTS FROM THE PUBLIC

Ms. Catherine Cheney
Ms. Arlease Hall
Ms. Michelle Jerger
Ms. Dodi Spence

14. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report

Mr. Bradshaw wanted to remind the Commission that Budget Workshop #2 is scheduled for Thursday, August 6th in the Commission Chambers between the hours of 9:00 a.m. to noon. An update on the annexation strategy, it has been scheduled for the Conference Agenda in August.

15. COMMENTS FROM THE COMMISSION

Commissioner Sessions requested clarification for the annexation strategy. Mr. Bradshaw responded that the Conference Agenda will be first, for the City Commission only to discuss strategy.

Commissioner Perona had no comment.

Commissioner Alexander had no comment.

Commissioner Becht had no comment.

Mayor Hudson had no comment.

16. ADJOURNMENT

There being no further business Mayor Hudson declared the meeting adjourned at 10:00 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER