

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 17, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:31 p.m.
2. **OPENING PRAYER** - Reverend Harry Shaw, Good News Missionary Baptist, gave 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 October 3, 2016 regular meeting.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Thomas Perona to approve the minutes of the October 3, 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 IRSC's Aspen Award.
- b. Mayor Hudson issued a proclamation recognizing November 2016 as World Prematurity Awareness Month.
- c. Mayor Hudson issued a proclamation recognizing October 17 - 22, 2016 as Florida City Government Week.
- d. Mayor Hudson issued a proclamation recognizing Pilot International Founders Day.

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

- a. Letter from Corinne and Jack Solomon expressing their gratitude for Officer Al Garcia coming to their aid.
- b. Letter from Corinne and Jack Solomon thanking Officer Elizabeth Louis for her kindness and professionalism when she conducted a wellness check.

- c. Email from Joyce Jackson commending Solid Waste employee, Roger Guadamuz, for his superior public service attitude and for going above and beyond when assisting her neighbor.
- d. Letter from Robertson County Sheriff Bill Holt thanking Detective Streeter for his assistance and dedication during a recent homicide investigation.
- e. Email from Shirley Walker commending Officers Wachendorfer, Mohammed and Graziano for their professionalism and courtesy when they responded to a situation at her rental unit.
- f. Letter from Assistant State Attorney M. Ryan Williams expressing his gratitude for Sergeant Donald Christman's work as an expert in Police Use of Force on behalf of the Ninth Judicial Circuit.

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

Mike Jacquin - Item 13c
Lakisha Bryant - Item 13b
Pastor Andrew Jefferson - Item 13b
Pastor Jerome Ryan - Item 13b
Ruth Jefferson - Item 13b

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht 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. Approval to submit and accept a continuation grant from Florida Coalition Against Domestic Violence for the ongoing InVest program with funding in the amount of \$69,798.02.
- b. Approve the establishment of Blanket Purchase Orders to vendors for products and services for day to day operations of Indian Hills Golf Course in the total amount of \$334,572.00.
- c. Approval of travel expenses in the amount of \$294.66 for Commissioner Alexander to attend the Florida League of Cities' Legislative Policy Committee meeting to be held on October 28, 2016 in Lake Buena Vista, Florida.
- d. Approval of entering into an Interlocal Agreement (Cooperation on State Lobbying) between the City of Fort Pierce and St. Lucie County in an amount not to exceed \$10,000.
- e. Approve the establishment of Blanket Purchase Orders for the Sunrise Theatre in the total amount of \$415,400.00.

- f. Waive interest, penalties, and administrative fees in the amount of \$1,607.66 for Demolition Lien against 1807 Orange Avenue, Property ID #2409-701-0021-000-6, owned by Leo & Sheila Cueto, 3167 SW Bessey Creek Trail, Palm City, FL 34990 contingent upon payment of \$1,531.67 within 12 months.
- g. Waive interest, penalties, and administrative fees in the amount of \$365.50 for Lot Clearing Lien against 1807 Orange Avenue, Property ID #2409-701-0021-000-6, owned by Leo & Sheila Cueto, 3167 SW Bessey Creek Trail, Palm City, FL 34990 contingent upon payment of \$91.80 within 12 months.
- h. Approval to purchase Christmas Tree and ornaments form Clark Sales Display, Inc. in the amount of \$9,350.00 for the Avenue A/Indian River Dr. 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
- i. Approve Community Mural Project Property Owners Agreement for 464 North 9th Street - east side of building will be site of mural installation.

Commissioner Alexander pulled items **10f** and **10g**.

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

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

Passed

As to items **10f** and **10g**, Commissioner Alexander inquired about the precedence for waiving penalties. Peggy Arraiz, Code Compliance Manager, advised that only the soft costs are being waived. For future clarification, the wording should reflect that the fees are in association with the lien.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Edward Becht to approve items **10f** and **10g**.

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

Passed

11. PUBLIC HEARINGS

- a. Ordinance 16-021 Amending the Vehicles for Hire Ordinance.

Caleta Scott, Deputy City Clerk, read the Ordinance, by title only, into the record for the second reading.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 9, LICENSES AND BUSINESS REGULATIONS, ARTICLE II BUSINESS TAX, SEC. 9-30 FEES, (219) TAXICABS and AUTOMOBILE FOR HIRE; AMENDING ARTICLE VIII – VEHICLES FOR HIRE, DIVISION 1 – GENERALLY, SEC. 9-221 DEFINITIONS; DELETING AND RESERVING SEC. 9-222 TO 9-245; AMENDING DIVISION 2 – CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; AMENDING SEC. 9-256 - REQUIRED; AMENDING SEC. 9-257 – APPLICATION; AMENDING 9-258 –

PUBLIC HEARING; DELETING SEC. 9-259 – ISSUANCE; CONTENTS; AMENDING SEC. 9-260 TERRITORY SERVED BY EXISTING CERTIFICATE HOLDER; AMENDING SEC. 9-261 – DISPLAY; AMENDING 9-262 - LIABILITY INSURANCE; AMENDING SEC. 9-263 – TRANSFER; AMENDING 9-264 – SUSPENSION; REVOCATION; ADDING SEC. 9-265 – TRANSFER/ASSIGNABILITY; ADDING SEC. 9-266 – APPEALS; RESERVING SEC. 9-275-9-282; DELETING DIVISION 3 – DRIVER’S PERMIT, SEC. 9-276 – 9-28; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Linda Cox, City Clerk, gave a brief presentation 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 Rufus Alexander to approve item **11a**.

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

Passed

- b. Ordinance 16-023 rezoning properties generally located at 1801 Nebraska Avenue to Planned Development (PD-Mayfair) and approving a Development Plan associated with this district.

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, REZONING PROPERTIES GENERALLY LOCATED AT 1801 NEBRASKA AVENUE, FROM PD, PLANNED DEVELOPMENT, TO PD, PLANNED DEVELOPMENT (PD-MAYFAIR); FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22- 58, SUBJECT TO CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

James Messer, City Attorney, gave brief preliminaries for the hearing, swearing in anyone who planned to testify during the quasi-judicial hearing and identified expert witnesses.

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

Mayor Hudson opened the public hearing.

Richard Wolfarth, applicant, spoke in support.

Deborah Ross, Longwood HOA attorney representative, spoke in opposition.

David Earle spoke in opposition.

Cleaver Hayling inquired about impact.

Steven Knapp spoke in opposition.

Michael Cahill spoke in opposition.

Debra Johnson spoke in opposition.

Candace Gurdivich spoke in opposition.

Cindi O'Connell clarified information given on community home values.

Deborah Ross stated that she would like the Memorandum of Law that she provided to the Commission to be on file, for the record.

Richard Wolfarth, applicant, spoke to traffic engineering studies and drainage.

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

Commission discussion included the possibility of the development being owner-occupied versus rental units, pedestrian crossings, having community support, bonus credits based on density and to have all parties sit down and have a discussion. The evidentiary hearing has concluded and the Commission should not have any communication with interested parties on this matter.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to continue on November 21, 2016.

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

NAY: Commissioner Edward Becht

Passed

- c. Ordinance 16-024 - Abandonment of Alleyway being the remaining portion between Atlantic Avenue and Orange Avenue - Totten Subdivision.

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING A PORTION OF AN EXISTING ALLEYWAY, LYING ADJACENT AND SOUTH OF LOTS 1-3, OF THE TOTTEN SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mayor Hudson opened the public hearing.

Steve Tarr spoke in support.

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**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

13. CITY COMMISSION

- a. Resolution 16-R48 Supporting the St. Lucie County Advanced Transportation Management System

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, SUPPORTING THE IMPLEMENTATION OF THE ST. LUCIE COUNTY ADVANCED TRANSPORTATION MANAGEMENT SYSTEM PROJECT AND PROVIDING AN EFFECTIVE DATE.

Jack Andrews, City Engineer, stated that this is a resolution to show support as this would improve the coordination of US 1 traffic.

Motion was made by Commissioner Rufus Alexander, 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. Discussion at the request of Commissioner Alexander regarding a request by Rock Church seeking use of the City Parking Garage to resolve the parking deficiency at their property located at 617 Orange Avenue to be used as a church.

Commissioner Alexander inquired about the process for leasing spaces in the public parking garage to the church. This is a public policy and the Commission needs to weigh in on the discussion. Commission discussion included creating a policy that identifies the geographic area, creating a policy that is not only for the Rock Church but for current and future businesses, the possibility of changing the on-site parking policy on the Orange Avenue corridor, and allowing the church to lease the 48 spaces needed.

The Commission directed staff to facilitate an agreement for Rock Church, to establish a policy for the garage going forward and to bring back a solution for the Orange Avenue corridor parking issue.

- c. Discussion at the request of Commissioner Alexander regarding Jacquin & Sons complaint regarding building permit fee charged to Rocla Concrete Tie, Inc.

Commissioner Alexander inquired why Mike Jacquin's question has not been answered. Nicholas Mimms, City Manager, confirmed that the Building Official resigned and that the Interim Building Official Paul Thomas was available for assistance and questions. He would like the chance to guarantee a quorum for the hearing so that they will be able to go before the Board of Construction Adjustments and Appeals. If Mr. Jacquin can provide a contract showing the value of his equipment, he can modify the previous Building Official's decision.

Commissioner Perona stated that the Commission should look at the creating resolution for the board, possibly adding alternates, to ensure due process.

14. COMMENTS FROM THE PUBLIC

Mike Jacquin

15. COMMENTS FROM THE CITY MANAGER -

We are still in debris removal and recovery mode from Hurricane Matthew and it may take months to get the City back in shape. We are working with St. Lucie County Emergency Management and we should qualify for FEMA reimbursements. The Dan McCarty track will have its ribbon cutting on October 26. On October 27, there will be a Lincoln Park community meeting with Allegany Franciscan Ministries to discuss additional concepts.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona is happy to spend money after seven years.

Commissioner Sessions stated that there are many local landscaping businesses that we should utilize for our local clean up efforts.

Commissioner Becht had no comments.

Commissioner Alexander had no comments.

Mayor Hudson had no comments.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 10:20 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER