

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, OCTOBER 5, 2015.

1. CALL TO ORDER

2. OPENING PRAYER - Rev. Father John Liebler of St. Andrew's Episcopal Church 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 September 18, 2015 meeting.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve the minutes from the September 18, 2015 meeting.

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

6. PROCLAMATIONS

- a. Mayor Hudson issued a Proclamation declaring October as National Domestic Violence Awareness Month.
- b. Mayor Hudson issued a Proclamation declaring October 22, 2015 Lights on Afterschool Day.
- c. Mayor Hudson issued a Proclamation declaring October 4-10, 2015 Public Power Week.
- d. Mayor Hudson issued a Proclamation declaring October 4-10, 2015 Public Natural Gas Week.

7. LETTERS TO COMMISSION - There were no letters to the Commission.

8. COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS - There were no comments from the public.

9. CONSENT AGENDA

a. Approval of contract award to Gentile Corporation of West Palm Beach in the amount of \$20,800.00 for the rehabilitation of 709 Easter Avenue.

- b. Request to reduce code enforcement fines in the amount of \$80,790.00 against 2110 S. 33rd Street which was previously owned by Rita J. & Roy D. Richardson, 2110 S. 33rd Street, Ft. Pierce, FL 34947 and currently owned by Feroz A. Chagani, 1989 S. US Highway 1, Ft. Pierce, FL 34950 to \$6,755.40.
- c. Request to reduce code enforcement fines in the amount of \$105,290.00 against 1305 Florida Avenue which was previously owned by Adal Khalil, 101 Monaco C, Delray Beach, FL 33446 and currently owned by PEP Financial LLC (TR), 2431 Atlantic Beach Boulevard, Ft. Pierce, FL 34949 to \$12,234.11.
- d. Request to rescind code enforcement fines in the amount of \$48,250.00 against 2802 S US Highway 1, which was previously owned by Amal & Thabet Hasan, 2802 S US Highway 1, Ft. Pierce, FL and currently owned by Reyad Nofal, 2802 S US Highway 1, Ft. Pierce, FL leaving a balance of \$.00 due.
- e. Approve and award RFP No. 2015-049 Property and Casualty Insurances to Florida Municipal Trust (FMIT) through the Florida League of Cities, Inc., Orlando, FL.
- f. Approval of the investment of \$1.4 million from the available HUD Bond resources to fund the FY 2016 capital improvement projects presented during the budget workshop.
- g. Approve the request by Robert Clark for the installation of an above-ground L.P. Tank on property located at 1208 York Avenue, Fort Pierce, Florida.
- h. Request authorization to contract with the low proposer, Johnson-Davis, Inc., in an amount not to exceed \$40,200 for emergency drainage repair work on the South 33rd Street drainage canal located between Tennessee Avenue and Virginia Avenue.
- i. Approval of Blanket Orders for Public Works for FY 2016 to ensure efficient maintenance, service and repair of all City owned facilities, amenities and equipment.
- j. Approval to purchase Christmas Tree and ornaments from Clark Sales Display, Inc. in the amount of \$9,350.00 for the Avenue A/Indian River Drive round-a-bout and to award a contract to Let There Be Lights, Inc. to provide Holiday Lights at Marina Square in the amount of \$27,000.00.
- k. Approve the purchase of 360 64-gallon and 360 96-gallon recycling carts from Toter, Inc. in the amount not to exceed \$40,236.00
- l. Approve Blanket Purchase Orders for the Sunrise Theatre in the amount not to exceed \$481,950.00.
- m. Approve Blanket Purchase Orders for Indian Hills Golf Course to Vendors for products and services in the amount not to exceed \$357,572.00.

Commissioner Sessions pulled items **9a, 9b, 9c, 9e, 9f, 9i, 9m.**

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve the remaining items **9d, 9g, 9h, 9j, 9k.**

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

Passed

As to Item **9a**, Commissioner Sessions wanted clarity as to why there were no responses to the bid. Nick Mimms, Deputy City Manager, stated that the bid was restructured after receiving no response(s) due to the structural integrity and plumbing complexities. There was a separate bid to address the structural issues and now there is a contractor that the City is familiar with and hopefully will have it done as soon as possible.

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

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

Passed

As to items **9b and 9c**, Commissioner Sessions inquired about how the lien reduction amount is determined. He asked if it was fair to handle on a case by case basis rather than coming up with some sort of formula. Peggy Araiz, Code Compliance Manager, stated that they take into consideration how much work and effort was put into the property, and if the property is brought into compliance. Often times the request for a lien reduction comes after the new owner has rehabilitated the property. Commission discussion included making sure that we are business friendly, and looking at each property clearly to be fair.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Edward Becht to approve items **9b and 9c**.

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

Passed

As to item **9e**, Commissioner Sessions questioned if the annual premium is more or less than last year. Tony Barnes, Director of Administrative Services, stated that it is less, and in addition, we will receive a \$52,194 premium refund. Everyone on staff is working hard to keep costs under control.

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

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

Passed

As to item **9f**, Commissioner Sessions feels that the public should be aware of this information and asked staff to explain. Johnna Morris, Interim Finance Director, stated that a bond repayment of \$1.4M allows for the start of some capital projects. The monies will be used for the police department, including vehicles, road resurfacing projects, and by the Management Information Systems (MIS) department to enhance to public service.

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

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

Passed

As to items **9l and 9m**, Commissioner Sessions questioned if they were comfortable approving blanket purchase orders for enterprise funds that are not doing well. Robert Bradshaw, City Manager, stated that this is a streamlining process that was previously implemented due to a cumbersome approval process. There are procedures in place for checks and balances.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **9l**.

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

NAY: Commissioner Reginald Sessions

Passed

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **9m**.

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

NAY: Commissioner Reginald Sessions

Passed

10. PUBLIC HEARINGS

- a. Ordinance 15-050 approving a Comprehensive Plan Map Amendment from OP, Office Professional to CBD, Central Business District for properties located on S Indian River Drive. SECOND READING

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

Clarissa Davis, Planner, 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 Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Ordinance 15-050 on second reading.

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

Other: Commissioner Edward Becht (ABSTAIN)

Passed

- b. Approval of an application for a Conditional Use, submitted by Property Owners; Hoyt C Murphy Inc./Benson Family Partnership, and applicant; The Perky Puppy to operate a Dog Boarding Facility located at 509 Georgia Avenue, Fort Pierce, FL. The property is zoned C-3, General Commercial.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Debra Webb, applicant, stated that this request is due to demand from her clients to provide the service, and to expand her business to include boarding. She explained her daily routine with the dogs, highlighting that each dog is taken out individually, and that she simply wants to accommodate her customer base. The plaza has another company providing services to dogs and they are not considered a nuisance.

Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the application for conditional use.

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

Passed

- c. Approve with conditions an application for a Conditional Use, submitted by Property Owners: Railside LLC, Norman Zlinkoff, & 44-47 Realty LLC, applicant; Tropical Recycling, and representative, Stefan Matthes, of Culpepper & Terpening, to operate a Recycling Sort Facility located at 1450 Bell Avenue, Fort Pierce, FL. The property is zoned I-1, Light Industrial.

Kori Benton, Senior Planner, appeared with a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Robert Fox, citizen, spoke about his concerns.

Stef Matthes, Culpepper & Terpening, applicant representative, spoke in support.

Brian Katz, Tropical Recycling owner, stated that he plans to hire locally for most of the 15 positions to be hired immediately. He has recently had personal conversations with nearby homeowners and plans to continue to be available as needed.

Jeanne Woodard, citizen, spoke in opposition.

Rick Reed spoke in opposition.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the conditional use with the following conditions:

1. The operation adheres to the submitted, and approved, truck routes to and from the site.
2. The facility confines operational hours to Monday through Saturday, 7:00 am to 5:00 pm.
3. No melting or burning will take place.
4. All storage of recycling materials will be inside; no outdoor storage.
5. The applicant will request that all "in lieu of" funds paid to the county for sidewalks be used by the county within City limits.

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

Passed

11. MISCELLANEOUS REPORTS & REQUESTS

- a. Presentation of update on Restoring the Village Youth Initiative by Shaniek Maynard, Executive Director, Roundtable of St. Lucie County.

Shaniek Maynard, Executive Director, Roundtable of St. Lucie County, gave a brief update on the program since coming before the Commission in May. Monica Jakobson, Project Coordinator, thanked the Commission for their support, introduced the recently hired Outreach Workers, discussed funding, and the criteria for the program. Many different agencies play a role in this program's success.

12. CITY COMMISSION

- a. Resolution 15-R25 re-appointing members to the Historic Preservation Board.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve Resolution 15-R25.

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

Passed

- b. Resolution 15-R26 Certifying the Reclassification of a City Planning Board Member due to a vacancy created by a resignation - Consensus was that a motion was not needed and there was no vote on this reclassification.

- c. Resolution 15-R27 Authorizing the Issuance of Refunding Note by the Fort Pierce Redevelopment Agency.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve Resolution 15-R27.

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

Passed

- d. Resolution 15-R28 - Accepting the proposal of Capital One Public Funding, LLC to purchase the Capital Improvement Revenue Refunding Note and authorizing the execution and delivery of a Loan Agreement.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve Resolution 15-R28.

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

Passed

13. COMMENTS FROM THE PUBLIC

Jim Flynn
Dodi Spence
Rick Reed

14. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Departmental Activity Report - There were no comments from the City Manager.

15. COMMENTS FROM THE COMMISSION

Commissioner Alexander expressed concerns with the legal department. He made a motion to remove Robert Schwerer as City Attorney. Discussion included the validity of the discussion and motion.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to remove Robert Schwerer as City Attorney.

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

NAY: Commissioner Edward Becht, Commissioner Thomas Perona
Passed

Commissioner Becht stated that Twin Vee advised that they will be doubling production and hiring a significant number of employees. Pursuit has recently expanded and hired 70 employees. The City's EDC should reach out to them both. In reference to the Grease Trap program, the program is seemingly discriminatory and it should be available city-wide, rather than in just one geographical area.

Robert Schwerer, City Attorney, stated that he was shocked about the actions that took place tonight. He will continue to work on cases until further notice, as he is ethically and legally bound.

- 16. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:09 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER