

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, MARCH 7, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Father Michael McNally of St. Mark's Evangelist Catholic 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 Nicholas Mimms
City Attorney Robert Schwerer

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the February 16, 2016 regular meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the Minutes of the February 16, 2016 regular 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 recognizing March as American Red Cross Month.
- b. Mayor Hudson issued a proclamation recognizing March as Believing in Girls Month.
- c. Mayor Hudson issued a proclamation recognizing March 14 - 18, 2016 as Flood Safety Awareness Week.

7. **LETTERS TO COMMISSION** - These will be kept on file at the City Clerk's office.

- a. Email from James Clasby in recognition of Kori Benton's timeliness, hard work and dedication.
- b. Email from Gertrude Walker thanking the entire team, Mayor Hudson, Commissioners, City Manager Mimms, staff and volunteers for a wonderful Highwaymen Heritage Trail Festival Ribbon Cutting event.
- c. Email from Tony Farella commending the Police Department for security provided at the Sunrise Theatre at 10:00 PM on February 20, 2016.

- d. Email from Charley Williams, who resides in Orlando, congratulating the entire team on the success of the ribbon cutting festival for The Highwaymen Trail.
- e. Letter from David M. Cleveland commending the Building Department for their professionalism, attention to detail and compliance with ever changing sets of codes.
- f. Email from Active Captain with a 5 star review "Great & Getting Better" of the new marina facility and staff.
- g. Letter from Doretha Hair Truesdell congratulating and thanking Elizabeth Woodruff and the City of Fort Pierce for their efforts and hard work on The Highwaymen Heritage Trail, Art Show and Festival.

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

9. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

Mayor Hudson requested to discuss oversight and approval of invoices for legal services.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve the addition to the Agenda.

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

Passed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the balance of the Agenda.

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

Passed

10. **CONSENT AGENDA**

- a. Approval of Assignment of Lease between St. Lucie County and the City of Fort Pierce, assigning the County's rights, duties, liability and obligations of the Lease Agreement with the Fort Pierce Yacht Club for the property located at 700 North Indian River Drive to the City, contingent upon approval by City Attorney as to form and correctness.
- b. Approve License Agreement No. DACW17-3-16-0001 between Department of the Army and the City of Fort Pierce granting the city the ability to install, use, repair and maintain a concrete walkway/maintenance tract, lights, benches and trash receptacles on the South Jetty for a period of 5 years with an opportunity to renew.
- c. Request for partial release of two parcels located in St. Lucie County, identified as PID 1211-111-0001-0009 and 1214-111-0001-0008, owned by BAER, LLC, 1650 90th Avenue, Vero Beach, FL 32966 from a code enforcement lien in the amount of \$453,310.00 filed against 1635 Thumb Point Drive, Parcel ID 2401-605-0030-000-3 owned by John B. Culverhouse contingent upon payment of \$5,000.00 within 60 days.

- d. Approve payment to Golf Net Renovations, a sole source provider, in the amount of \$10,865.00 to repair the driving range net.
- e. Approval of travel expenses in the amount of \$847.32 for Commissioner Alexander to attend the FBC-LEO Spring Conference being held on March 17 - 18, 2016 in Miramar, Florida.
- f. Approval of travel expenses in the amount of \$847.32 for Commissioner Sessions to attend the FBC-LEO Spring Conference being held on March 17 - 18, 2016 in Miramar, Florida.
- g. Approve grant award for Geraldine Clark and Hy-She Consignment Boutique, Inc. in the amount of \$3,000 as an eligible recipient under the 2015-16 CDBG Action Plan Grant Award for Small Business.
- h. Request approval of the professional services proposal submitted by Kimley-Horn and Associates, Inc. providing additional surveying and design services for the 13th Street and 17th Street projects in the amount of \$38,500.
- i. Approval to purchase a 2016 Ford Transit cargo van from Sunrise Ford and installation of shelving from Advanced Work Van Interiors for the Police Department Crime Scene Unit in the total amount of \$25,513.50.
- j. Request to reduce code enforcement fines in the amount of \$375,610.00 against 1512 Avenue J, Ft. Pierce, FL, Parcel ID # 2404-810-0019-000-9 which was previously owned by James Jones, 1512 Avenue J, Ft. Pierce, FL and currently owned by Jewell J. Eckles (daughter), 3309 Avenue T, Ft. Pierce, FL 34947 to \$950.00 payable in 12 months.

Commissioner Perona pulled item **10c**.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve items **10a, 10b, 10d, 10e, 10f, 10g, 10h, 10i** and **10j**.

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

Passed

As to item **10c**, Commissioner Perona inquired into the reduction of liens and how it diminishes the efforts of code enforcement.

Peggy Arraiz, Code Enforcement, stated that the \$5k was an administrative fee from the title company for a recording error. These releases do not impact the original property and that lien will stay intact.

Commission discussion included noting a missed opportunity to strongly enforce and motivate owners to bring property into compliance in good faith.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **10c**.

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

NAY: Commissioner Thomas Perona

Passed

11. PUBLIC HEARINGS

- a. Review and approval with conditions an application for Site Plan submitted by Property Owner, O`Reilly Automotive Stores Inc., and representative, Bryan L. Zarlenga, PE. to construct a 7,248 sq. ft. retail auto parts store at 4760 S US Highway 1, Fort Pierce, FL. The property is zoned General Commercial (C-3) (3403-123-0000-000-4).

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

Commissioner Perona stated that the in lieu of fees for parking are lower than they should be and asked if there is a plan to address. Rebecca Grohall, Planning Manager, stated that there will be recommendation in a few months.

Mayor Hudson opened the public hearing.

Bryan Gibbons, applicant representative, was available for questions.

Seeing no one else, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve with the condition that applicant implements a 5 ft. walkway to the future FDOT sidewalk upon completion of said FDOT sidewalk.

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

Passed

- b. Ordinance 16-005 Amending Section 12-103 extending the prohibition of fishing along Melody Lane. SECOND READING

Nicholas Mimms, City Manager, stated that the proposed prohibited area has been revised for the second reading.

Mayor Hudson opened the public hearing.

Charlie Frank Matthews spoke in opposition.

Clearver Hayling spoke in opposition.

Ladrus Goodman spoke in opposition.

Johnny B. Wilson spoke in opposition.

Ruby Dixon spoke in opposition.

Debra McCrary spoke in opposition.

Jacquelyn Brown spoke in opposition.

Rolonda Marrister spoke in opposition.

Ransford Black spoke in opposition.

Zinnie Maysard spoke in opposition.

Curtis Moore spoke in opposition.

Diana Voss spoke in opposition.

Clarence Harvey spoke in opposition.

Linda Norman spoke in opposition.

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Linda Norman spoke in opposition.

Johnny Rogers spoke in opposition.

Willie Mae Ellerby spoke in opposition.

Melvin Bivins spoke in opposition.

John Lee spoke in opposition.
Fred Rhodes spoke in opposition.
Margaret McCoy spoke in opposition.
Wilma Grant Toussaint spoke in opposition.
Jim Schiller spoke in opposition.
Marion Matthews spoke in opposition.
Isaiah Avant spoke in opposition.
Rick Reed spoke in opposition.
Johnny Jackson spoke in opposition.
Gloria Nelloms spoke in opposition.

Commissioner Sessions thanked the audience members for coming to speak their voice. He stated that he hasn't heard enough to justify the ordinance being put in place. He believes that the best approach to solve this problem is enforcement.

Commissioner Alexander stated that he's never seen arguing or fighting when he has visited the Melody Lane fishing wall. He believes that a lot of the people are fishing for support and not just for sport.

Commissioner Perona stated that they are trying to come up with a reasonable balance, concentrating on economic development. We are not outlawing fishing in the entire City of Fort Pierce and the remedy is to think outside of the box.

Seeing no one else, Mayor Hudson closed the public hearing.

Commissioner Becht clarified that he started the discussion about fishing due to complaints about loud music, trash and parking. He states that tonight he has heard a different story. The discussion should be more about policing so that everyone can enjoy the area and not just the fisherman.

Further Commission discussion included hearing about more piers, bathrooms, separate fishing areas, maintenance, and more civil policing.

Nicholas Mimms, City Manager, stated that the mission tonight was to gain input and the overwhelming sentiment was that the people love their fishing. He asked that the Commission allow staff to look into lighting concerns, improved bathrooms and ways to enhance maintenance, enforcement and pedestrian access.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to deny the passage of the Ordinance.

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

NAY: Commissioner Thomas Perona

Passed

c. Ordinance 16-002 - Amendments to Chapter 9 & 22 - Zoning Fueling Station Regulation Updates – Location & Design FIRST READING

Vennis Gilmore, Planning Analyst, gave a brief presentation and was available for questions.

Kori Benton, Senior Planner, confirmed that this will eliminate some of the obsolete and outdated regulations, allowing us embrace our design review guidelines. There are no big changes.

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 item **11c**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

a. Update on City Marina Operations

Dean Kubitschek, Director of Marina Operations, provided an update on operations since the recent Marina improvements. There has been an increase in occupancy, revenue and the secondary impact on local business. He provided current rates and a comparison to area marinas. The project was a success and we have since been voted the Best Marina on the Treasure Coast in 2016. We should do more to advertise this fact.

b. Monthly Financial Report for the Month Ending January 31, 2016

Johnna Morris, Finance Director, reported that all funds with the exception of the golf course have positive unrestricted available resources. All funds are operating where they should be.

13. CITY COMMISSION

a. Resolution No. 16-R05 appointing members to the City Planning Board.

Linda Cox, City Clerk, introduced the Resolution, read by title only, into the record. The re-appointed members were named.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **13a**.

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

Passed

b. Submittal of applications for Board of Adjustment - This item will come back in the form of a Resolution.

c. Submittal of applications for Communitywide Council - This item will come back in the form of a Resolution.

d. Submittal of applications for Construction Board of Adjustments & Appeals - This item will come back in the form of a Resolution.

- e. Added item: Mayor Hudson would like to discuss oversight and approval of invoices for legal services.

Mayor Hudson requested to have the invoices sent to the Commission prior to being paid. Robert Schwerer, City Attorney, stated that the invoices are always on file for review and may need to be redacted if being used for any outside purpose. Mr. Schwerer agreed to send the invoices to the Mayor and City Commission before submitting to Finance for payment.

14. COMMENTS FROM THE PUBLIC

Susan Parry
Margorie Harrell
Rick Reed

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report - Together We Can

Nicholas Mimms, City Manager, announced the upcoming City Attorney interview schedule, Conference Agenda items, joint meeting with the County and the new City Manager's report format.

16. COMMENTS FROM THE COMMISSION

Commissioner Sessions inquired into a possible change in the upcoming City Attorney interview schedule.

Commissioner Perona addressed Susan Parry's comments, stating that Animal Control issues and registrations should be enforced as written. If Ordinances are not being enforced for whatever reason, he wants to know about it. If changes need to be made, we should make them.

Commissioner Alexander also addressed Susan Parry's comments, stating that he did not give staff direction.

Commissioner Becht made inquiries into when Staff will get back to Commission and address the fishing pier concerns, the timeline for financial audit, and south bridge catwalk lighting. He announced that the new construction projects are a good sign of vibrant local economy.

Mayor Hudson stated that she likes the new format of the City Manager's report.

- 17. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:00 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER