

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 21, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:33 p.m.
2. **OPENING PRAYER** - Pastor Craig Bridgers of The Crossing Community Church offered the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Edward Becht; Commissioner Thomas Perona

Absent: Commissioner Rufus Alexander; Commissioner Reginald Sessions

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Robert Schwerer

Commissioner Reginald Sessions arrived at 7:05 p.m.

Commissioner Rufus Alexander arrived at 7:10 p.m.

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the March 7, 2016 regular meeting and the March 10, 2016 special meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the minutes from the March 7, 2016 regular meeting and the March 10, 2016 special meeting.

AYE: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson
Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a proclamation recognizing April 2, 2016 as Parent's and Children's Day.
- b. Mayor Hudson issued a proclamation recognizing March as St. Lucie County Fire Fighter Appreciation Month.
- c. Mayor Hudson issued a proclamation recognizing March 30, 2016 as Welcome Home Vietnam Veterans Day.
- d. 28 community members graduated from Fort Pierce Citizen's Academy.

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

- a. Email from Jennifer Hedden, Principal and Coach of Chester A. Moore Elementary School thanking the Chief of Police for providing additional support with traffic control and for partnering with the school for the safety of the children.
- b. Email from Linda Salisbury expressing her appreciation of the City Clerk's efforts toward transparency and the improvement of public record requests.
- c. Email from Active Captain with a 4 star review "A Great Place to Stop" of the marina, staff and downtown area.

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 consider sending a letter to the Governor about the SunTrail at the request of the County.

Mayor Hudson also requested to move item **10i** to a later point in the meeting so that Commissioner Alexander is present.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the addition and change to the Agenda.

AYE: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson
Passed

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve the Agenda as amended.

AYE: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson
Passed

10. **CONSENT AGENDA**

- a. Waive partial interest, penalties, and administrative fees in the amount of \$149.42 for Lot Clearing Lien against 1708 Francis Court, Property ID #2401-506-0012-000-7, owned by Bruce F. Arnold, Sr, contingent upon payment of \$100.00 within 60 days.
- b. Reduce code enforcement fines in the amount of \$61,830.00 against 1708 Francis Court; previously owned by Bruce F. Arnold Jr., 1512 White Hall Dr., #306, Plantation, FL 33324 and currently owned by Bruce F. Arnold, Sr., 245 Meadowlark Lane, Sandpoint, ID 83864 to \$1,600.00 payable at closing.
- c. Request to reduce code enforcement fines in the amount of \$95,240.00 against 2808 Oleander Avenue, Ft. Pierce, FL, Parcel ID# 2422-602-0136-000-2, which was previously owned by RWLS V Holdings LLC, PO Box 8451, Mesa, AZ 85214 and currently owned by Tatiana G. Flores, 2808 Oleander Boulevard, Ft. Pierce, FL 34982 to \$200.00 payable in 30 days.

- d. Request to reduce code enforcement fines in the amount of \$171,900.00 against 2402 Oleander Avenue, Ft. Pierce, FL, Parcel ID # 2422-604-0001-000-3 which was previously owned by Nicholas G. Austgen, 2402 Oleander Avenue, Ft. Pierce, FL and currently owned by Federal National Mortgage Association, % Shapiro, Fishman, Gache LLP, 2424 North Federal Highway, Ste 360, Boca Raton, FL 33431 to \$2,000.00 payable in 30 days.
- e. Approve grant award for Ms. Sharon Robinson for her business, Bo's Crab Spot, in the amount of \$3,000 as an eligible recipient under the 2015-16 CDBG Action Plan Grant Award for Small Business.
- f. Approval of Communitywide Council Recommendations for 2016 Public Service Grant Awards in the total amount of \$60,000.00.
- g. Approve purchase of laptops/computer equipment from Insight Public Sector in an amount not to exceed \$28,479 for the Police Department.
- h. Approve request to Install an Above Ground LP Tank at 1110 North 2nd Street.

Commissioner Becht pulled item **10f**.

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

AYE: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson
Passed

As to item **10f**, Commissioner Becht wanted the public to know what programs were being funded.

Libby Woodruff, Urban Redevelopment Manager, read the list of recommended organizations that will divide the \$60,000 of Public Service Grant Awards.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve item **10f**.

AYE: Commissioner Edward Becht, Commissioner Thomas Perona, Mayor Linda Hudson
Passed

11. PUBLIC HEARINGS

- a. Presentation and Public Hearing for 2016-2020 5-Year Consolidated Plan and 2016 Action Plan

Libby Woodruff, Urban Redevelopment Manager, gave a brief presentation and was available for questions. This plan assists in determining community needs and generating community-wide dialog. In June, community input and surveys will be presented.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

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

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

Vennis Gilmore, Planning Analyst, 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 Edward Becht, seconded by Commissioner Thomas Perona to approve item **11b**.

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

Passed

- c. Review and approval with conditions an application for Conditional Use, submitted by Property Owner, Egan Packing LLC, applicant, Indian River Biodiesel, LLC, and representative, Dennis Murphy, of Culpepper & Terpening, Inc. to operate a Biodiesel fuel manufacturing facility within an existing industrial building located at 1103 N 2nd Street, Fort Pierce, FL. The property is zoned Light Industrial, I-1, (Parcel ID 2403-705-0006-000-9).

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

Commission discussion included landscaping, petroleum and fire safety concerns.

Mayor Hudson opened the public hearing.

Dennis Murphy, applicant representative, stated that his client will comply with the amended conditions of approval.

Richard Pratt, applicant, addressed concerns of fire safety, odor, job opportunities, and even provided a sample of their finished product.

Dr. Robert Bowen spoke in support.

Bill Nunn inquired if any monies are given to the applicant and wanted clarification into the wages.

Pete Tesch, St. Lucie County Economic Development Council, confirmed there are no incentives from the City, that they will be looking at state and federal tax credits, and that they may be eligible for county incentives for job growth. The minimum wage is \$16 - \$18 per hour.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item **11c** with the following amended conditions:

- 1) The applicant provides a safe and efficient sidewalk linkage between the building entrance and the future 2nd Street sidewalk, when said sidewalk is completed, pursuant to City Code Section 22-62 (d) (2).

2) The property owner shall provide in the form of a contract between the property owner and St. Lucie County, the right-of-way necessary to provide for the construction of North 2nd Street in accord with approved plans for construction from Taylor Engineering (dated July 2014).(Approx. 1368 sq. ft.)The property owner agrees, that prior to the issuance of any building permits for a primary portion of the approved Conditional Use, to provide an easement for the location of utilities adjacent to the west side of reconstructed North 2nd Street, said area to provide for a maximum combined width (easement and fee ownership) of 30-feet from the centerline of North 2nd Street, but in no event shall the west line of the easement be located west of the existing chain link fence.

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

Passed

- d. Review and approval of an application for a Conditional Use, submitted by Property Owners; Emil Francisco Jr., and applicant; Rico Farms LLC to operate a Wholesale Distribution Facility located at 5300 S. US Highway 1, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID 3403-433-0007-000-5).

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

Mayor Hudson opened the public hearing.

Mike McCarty, property owners' representative, gave a brief presentation and was available for questions.

Commission discussion included expansion plans, storage capacity and water consumption. All growing will be done inside and the small operation is low impact.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **11d** with the condition that the applicant installs a bike rack on-site.

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

Passed

- e. Ordinance 16-006 - Right-of-way abandonment submitted by TMH, LLC to abandon land immediately adjacent to 401 S. Indian River Drive. (Parcel ID 2410-808-0017-000-7).

Linda Cox, City Clerk, read the Ordinance, by title only, into the record on First Reading.

Jack Andrews, City Engineer, gave a brief presentation on the history of the property and was available for questions.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Commission discussion included the possibility of abandonment along Indian River Drive, the process for relinquishing interest, use of a quick claim deed and staying out of legal trouble.

Mayor Hudson opened the public hearing.

Dr. Ronald Lyman spoke in opposition.
Linda Nunn spoke in opposition.
Ray Stillwell spoke in opposition.

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

Nick Mimms, City Manager, mentioned that our records indicate that the land was deeded to the City in 1964 as a proposed right of way. Commission discussion included opposing positions, consistency, and being business friendly.

Robert Schwerer, City Attorney, opined that his research does not show the .07 acres as right of way and we can not vouch for it. Further discussion included how the applicant will be impacted and staff having these concerns smoothed out before appearing at the public hearing. Nick Mimms stated that due to future discussions this item does not need to move forward and we should withdraw the ordinance and bring back as Resolution via quit claim deed.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to withdraw the Ordinance and bring back via quit claim deed.

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

Other: Commissioner Edward Becht (ABSTAIN)

Passed

Commissioner Becht filed form 8B as required.

- f. Ordinance 16-007 - Right-of-way abandonment submitted by TMH, LLC to abandon land immediately adjacent to 411 S. Indian River Drive. (Parcel ID 2410-808-0019-000-1).

Linda Cox, City Clerk, read the Ordinance, by title only, into the record on First Reading.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Dr. Ronald Lyman spoke in opposition.
Ray Stillwell spoke in opposition.
Joe DeBittle, project engineer, stated they are not trying to do anything irregular. The abandonment is only to deal with the setbacks.
Joe Foglia, owner, appeared and was available for questions.
Bill Nunn spoke in opposition.

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

Further Commission and staff discussion included benefits to the City and the Rivers Edge historic district designation not being changed. It is a minimal amount of right of way. Robert Schwerer, City Attorney, recommends that we reserve an easement for the sidewalk.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **11f**.

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

Other: Commissioner Edward Becht (ABSTAIN)

Passed

Commissioner Becht filed form 8B as required.

- g. Ordinance 16-008 - Zoning Atlas Amendment & Planned Development Approval submitted by Foglia Contracting Corp. to construct a mixed-use development with office, retail and residential at 401 S Indian River Drive. Property is zoned C-1, Office Commercial. (Parcel ID 2410-808-0017-000-7; 2410-808-0019-000-1).

Linda Cox, City Clerk, read the Ordinance, by title only, into the record on First Reading.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Joe DeBittle, project engineer, appeared and was available for questions.

Linda Nunn spoke in opposition.

Bill Nunn spoke in opposition.

Ray Stillwell offered a suggestion for pedestrian crossing.

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

Commission discussion included the size of the project in comparison to the Renaissance building.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **11g** with the following conditions:

- 1) ROW abandonment is approved by the City Commission
- 2) The property is deeded to separate the west side from the east side of 401 & 411 S Indian River Drive.

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

Other: Commissioner Edward Becht (ABSTAIN)

Passed

Commissioner Becht filed form 8B as required.

- h. Approve with conditions an application Conditional Use w/ New Construction & Design Review submitted by Foglia Contracting Corp. to construct a multi-family development at 401 & 411 S. Indian River Drive. Property is zoned C-1, Office Commercial. (Parcel ID 2410-808-0017-000-7; 2410-808-0019-000-1).

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Linda Nunn spoke in opposition.

Nick Mimms, City Manager, stated that some Ordinances, including the bulkhead Ordinance, are outdated and they need to be updated from time to time.

Jack Andrews, City Engineer, discussed the history of the old bulkhead Ordinance.

Joe DeBittle, project engineer, stated that he hopes the public will be happy with 10 additional

parking spaces and a kayak launch.

Joe Foglia, owner, stated that the \$50M+ development will be an investment in the community.

Bill Nunn spoke in opposition.

Harold Hertzburg spoke in opposition.

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

Commission discussion included traffic impacts, Department of Environmental Protection authority, and modifying the antiquated Ordinance as a condition of approval.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item **11h** with the following conditions:

- 1) Right-of-way abandonment must be approved by City Commission.
- 2) Provide easements for all FPUA utilities.
- 3) The property is deeded to separate the west side from the east side of Indian River Drive prior to building permit.

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

Other: Commissioner Edward Becht (ABSTAIN)

Passed

Commissioner Becht filed form 8B as required.

- i. Ordinance 16-009 - Zoning Atlas Amendment, Planned Development Plan and Preliminary Plat submitted by Walton Acquisitions FL, LLC to propose a mixed-use park including flex-warehouse, flex-commercial, multi-family at 9850 Midway Road. Property is zoned AG 2.5, County Agriculture; AG-1, Agriculture, PUD, Planned Unit Development. (Parcel ID 2334-340-0000-000-7; 2334-410-0000-000-1).

Linda Cox, City Clerk, read the Ordinance, by title only, into the record on First Reading.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

Lee Dobbins, applicant representative, gave a brief presentation and was available for questions. They are okay with conditions as presented.

Tammy Everly, citizen, mentioned a lack of buffer and would like a 10ft fence.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item **11i** with staff conditions.

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

Passed

- j. Ordinance 16-010 - A voluntary annexation submitted by David Cleveland to annex property located at 3255 South US Hwy 1. Property is zoned CG, General Commercial with a COM, Commercial FLU. (Parcel ID 2427-601-0055-010-5)

Linda Cox, read the Ordinance, by title only, into the record on First Reading.

Clarissa Davis, Planner, gave a brief presentation and was available for questions.

Mayor Hudson opened the public hearing.

David Cleveland, applicant, appeared and was available for questions.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **11j**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

- a. Monthly Financial Report for the Month Ending February 29, 2016

Johnna Morris, Finance Director, reported that all funds with the exception of the golf course have positive net unrestricted resources.

- b. Presentation of Gangs Action Plan Report and Community Policing Action Plan Report by Diane Hobleby-Burney, Chief of Police.

Chief Diane Hobleby-Burney gave a presentation on the State of Affairs on the Police Department. She provided a Gangs Action Plan Report and a Community Policing Action Plan Report. Other concerns include officer salaries and benefits, the effect of population growth via annexation has on service calls, and poor equipment. She highlighted changes that should prove to improve the level of service from the Police Department for the citizens of Fort Pierce.

Commission discussion included recognizing the impact of the community outreach, determining where the funds will come from to fund requests and the application for and utilization of grant funds.

13. CITY COMMISSION

- a. Resolution 16-R06 Reappointing James Crist and Bret McCain to the Board of Adjustment.

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

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

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

Passed

- b. Resolution 16-R07 Reappointing members to the Communitywide Council.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13b**.

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

Passed

- c. Resolution 16-R08 Reappointing Don Bergman to the Construction Board of Adjustments & Appeals.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13c**.

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

Passed

- d. Resolution 16-R09 Creating the Relocation Advisory Committee for the Fort Pierce Wastewater Treatment Plant.

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

Commission discussion included removing the criterion that appointees must reside within the City boundaries, own a business within the City boundaries or be a representative of management of a business within the City boundaries and/or governmental agency.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13d** as amended.

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

Passed

- e. Resolution 16-R10 Appointing members to the Relocation Advisory Committee for Fort Pierce Wastewater Treatment Plant

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

Commission discussion included clarification and request for legal opinion on the eligibility of Mazella Smith to serve on the board based on a previous settlement agreement with the City.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13e**.

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

NAY: Commissioner Thomas Perona
Passed

- f. Submittal Of Applications for positions on the Sunrise Theatre Advisory Board. - This item will come back in the form of a Resolution.
- g. Consideration of letter to Governor Scott in support of Port St. Lucie's Resolution 16-R12, requesting the activation of all available emergency and relief resources for the protection of the Indian River Lagoon and St. Lucie Estuary.

The Commission reached a consensus to issue a letter of support.

- h. ADDED ITEM: Letter of support for the SUN Trail Network.

The Commission reached a consensus to draft letter of support.

- i. MOVED FROM CONSENT: Approval of Employment Agreement with James M. Messer for full time legal services as the City Attorney for the City of Fort Pierce.

Nicholas Mimms, City Manager, stated that Mr. Messer is very excited to join the City of Fort Pierce. He has signed the employment agreement which has an effective date of April 25, 2016.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **13i**.

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

14. COMMENTS FROM THE PUBLIC

Rick Reed

15. COMMENTS FROM THE CITY MANAGER - No comments from the City Manager.

16. COMMENTS FROM THE COMMISSION - No comments from the City Commission.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 11:42 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER