

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, SEPTEMBER 8, 2015.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.

2. **OPENING PRAYER** - Mayor Hudson offered the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Edward Becht; Commissioner Reginald Sessions

Absent: Commissioner Thomas Perona

Staff Present: City Clerk Linda Cox  
City Manager Robert Bradshaw  
City Attorney Robert Schwerer

5. **APPROVAL OF MINUTES**

Approval of minutes from the August 17, 2015 meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the Minutes of the Regular Meeting on August 17, 2015.

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

Passed

6. **PROCLAMATIONS**

a. Mayor Hudson issued a Proclamation recognizing September, 2015 as Adult Literacy Month. It was received by Ed Cox, Learn to Read.

b. Mayor Hudson issued a Proclamation recognizing September 17 through 23, 2015 as Constitution Week. It was received by Karen Evans, Chair, Cora Stickney Harper Chapter National Society Daughters of the American Revolution.

c. Mayor Hudson issued a Proclamation recognizing September as Hunger Awareness Month. It was received by Gary Porter, Rhonda Blakey and David Vaina, Treasure Coast Food Bank.

d. Mayor Hudson issued a Proclamation recognizing the retirement of Ishmel David Star from the Department of Public Works.

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

a. Letter from Southeast Florida Honor Flight, Inc. thanking the City of Fort Pierce for a \$100 donation.

b. Letter from Charlie Hayek commending Pauline Lewis for being personable and giving a good impression for the City of Fort Pierce, as the receptionist at City Hall.

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

Mr. Alexander Gonano - Consent Agenda items **9d, 9e**

Mr. Bob Burdge - Consent Agenda item **9i**

Ms. Holly Theuns - Consent Agenda item **9j**

**Item 11a was taken out of order.** City Clerk Linda Cox made a staff recommendation be moved to be heard before Consent Agenda.

State Representative Larry Lee gave a brief presentation. This has been a difficult year; they passed a \$78.7 billion budget. Stating normally there are close to 2000 bills introduced into legislature, this year there were about 1500 and only 220 of those bills were signed into law. He is proud of the passing of the Literacy Bill and education because for 3 years they worked with the Housing Authority, Early Learning Coalition, the Fort Pierce Police Department and the St. Lucie County School Board; they were all pulled together to help lay that bill out. Addressing the waterways, he stated we all need to keep the heat on the Legislators to make sure they understand the importance of our lagoon. In closing he thanked the Mayor and Commission for their support and expressed his appreciation of all they do.

## **9. CONSENT AGENDA**

- a. Waive interest, penalties, and administrative fees in the amount of \$491.06 for lot clearing lien against 1116 S. 7th St., Ft. Pierce, FL previously owned by Noel Nava, 1116 S. 7th St., and currently owned by Carlson Family LLC, 2013 Sunrise Blvd., Ft. Pierce, FL contingent upon payment of \$203.76.
- b. Request to rescind all code enforcement fines in the amount of \$21,790.00 (includes \$40.00 recording fees) against 1012 N 22nd St., Ft. Pierce, FL previously owned by Lois Mitchell (Est) and Theresa Spears, 2098 SW Brisbane St., Port St. Lucie, FL 34984 and currently owned by Jasmine Wimes, 1012 N 22nd St., Ft. Pierce, FL .
- c. Request to reduce code enforcement fines in the amount of \$58,140.00 against 1116 S 7th Street which was previously owned by Noel Nava, 1116 S 7th Street, Ft. Pierce, FL 34950 and currently owned by Carlson Family LLC, 2103 Sunrise Boulevard, Ft. Pierce, FL 34950 to \$3,335.74.
- d. Request to reduce code enforcement fines in the amount of \$235,240.00 against 712 Emil Drive which was previously owned by Federal Home Loan Mortgage Corp., PO Box 50122, McLean, VA and currently owned by Branch Banking & Trust Co., PO 167, Winston Salem, NC 27102-0167 to \$3,750.00 payable in 30 days.
- e. Request to reduce code enforcement fines in the amount of \$334,300.00 against 712 Emil Drive which was previously owned by Federal Home Loan Mortgage Corp., PO Box 50122, McLean, VA and currently owned by Branch Banking & Trust Co., PO 167, Winston Salem, NC 27102-0167 to \$3,750.00 payable in 30 days.
- f. Request to reduce code enforcement fines in the amount of \$16,190.00 against 1116 S 7th Street which was previously owned by Noel Nava, 1116 S 7th Street, Ft. Pierce, FL 34950 and currently owned by Carlson Family LLC, 2103 Sunrise Boulevard, Ft. Pierce, FL 34950 to \$3,335.74.
- g. Request from Jasmine Wimes, 1012 N 22nd Street, Ft. Pierce, FL 34950 for an extension of 60 days to pay the reduced demolition lien of \$1,250.00 and the reduced lot clearing lien of \$70.53 against 514 N 26th Street, Ft. Pierce, FL 34950. On June 15, 2015 the City Commission approved reducing the liens and made payable in 90 days.
- h. Approval for the police department to submit and accept the following grants: Victims of Crime Act (VOCA) - \$38,278.00, JAG Local Grant - \$27,111.50, JAG – Countywide - \$31,363, Florida Coalition Against Domestic Violence (FCADV) InVest Grant - \$74,654.00, and Florida Department of Health-Distracted Driving Prevention Grant - \$5,000.00.
- i. Approval for the police department to purchase thirty-five (35) laptop computers for field personnel in the total amount of \$50,379.00.
- j. Authorization to enter into contractual negotiations with the highest ranked respondent for the property located at 500 Orange Avenue pursuant to RFP No. 2015-039 - Sale or Lease of Surplus Property.
- k. Approval of Fort Pierce advertising purchase in the 2016 Official Florida Visitor Guide in an amount not to exceed \$15,955.25.
- l. Approval of Interlocal Agreement with the School Board of St. Lucie County for Dan McCarty Middle School track improvements.

- m. Approve the purchase of 624 ninety-six (96) gallon GREEN Trash Carts from Toter in an amount not to exceed \$31,110.40.

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

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

Passed

**As to item 9d and 9e**, Commissioner Alexander voiced some confusion due to the similarities with items "d" and "e" and spoke of the items concurrently. Code Enforcement Director Peggy Arraiz clarified the items are two separate code cases, one before the Special Magistrate and the other went before the Code Enforcement Board which resorted in separate fines accruing. Commissioner Alexander feels the numbers are ridiculous and asked of staff that a cap be put on the accrual of fines.

Commissioner Becht would like to have a workshop where the Commission can discuss practical solutions and the possible legal complexities. Port St. Lucie is capping their fines and he has never seen a county fine over \$5,000. In his opinion the City will not collect more than \$5,000 and feels there is a lot of wasted staff time, the City can be practical and still remain legal.

Commissioner Sessions feels the forgiveness for banks and mortgage companies deserve more scrutiny and screening than it would an individual inheriting a problem property. Mr. Bradshaw added that it would be a prudent discussion as a policy issue for a Conference Agenda which was agreed to by the Mayor and Commission.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Conference Agenda items **9d, 9e**.

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

Passed

**As to item 9h**, Commissioner Sessions inquired as to why Westwood High School was excluded from the list of schools receiving the presentations. Chief Hobbey-Burney responded it was an oversight and sees no problem including Westwood on the list of recipients.

In light of the information provided by Chief Hobbey-Burney, Commissioner Sessions stated he is ready to make a motion.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve item **9h**.

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

Passed

**As to item 9j**, the Commission wants to insure that sales of city owned property is done with all due fairness for the city to receive top dollar for the property for its citizens. The structure has received renovations since the City purchased this property, the cost to purchase and to renovate has to be considered when discussing a proposal. There was concern about the low listed appraised value of \$110,000 as reported in the appraisal. It was identified as being because of the extensive repairs still needed to the interior of the structure that does affect the overall value. The public benefit of having office space would be the after working hours parking that would then be available.

Mr. Mimms indicated that if staff is authorized to enter into contractual negotiations with the highest ranked firm and an agreement cannot be reached, there is then a choice to go to the second ranked proposer or the City can decide to take no action and end the process. At that time, the City would evaluate their process to either reopen the RFP or advertise it in a different manner. The highest ranked proposal was for a physician's office with opportunities for rental office space, stating this location is an opportunity to start redevelopment along the Orange Avenue corridor.

Mr. Schwerer added the City is not required to get appraised value for a property. However, in most circumstances it would be most prudent with the public.

Commissioner Becht shared with the Commission some creative ideas that may be of value, addressing to Mr. Mimms that had the public been aware of other possibilities there may have been more bids come forward and submitted.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to **disapprove** item **9j**, for discussion.

Commissioner Sessions requested additional clarification, he cannot support this item with the figures being so far apart. Mr. Mimms responded the Commission would absolutely have input on the final sale price, this item is simply an authorization to enter into negotiations.

The Commission appreciates all that has been done. Commissioner Becht wished to go on record and vote to give the property to an organized group of Highwaymen if they could demonstrate a sustainable financial plan where they could renovate the structure and maintain the structure for 10 years.

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

Passed

**As to item 9i**, Commissioner Sessions expressed concern about loss of use, inquiring if a clause assuring the City use into the future. He is looking for how the citizens will have access to the track.

Mr. Schwerer responded that for the most part we are all relying upon the good graces of the school board because it is a public venue, they have had it open to the public for the use outside of school activities being conducted there. Conditions can be worked up and put into the agreement for the school board approval.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve Consent Agenda item **9i** with the condition to add hours of operation and access to the public.

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

Passed

## **10. PUBLIC HEARINGS**

- a. Application for a Conditional Use, submitted by Orange Blossom Investment LLC and The Daniel M. Foundation, Inc. to operate of a specialized child care facility located at 4300 Okeechobee Road (Orange Blossom Business Center), Suites 48 & 48A, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID 2418-431-0001-000-0).

Senior Planner Kori Benton appeared with a presentation of the proposed design and function of the facility. Staff recommends the City Commission approve the requested Conditional Use based upon consistency with the city's code and Comprehensive Plan.

Mayor Hudson opened the Public Hearing.

Mr. Greg Melton, Executive Director of the Daniel M. Foundation, shared the Daniel M Center was founded 15 years ago due to dealing with the issues of his stepson Daniel Meredith. He and his wife wanted to share what they learned and help others in in the same situation. The foundation has served over 500,000 hours for the children, their mission is to enhance the quality of life for these children and families struggling with emotional and behavioral issues. Every child deserves a chance by providing specialized care and help to change their behaviors.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Conditional Use for the The Daniel M. Foundation at 4300 Okeechobee Road.

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

Passed

- b. Application submitted by Bistro Buggy to operate a Mobile Food Vendor Unit at Sailfish Brewery, 407 N 2nd Street, Fort Pierce. Said use requires a variance from Sec. 9-111(b)(1) to operate within 1,000 feet from an approved special event and to locate within the Edgartown Settlement District (ES).

Planning Manager Rebecca Grohall appeared with a presentation detailing the proposed use and location of the mobile vending unit. Staff recommends the Commission hold a public hearing and approve the application with the listed recommendations:

1. Applicant obtain a driveway permit
2. Property owner works with FPUA to relocate the street light to the west

The applicant applied for the variance due to the proposed location being 625 feet from the riverfront where a number of special events occur. Ms. Grohall addressed a second technicality of the property was the zoning of mixed use for the Edgartown area. Adding there were no negative comments received from the surrounding property owners.

Mayor Hudson opened the Public Hearing.

Ms. Holly Theuns had the opportunity to meet the applicant, stating he was a class act. She would prefer the location of the unit be along the rear of the property instead of the proposed location along her property line and she had requested a 6 foot fence be erected between the two properties. Ms. Grohall clarified the application is specific to Bistro Buggy, it does not permit other food trucks to come to this location.

Mr. Albert Forte, the owner of Bistro Buggy, stated that he spoke with the neighbors in the area and discussed any possible issues. He supports the local farmers and fishermen, stating the foods he purchases is all local from within the Fort Pierce area. His previous 32 years of experience is with opening Ritz Carltons, Hiltons and Hyatt's, but he is looking to scale back and enjoy life and enjoy his cooking. He shared his vision of doing simple, really good things.

Mr. Tim O'Connell stated that Sailfish Brewery has been good for the area, agreeing they do need food. He suggested a fence around the beer garden should be considered along with the installation of an additional garbage can. In closing, he stated he was all for it.

Mr. Paul Beltram of Sailfish Brewing Company is pleased that everyone seems very happy about what they have been doing. He called it a common marriage between food truck's passionate chefs and passionate brewers coming together. He is really excited about moving to another level of impact to the culture of Fort Pierce and appreciates the Commission giving them the opportunity to see where it can lead.

Mr. Schwerer requested the Commission to keep in mind that this is a variance granted under section 9-97(d) of the code for a mobile food vending operation and as such the Commission is able to impose any condition which is necessary to protect the best interest of the surrounding properties or the public. He further explained that any condition such as fencing or location, etc. can be imposed if reasonably tied to protecting the public and surrounding properties.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve application for variance of mobile food vending unit at 407 North 2nd Street with the following conditions:

1. Driveway permit with curb cut is obtained
2. Mobile food unit to be located to the rear of the property
3. Light pole to be relocated, if necessary
4. Fence permit obtained and erected within 6 months, with additional 6 months if needed.

Commissioner Becht abstained due to owning property near this parcel and filed Form 8B as required.

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

Passed

- c. Ordinance No. 15-049 - Comprehensive Plan Text Amendment to eliminate the 40% total floor area minimum requirement for residential uses, reduce the required number of uses from three (3) to two (2) and modify the open and green space requirements. FIRST READING

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

Planner Clarissa Davis appeared with a brief presentation and staff recommendation the City Commission approve the Comprehensive Plan Text Amendment.

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 Reginald Sessions to approve Ordinance No. 15-049 on first reading.

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

Passed

- d. Ordinance 15-051 – Rezoning properties generally located at 601 Seaway Drive containing 18.02 acres +/- from R-3, Single-Family Moderate Density Residential to C-5, Tourist Commercial. FIRST READING

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

Senior Planner Kori Benton appeared with a presentation and staff recommendation for approval based upon consistency and compliance. The property has remained vacant since 2006; transitioning from the R-3 to C-5 district allows for permitted by right eating and drinking establishments, retail stores, indoor and outdoor entertainment, overnight accommodations, townhouse development, as well as a variety of conditional uses.

Mayor Hudson opened the Public Hearing.

Mr. Bill Stoddard stated that the property currently has an incompatibility with the desired land use and what is currently zoned. They are proposing the C-5 for tourist facilities and establishments, allowing for public access to the waterfront on that area of Hutchinson Island. He stated that permits have been submitted, approved and issued by FDEP and Army Corps of Engineers for a 198 slip marina and a boat ramp at that facility.

Mr. Harold Smyth stated they had expected to already be breaking ground for the marina. It has taken longer than anticipated, it is their hope the marina will be going in by the first of January. He spoke of the jobs that will be created, for the construction of the initial 68 boat slips, boat ramp, restrooms and dock master quarters as well as the positions to be filled upon completion. He commented that this is the first step, there is still a lot of work to be done to fulfill the Charrette.

Ms. Leslie Olsen wanted to speak in support of the rezoning to C-5 for this important site for the City of Fort Pierce. She wanted to encourage the Commission to remember the City's Comp Plan policies, the South Beach Overlay design standards and the Western Peninsula of South Beach Charrette to require public access to linear waterfront. She feels this project is a win, win situation for the City and the developer.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve Ordinance No. 15-051 with comment.

Commissioner Becht inquired of a gate for the occupants of Harbour Isle, on the southeast corner of the property there is connectivity that would allow for direct foot travel onto the property. He would like for the developer to be thinking about that while drawing up the plans.

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

Passed

- e. Ordinance No. 15-052 Levying and collecting taxes for Fiscal Year beginning October 1, 2015 and ending September 30,2016; adopting Final Millage Rate. FIRST READING

City Clerk Linda Cox introduced the ordinance, read in its entirety into the record.

Mayor Hudson opened the Public Hearing.

Mr. Rick Reed stated he does not begrudge a salary increase for the City, it is probably well deserved. However, as the economy begins to get better he has concerns. The Post Office is unique to the City and he thinks should be sold at arms length, further commenting the process is dysfunctional. He stated he looked online at the School Board's budget of over \$500 million as he watched the Commission give \$23,000 to the school board. They are part of this community and he feels the City should not have to spend City resources to pave the track. Lastly, he commented on what lawsuits have cost the city, costing their time and reputation. He feels it is hard for the Commission to ask the taxpayers and property owners to be burdened with additional taxes when they allow the legal issues to continue.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Ordinance No. 15-052 on first reading.

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

Passed

- f. Ordinance No. 15-053 - Adopting a Final Budget for Fiscal Year 2016, beginning October 1, 2015 and ending September 30, 2016. FIRST READING

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

Finance Director Gloria Johnson clarified the proposed tax increase would be from last year's \$11.7 million up to \$13 million.

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 Rufus Alexander to approve Ordinance No. 15-053 on first reading.

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

Passed

## **11. MISCELLANEOUS REPORTS & REQUESTS**

- a. 2015 Legislative Wrap-Up by State Representative Larry Lee, Jr.

This agenda item was taken out of order and discussed before Consent Agenda item 9a.

## **12. CITY COMMISSION**

- a. Submittal of applications to serve on the Fort Pierce Utilities Authority Board

City Clerk Linda Cox indicated applications are attached and will come back at the next meeting in the form of a Resolution for approval.

- b. Request by Mayor Linda Hudson for support of her advocacy on behalf of the Florida League of Cities for the 2016 Legislative Priorities and other issues as they arise.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve and support Mayor Hudson as advocate for Florida League of Cities.

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

Passed

**13. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**14. COMMENTS FROM THE CITY MANAGER**

a. City Manager' Departmental Activity Report

Mr. Bradshaw listed several reminders for the Commission. There will be a City and County Workshop on November 4, 2015 to discuss the Port and annexation issues, City and County staff will be meeting to discuss the proposed half cent sales tax increase on September 22, 2015, the Legislative Delegation will be meeting on September 25, 2015 and there has been a request from the County to address the City Commission with an update at the next Commission meeting on September 21, 2015 regarding the Treasure Coast International Airport and Business Park.

b. REMINDER: There will be a special budget meeting of the City Commission on Monday, September 14, 2015 at 5:30 p.m.

**15. COMMENTS FROM THE COMMISSION**

Commissioner Sessions had no comments.

Commissioner Becht feels there is willingness here in the City, with the county and with the state to work with the Highwaymen to find them a permanent home in Fort Pierce. He sent a message out requesting a cohesive movement from them to find a more permanent location, further stating his support.

Commissioner Alexander is concerned about the continuous speeding in school zones, specifically 5th Street and Avenue Q. He requested police support for that area. Chief Hobbey-Burney thanked the Commissioner for bringing this to her attention and assured the Commission the concern will be addressed. Commissioner Alexander received an email complaining about mistreatment of property by FPUA as well as to the work at Taylor Creek, something has to be done. He wants everyone to be aware and pay attention. He requested Mr. Clay Lindstrom to look into the complaints. He observed there are no proclamations for the retiring department heads, he does not want it to be overlooked and he stated concerns with the hiring process for their replacements.

Mayor Hudson had two announcements. This Friday at 9:30 a.m. on the Indian River Lagoon the City and the family of CeeCee Ross Lyles will have a memorial ceremony for September 11th. Also, Garber Buick is using its new community room to host a youth job fair for 16 to 24 year olds from 11:00 a.m. till 2:00 p.m. on Friday, October 16, 2015.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht **to excuse the absence of Commissioner Thomas Perona from the meeting.**

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

Passed

**16. ADJOURNMENT**

There being no further business, Mayor Hudson called the meeting adjourned at 9:29 p.m.

ATTEST:

---

CITY CLERK

---

MAYOR COMMISSIONER