

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, AUGUST 1, 2016.

1. **CALL TO ORDER** - Mayor Hudson opened the meeting at 6:30 p.m.
2. **OPENING PRAYER** - DeVoshay Johnson, City of Fort Pierce Information Technology Department, 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 James Messer

5. **APPROVAL OF MINUTES**

- a. Approval of the minutes from the July 18, 2016 regular meeting and the July 19, 2016 special meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve the minutes of the July 18, 2016 regular meeting and July 19, 2016 special meeting.

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

Passed

6. **PROCLAMATIONS**

- a. Sheriff Ken Mascara gave his appreciation and thanks for the City's contribution to the Summer Basketball Camp at Percy Peek Gym.

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

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

Darrell Drummond - 13a

Commissioner Kim Johnson spoke about the EPIC Praise in the Park event held on Saturday July 30. He stated that the event was a huge success. He thanked the City of Fort Pierce staff for their contributions and efforts.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the agenda as is.

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

Passed

10. CONSENT AGENDA

- a. Request to waive administrative fees, interest, and penalties in the amount of \$160.36 for lot clearing lien against a parcel on McNeil Rd with Property ID 2419-313-0001-000-0 owned by Donald Cohen, CGV Investments LLC, P. O. Box 812170, Boca Raton, FL 33481 leaving a balance due of \$1,575.00.
- b. Request to waive administrative fees, interest, and penalties in the amount of \$173.80 for Lot Clearing Lien against 2603 McNeil Road, Property ID 2419-701-0001-000-1 owned by Donald Cohen, CGV Investments LLC, P. O. Box 812170, Boca Raton, FL 33481 leaving a balance due of \$1,950.00.
- c. Request to waive administrative fees, interest, and penalties in the amount of \$164.80 for Lot Clearing Lien against 2719 (Approx) McNeil Road, Property ID 2419-314-0002-000-0 owned by Donald Cohen, CGV Investments LLC, P. O. Box 812170, Boca Raton, FL 33481 leaving a balance due of \$1,700.00.
- d. Request to waive administrative fees, interest, and penalties in the amount of \$231.40 for Lot Clearing Lien against 2722 Jenkins Road Property ID 2419-323-0001-000-1 owned by Donald Cohen, CGV Investments LLC, P. O. Box 812170, Boca Raton, FL 33481 leaving a balance due of \$3,550.00.
- e. Request to waive administrative fees, interest, and penalties in the amount of \$215.20 for Lot Clearing Lien against 2830 (Approx) S. Jenkins Road, Property ID 2419-323-0002-000-8 owned by Donald Cohen, CGV Investments LLC, P. O. Box 812170, Boca Raton, FL 33481 leaving a balance due of \$3,100.00.
- f. Approve grant award for Mr. Donald Coe for his business, DC Grocery, in the amount of \$3,000 as an eligible recipient under the 2015-2016 CDBG Action Plan Grant Award for Small Business.
- g. Approve Restrictive Covenant for the A.E. Backus Museum & Gallery subject to review and approval by the Grantee and the Florida Division of Cultural Affairs.
- h. Approval of travel expenses in the amount of \$1295.67 for Mayor Hudson to attend the FLC Annual Conference in Hollywood, Florida on August 17 - 20, 2016
- i. Approval of travel expenses in the amount of \$1274.97 for Commissioner Sessions to attend the FLC Annual Conference in Hollywood, Florida on Aug 17-20, 2016

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve all items on the Consent Agenda.

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

Passed

11. PUBLIC HEARINGS

- a. Presentation and Public Hearing for 2016-2020 Assessment of Fair Housing Report

On the second hearing, Elizabeth Woodruff, Urban Redevelopment Manager, gave a brief presentation on the Fair Housing Report Assessment. There are many partnerships and projects that will work towards improving living conditions for lower income citizens and homeowners.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

- b. Presentation and Second of Two (2) Public Hearings for 2016-2020 5-Year Consolidated Plan and 2016 Annual Action Plan.

Elizabeth Woodruff, Urban Redevelopment Manager, gave an update on the Consolidated Plan and the Annual Action plan. Since the first presentation, surveys have been returned with results highlighting issues such as jobs, job training, youth activities and code enforcement. The focus is economic development, educational workshops, job fairs, public services, youth activities, services for senior citizens, support for homeless population and public facilities improvement.

Mayor Hudson opened the public hearing.

Deloris Johnson wants clarification on vacant property concerns.

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

- c. Ordinance No. 16-015 amending City Ordinance Chapter 4 - Animals to establish requirements regarding the care and treatment of animals, specifically regulating the tethering and keeping dogs outdoors. FIRST READING

Linda Cox, City Clerk, read Ordinance 16-015, by title only, on first reading into the record.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 4 – ANIMALS; ARTICLE I – GENERAL; TO ESTABLISH REQUIREMENTS REGARDING THE CARE AND TREATMENT OF ANIMALS, SPECIFICALLY REGULATING THE TETHERING AND KEEPING DOGS OUTDOORS BY AMENDING SEC. 4-1 – DEFINITIONS, SEC. 4-2 – PROHIBITED ANIMALS; AMENDING ARTICLE II – ANIMAL CONTROL; SEC. 4-20 – PUBLIC NUISANCE; SEC. 4-22 – RESTRAINT OF ANIMALS, GENERALLY; SEC. 4-24 – ANIMAL ABUSE, CRUELTY OR NEGLECT; 4-26 ANIMAL CARE; SEC. 4-27 – RABIES VACCINATION REQUIRED; DELETING SEC. 4-28 – RABIES, TAGS REQUIRED, AND RESERVING; AMENDING SEC. 4-31 – CLASSIFICATION OF DANGEROUS DOGS; AMENDING ARTICLE III – REGISTRATION; SEC. 4-52 REGISTRATION PROCESS AND FEES; AMENDING ARTICLE IV IMPOUNDMENT; SEC. 4-74 – IMPOUNDMENT, ORDER TO PROVIDE CARE, AND DISPOSITION; MISTREATED OR NEGLECTED ANIMALS; CREATING ARTICLE V – ENFORCEMENT, SEC. 4-88 - DUTIES AND POWERS; IMMUNITY FROM PROSECUTION; CREATING 4-89 – INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED; AMENDING SEC. 4-90 – ENFORCEMENT; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, gave an presentation highlighting the proposed changes to the Ordinance. Similar changes have been adopted by St. Lucie, Palm Beach and Martin counties. If approved, there will be uniformity between St. Lucie County and City of Fort Pierce. The changes include extreme weather conditions, tethering and restraints. Education will be provided before giving a written warning and then a citation.

Commission discussion included education and mindset changes, the enforceability of the ordinance and possibly changing the language to allow for common sense and extenuating circumstances. The important thing is the safety of the animal.

Mayor Hudson opened the public hearing.

Charlie Crowe spoke in support.

Susan Parry spoke in support.

Virgeline Davis inquired about who to contact with concerns.

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

Further commission discussion included having the special magistrate handle cases internally and a tiered citation schedule. Commissioner Perona commented that there are organizations in St. Lucie County and Fort Pierce that will assist with food, shelter, education and housing.

Commissioner Becht mentioned changing the language from dumb creatures and also to provide clarity on extreme weather considerations.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item **11c** with amendments to the definitions of animal and extreme weather.

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

Passed

- d. Ordinance No. 16-016 - An Ordinance amending City Code Section 10-1 - Penalties to reference penalties established in Chapter 2 and Section 10-23 Regulations amending the payment and appeal process for parking citations. **FIRST READING**

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 10 – MOTOR VEHICLES AND TRAFFIC, ARTICLE I, BY AMENDING SEC. 10-1 – PENALTIES TO REFERENCE PENALTIES ESTABLISHED IN CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE AND; AMENDING ARTICLE II – STOPPING, STANDING AND PARKING; DIVISION 1 – GENERALLY, SEC. 10-23 – REGULATIONS AMENDING THE PAYMENT AND APPEAL PROCESSES FOR PARKING CITATIONS AND; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, stated that this amendment does not change the parking rules and only changes the in-house enforcement procedures and processes. Additional changes include defining a repeat violator and having appeals go to Special Magistrate.

Commissioner Alexander inquired into the signage indicating two (2) hour parking other than on the curbs. Commissioner Becht stated that he has seen the petitions that show many

downtown merchants are in support. Nicholas Mimms, City Manager, stated that signage will be enhanced to ensure that if someone receives a ticket or warning, they will know why.

Mayor Hudson opened the public hearing.

Steve Tarr spoke in support.
Dwight Finch inquired about enforcement.

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

Peggy Arraiz confirmed that license suspension is a penalty of not paying the Clerk of Courts. Commissioner Perona stated clarification of a repeat offender to be added to the Ordinance.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve item **11d** and add clear definition of a repeat offender.

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

- e. Review and approval with conditions an application for a Conditional Use with no New Construction, submitted by Property Owner, Smith Bros Contracting Equip, and applicant, Woodworkx to operate a Cabinet Assembly, Wood Finishing, & Product Showroom located at 103 N 13th Street, Fort Pierce, FL. The property is zoned General Commercial (C-3) (Parcel ID 2409-507-0001-000-4).

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

Mayor Hudson opened the public hearing.

David Cleveland, applicant representative, 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 Reginald Sessions to approve item **11e** with conditions.

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

- f. Review and approval of an application for a Conditional Use with New Construction, submitted by Property Owner, Vern Meyer, and applicant, Timbergate Builder to construct a dock, accessory to a home under construction, on Surfside Canal in the A-2 Zone, located at 1703 Sunset Isles Road, Fort Pierce, FL. The property is zoned R-1, Single-family Low Density Residential Zone and the aquatic area is zoned A-2, Aquatic Development Zone. (Parcel ID 2412-502-0003-000-3).

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

Mayor Hudson opened the public hearing.

Dwight Finch spoke in support.

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

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

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

Passed

- g. Review and approval of an application for a Conditional Use with New Construction, submitted by Property Owner and Applicant; Waste Management Inc. of Florida to construct a 3,212 sf addition to an existing waste transfer station located at 3890 Selvitz Road, Fort Pierce, FL. The property is zoned I-3, Heavy Industrial (Parcel ID 2432-222-0004-000-3).

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

Mayor Hudson opened the public hearing.

Jeff Saban, applicant, appeared and was available for questions.

Dan Riley, adjacent business owner, spoke in opposition.

Jerry Jacques, adjacent business management, spoke in opposition.

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

Commission discussion included communication between the business owners to work on the concerns and come up with solutions.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item **11g**.

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.

12. MISCELLANEOUS REPORTS & REQUESTS

- a. Third Quarter Financial Report

Johnna Morris, Finance Director, reported that all funds have positive cash balances and are all stable. There was additional discussion about including stormwater fund in the budget and monthly and quarterly reports.

13. CITY COMMISSION

- a. Wastewater Relocation Advisory Committee is recommending that the City Commission issue a formal request to the State of Florida seeking clarification and/or relief from the reverter clauses currently encumbering the property where the Wastewater Treatment Facility is located based upon the vision outlined in the Charrette document.

Commission discussion included working with Cardno since they have done the background work previously, making sure that we ask the County to join in on the request since some reverters revert to them, and the ultimate benefit of getting the plant off of the island.

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

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

Passed

- b. Resolution 16-R34 Approving Renewal of Lease of Space in City Hall to Larry Lee, Jr., Florida State Representative.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE LEASE OF SPACE IN CITY HALL TO LARRY LEE, JR., FLORIDA STATE REPRESENTATIVE.

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-R35 Appointing Ryan Collins to the Board of Adjustment.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE BOARD OF ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.

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-R36 reappointing J.W. Gaines and Pearl Matthews Davis to the Civil Service Appeals Board.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE CIVIL SERVICE APPEALS

BOARD; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

14. COMMENTS FROM THE PUBLIC

Joyce Jackson
Frederick Johnson
Dodi Spence

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, spoke about the local students that worked in City Hall through the Student Summer Program partnership with Career Source Resource Coast. The EPIC event was a fantastic event and staff did a great job giving back to the community. The Coffee with a Cop events have been successful and the community engagement is outstanding. The Dan McCarty track improvements are complete.

James Messer, City Attorney, reminded everyone about the quasi-judicial workshop coming up on August 8. He is trying to develop a metrics of the first 90 days and have something to report at the next meeting.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander stated he is happy to be back. He is happy to have heard good reports about our new City Attorney.

Commissioner Perona provided notes from his FMEA/FMPA Annual Conference.

Commissioner Sessions inquired about a ribbon cutting for the Dan McCarty track renovations.

Commissioner Becht stated we may have state money available, we should task staff to move forward with looking into mandatory sewer hookups.

Mayor Hudson mentioned that she was happy to attend the Virginia College graduation and the school is very happy to be here in Fort Pierce. She learned that a lack of transportation hindered some of the students and we should continue to work on that.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 9:37 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER