

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 15, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Reverend Howard Coleman, Mt. Olive Missionary Baptist 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 James Messer

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the August 1, 2016 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the minutes from the August 1, 2016 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 the Treasure Coast Manufacturers' Association.

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

- a. Letter from Alan McGregor and Glen D. Clarke Sr. of C.A.M. Group Construction & Service LLC thanking Marc Meyers and the Building Department for all their help and professionalism during the permit process and construction of two recent projects.

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

Charlie Frank Matthews - Item 13a
Joe Foglia - Item 13f
Hans Kraaz - Items 13c, 13f

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

Mayor Hudson requested to add a letter of support for the Early Learning Coalition.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve adding the letter of support.

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

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve the remainder of the agenda.

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

10. CONSENT AGENDA

- a. Approve the purchase from Comcast three (3) TV Commercials to air 3,632 times to promote Fort Pierce in an amount not to exceed \$13,973.00.
- b. Recommendation to rescind code enforcement fines in the amount of \$59,540.00 against 315 S 17th Street, Ft. Pierce, FL 34950, Property ID No. 2409-314-0002-000-9, which is currently owned by Ermith Lazare, 315 S 17th Street, Ft. Pierce, FL 34950 and to issue a partial release of lien in regards to the property only. The lien in the full amount will remain in effect against the previous owner, Washington Mutual Bank, PO Box 100576, Florence, SC 29501.
- c. Request award of the North 13th Street Roadway Improvements Phase IIB construction contract to second low bidder Pav-Co. Contracting, Inc of Stuart, FL. in an amount not to exceed \$1,214,943.15.
- d. Approve request to increase blanket purchase order #160530 to Diebold, Inc. to \$13,000.00. This increase is due to additional building security lock maintenance on an aged system at the main station and sub station.
- e. Approval of FDEP Agreement No. G0417 Amendment No. 1 providing additional construction funding for stormwater improvements at Veterans Memorial Park in the amount of \$55,000.00..
- f. Approval of travel expenses in the amount of \$274.66 for Mayor Hudson to attend the Florida League of Cities' Legislative Policy Committee meeting to be held on September 30, 2016 in Kissimmee, Florida.
- g. Request to approve payment in the amount of \$14,100.00 to Gone Fishing Landscaping for Nuisance Abatement Services provided.

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. 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. SECOND READING

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

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; PROVIDING FOR A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Alexander inquired if the changes were made to the Ordinance.

Peggy Arraiz, Code Compliance Manager, stated that the two minor changes were to the definition of animals and the extreme weather definition.

Mayor Hudson opened the public hearing.

Roy Darby spoke about pet droppings enforcement and pet population.

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

Commissioner Sessions stated that he feels that it will be a culture shock since the new regulations are costly. He hopes that staff will not be stringent and focus on the educational standpoint. He would like to be updated on the progress. Further Commission discussion included sending the Commission a report on the results from the whole City. This is a mirror of the County program that has been enacted for approximately a year. The goal is not money but for the animals to be treated humanely. The Commission requested copies of the educational brochures that will be made available to residents.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item **11a**.

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

Passed

- b. 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. **SECOND READING**

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

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; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, stated that there was one amendment to the definition of a repeat violator, adding the time frame of within a year. She confirmed that this amendment is to change the process and bring it in-house.

Commissioner Alexander inquired about 2- hour parking on the street and now in the J. C. Penney lot. Mr. Mimms indicated that the parking situation and enforcement was discussed at a recent parking workshop. Mr. Mimms explained that we trying to identify solutions; if we're not prepared, we'll see more frustration and we don't want visitors to be dissuaded from visiting the downtown area; we want to facilitate success for the business, agencies, municipal government and county government.

Mayor Hudson opened the public hearing.

Steve Tarr spoke in support of 2-hour parking on the street and in the lot.

Charlie Frank Matthews spoke in opposition to 2-hour parking.

Mike Crowder spoke in support of 2-hour parking.

Hans Kraaz spoke in opposition of 2-hour parking.

Charles Gannon wanted to hear everyone's point.

Michael MacLeod spoke in support of 2-hour parking.

Commissioner Becht indicated that the petition previously provided to the Commission was signed by many downtown businesses, including tenants of Mr. Kraaz. Commissioner Becht is concerned about not following through with what 95% of the merchants are requesting the City to do; many are saying it is a good idea.

Seeing no one else, Mayor Hudson closed the public hearing. Peggy Arraiz indicated that the ordinance being considered is to change the process for filing a citation.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **11b**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

- a. Approval and Acceptance of the FPUA FY2017 Annual Budget.

Clay Lindstrom, Director of Utilities, and Nina Pennick, Director of Finance, gave a presentation on the FY2017 Annual Budget and were available for questions.

Commission discussion included the improved relationship between has been a benefit to all.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to waive the 30 day period.

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

Passed

13. CITY COMMISSION

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

Commission discussion included looking at the process for reappointing board members, previous discussion in reference to representation from district one and clarification on advertising for board openings. The consensus was to advertise until August 31, 2016, have submittal of applications on September 6, 2016 and vote on September 19, 2016.

- b. Submittal of applications seeking re-appointment to Fort Pierce Authentic Tours Advisory Board - This will come back in the form of a Resolution at the next meeting.
- c. Discussion of downtown parking led by Commissioner Alexander.

This discussion took place during item **11b**.

- d. Discussion by Commissioner Sessions regarding a partnership with Jerome Gayman and Frontline for Kids.

Commissioner Sessions stated that this organization has done a tremendous job creating a village and continue to impact many young people in the City of Fort Pierce.

Jerome Gayman gave the background and mission of Frontline for Kids. He is requesting a donation of \$50,000 to add to the \$425,000 to be raised by a developer for a new building. This new facility will allow for more youth to benefit from the successful program. Local youth that are members spoke in support and stressed the need for a new facility.

Commission discussion included donating in-kind services such as waiving impact fees, possibly phasing the funds over two years, as well as the funds not being in the budget this year. The program's success is undoubted and the consensus is to work with staff to identify appropriate funding sources, provide more data for consideration and allowing for time so that the plan can come to fruition.

- e. Resolution 16-R32 modifying the composition and purpose of the Sunrise Theatre Advisory Board.

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

RESOLUTION NO. 16-R32 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REVISING THE SUNRISE THEATRE ADVISORY BOARD PURPOSE, COMPOSITION, DUTIES, TERMS, ATTENDANCE, ELECTION OF OFFICERS, ORIENTATION; PROVIDING FOR AN EFFECTIVE DATE.

John Wilkes, Executive Director, stated that the advisory board has discussed clarifying the roles of the Sunrise Theatre Foundation versus the advisory board, and clearing up other inconsistencies.

Commissioner Sessions states that he does not agree with changing the chairman and believes that the Commission should be represented. Further Commission discussion included since the board reports back to the City Commission, the Chair should not be the chairman. The main thing is to clarify the roles of the advisory board and the foundation.

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

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

- f. Resolution 16-R37 increasing the parking space fee-in-lieu from \$2,000.00 to \$12,000.00.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA;
INCREASING THE PARKING SPACE, FEE-IN-LIEU FROM \$2,000 PER SPACE TO \$6,000;
AND RESTATING OTHER PLANNING DEPARTMENT FEES; AND PROVIDING FOR AN
EFFECTIVE DATE.

Rebecca Grohall, Planning Manager, gave a presentation and was available for questions.

Commission discussion included this option not being business friendly, other municipalities not providing an option, the option not pertaining to the downtown area and how this change is a creative option that will allow for the City to provide public parking options. The consensus was to change the payment option to \$6,000 rather than \$12,000 with an annual review.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve item **13f**, changing the payment in lieu of option to \$6000 with an annual review.

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

- g. Resolution 16-R38 declaring 505 N 7th Street as surplus property and authorizing staff to dispose of said property.

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

RESOLUTION NO. 16-R38 - A RESOLUTION DECLARING 505 N 7th STREET, OWNED BY CITY OF FORT PIERCE, TO BE SURPLUS TO CITY OF FORT PIERCE NEEDS AND AUTHORIZING CITY STAFF TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE I, SECTION 13 OF CITY OF FORT PIERCE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Nicholas Mimms, City Manager, confirmed that there is no future use and it is the recommendation to declare the property surplus.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Reginald Sessions to approve item **13g**.

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

- h. Resolution 16-R39 granting approval of FDOT Local Agency Program Supplemental Agreement No. 1 transferring allocated CEI funding to Construction funding for the 21st and Havana Sidewalk project.

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

RESOLUTION NO. 16-R39 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE EXECUTION OF LOCAL AGENCY PROGRAM (LAP) SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF FORT PIERCE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR HAVANA AVENUE SIDEWALK IMPROVEMENTS FROM KAUFMAN AVENUE TO SOUTH 13TH STREET AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

- i. Resolution No. 16-R40 reappointing Frank M. Blandino, Esq. and Fran O. Ross, Esq. as Special Magistrate for a two-year term.

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

RESOLUTION NO. 16-R40 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REAPPOINTING FRANK M BLANDINO AND FRAN O ROSS AS SPECIAL MAGISTRATES TO PRESIDE OVER CERTAIN CODE ENFORCEMENT PROCEEDINGS; MAKING SUCH APPOINTMENT SUBJECT TO APPLICABLE ORDINANCES AND STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Becht confirmed with Mr. Mimms that the Special Magistrates will be tasked with handling tickets.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht 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

Joyce Jackson
Charles Gannon
June Raymond
Michael McCloud

15. COMMENTS FROM THE CITY MANAGER

Mr. Messer stated he has prepared metrics for his first 90 days and they will be sent to the Commission.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona wished everyone a happy first day of school and thanked all who participated in Tunnel of Hope event.

Commissioner Sessions had no comment.

Commissioner Alexander spoke about the bacteria in the water in St. Lucie County.

Commissioner Becht had no comment.

Mayor Hudson stated that the Superintendent will be addressing us and she would like to talk about manufacturing vocation. The Tunnel of Hope at C.A. Moore Elementary was well represented.

- 17. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:48 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER