

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, NOVEMBER 21, 2016.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Reverend Dr. Kenneth Mills, Sr. of Save Our Children, 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 November 7, 2016 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Edward Becht to approve the minutes of the November 7, 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 Mustard Seed Ministries.
- b. Mayor Hudson issued a proclamation recognizing November 20, 2016 as Retired Educators Day.
- c. Mayor Hudson issued a proclamation recognizing Commissioner Eddie Becht's Retirement and presented him with a Key to the City.

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

- a. Thank you card from Laura Diederick and Cristin Krasco in appreciation of Michelle Kubitschek and Joyce Kobbe's contribution to the success of the 2016 Indian River Lagoon Science Festival.

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

Alfred Davis - Item 10f  
Holly Theuns - Item 10n  
William Barnes - Item 10l  
Susan Parry - Item 13c  
Dr. Kenneth Mills, Sr. - Item 12a

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**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. Approve award of Bid No. 2016-029 to Graybar Electric to purchase thirty six (36) Phillips Gardco Bollard lights to be installed at the Inlet Linear Park in an amount not to exceed \$48,744.00.
- b. Approve the purchase of two (2) Traffic Message Boards from the Gately Communication Company not to exceed \$34,202.72.
- c. Approve the purchase of surveillance cameras from Tactical Video in the amount not to exceed \$199,955.00.
- d. Request for partial release of lien for property located at 1909 Juanita Avenue, Ft. Pierce, FL, Property ID 1433-701-0341-000-7 owned Patricia A Drummond, 4900 Matanzas Avenue, Ft. Pierce, FL 34946 from a spreading code enforcement lien at 1001 Avenue I, Ft. Pierce, FL, Property ID 2404-818-0006-000-9 owned by Kenneth L and Patricia A Drummond, 4900 Matanzas Avenue, Ft. Pierce, FL 34946 contingent upon the property at 1001 Avenue I being brought into compliance.
- e. Reduce code enforcement lien associated with 302 S 33rd Street, Ft. Pierce, FL, Parcel ID # 2408-805-0014-000-0 owned by Pedro Moreno, 3205 Boston Avenue, Ft. Pierce, FL 34950 in the amount of \$19,340.00 (\$40.00 recording fees) to \$300.00 contingent upon payment of the reduced amount in 90 days.
- f. Waive interest, penalties, and administrative fees in the amount of \$3,353.80 associated with demolition lien against 427 N 26th Street, Ft. Pierce, FL, Parcel ID Number 2408-501-0025-000-7 previously owned by Rilla Davis (EST), 427 N 26th Street, Ft. Pierce, FL and currently owned by Alfred Davis, P. O. Box 11097, Rochester, NY 14611 contingent upon payment of \$5,216.50 by June 2021.
- g. Approve the payment of \$15,000 payable to Main Street Fort Pierce, Inc. for the sponsorship of the 28th Annual Sights and Sounds on Second event.
- h. Approve contract with Lyle Sumek Associates, Inc. for consultation services for the update of the Leadership and Strategic Plan for an amount not to exceed \$23,000 in professional fees.

- i. Approve accepting proposal and entering into a contract with SunGard Public Sector LLC to purchase Projectdox in the amount of \$227,950, which will allow the Building Department to proceed with on-line plan submittals.
- j. Approve emergency purchase of a used 2002 Autocar refuse collection vehicle in an amount not to exceed \$15,600.00 to replace vehicle # 23-031 that was damaged beyond repair.
- k. Approve Brothers' Construction Change Order No. 1 in the amount of \$126,110.98 for the Veterans Memorial Park Stormwater Improvements.
- l. Approve the contract to sell 500 Orange Avenue in the amount of \$139,000 to 4616 Investment LLC.
- m. Accept offer to sell Mohawk Avenue, Parcel ID 1428-702-1035-000-3 for \$3,500 to William R. And Terrie H. Selph.
- n. Accept the Salvation Army's Letter of Intent to purchase 505 N 7th St in the amount of \$25,000.

Commissioner Alexander requested to pull items 10f, 10l and 10n.

Commissioner Sessions requested to pull items 10c and 10n.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve items **10a, 10b, 10d, 10e, 10g, 10h, 10i, 10j, 10k and 10m.**

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

Passed

As to item **10c**, Commissioner Sessions questioned the mechanics of the surveillance cameras. Chief Diane Hobbey-Burney stated these cameras will be utilized in crime reduction efforts throughout the City. This is not in reference to bodycams or dashcams.

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

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

Passed

As to item **10f**, Commissioner Alexander inquired about the documentation of changes in fees.

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

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

As to item **10i**, Commissioner Alexander inquired about the marketing of the properties. Hoyt C. Murphy, Jr., Realtor, explained that all properties were all listed and this one has been shown several times. Commission discussion included the process for reviewing and accepting offers, the Old Post Office building being a major renovation project for the buyer and how the plan for the building is in line with the City's comprehensive plan. Nicholas Mimms, City Manager, stated that if the sale and contract are completed, the Commission will be notified and the discussion for allocation of funds from the sale will be brought back for consideration.

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

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

Passed

As to item **10n**, Commissioner Alexander inquired about having a homeless shelter in a location that used to be a nursing home. Commissioner Sessions stated that he believes that \$25,000 is not reasonable for the property. Commission discussion included the need to know more about the program and its' sustainability before making a decision, the program conflicting with the plans to revamp the Avenue D area and how it is a departure from the idea of getting the highest price and best use out of the sale while adding public value.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to deny item **10n**.

AYE: Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Reginald Sessions

NAY: Commissioner Thomas Perona, Mayor Linda Hudson

Passed

## **11. PUBLIC HEARINGS**

- a. Application submitted by Donald Noble to operate a food truck ("Fork It Over") at 1907 and 1911 Avenue D, Fort Pierce. Said use requires a variance from Sec. 9-111(b)(1) and (2) to operate within 500 feet from a similar type of business and 300 feet from a church.

Maria Lewicka, Historic Preservation Officer, gave a preservation and was available for questions.

Commission discussion included advertising versus notice to surrounding businesses and competing businesses in the corridor selling the same type of food.

Mayor Hudson opened the public hearing.

Candice Brown Geohheg, applicant representative, stated that they own the building next to the vacant lot and have plans to reopen within the year after renovations. She will put that in writing. Surrounding businesses have been contacted to test the climate in reference to joining the neighborhood.

Further Commission discussion included approving the variance for one year and consensus is to change the Ordinance to require actual notice to surrounding businesses.

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 **11a** with a one year time limit.

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

Passed

- b. Ordinance 16-026 Rezoning property generally located at 3798 Selvitz Road from IH Industrial, Heavy to I-3, Heavy Industrial. **SECOND READING**

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED AT 3798 SELVITZ ROAD, FROM IH, INDUSTRIAL, HEAVY, A SAINT LUCIE COUNTY ZONING DESIGNATION, TO I-3, HEAVY INDUSTRIAL ZONE, A CITY OF FORT PIERCE ZONING DESIGNATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Rebecca Grohall, Planning Director, gave an overview of the Staff visit to Precast Specialties' Pompano site and was available for questions.

Mayor Hudson opened the public hearing.

Roger Friend spoke in opposition.

Robert Gehrig, HOA representative, spoke in strong opposition.

Robert Scarletta spoke in opposition.

Katherine Barbieri spoke in opposition.

Jonathan Ferguson, SLC School District.

Jerry Jacques spoke in opposition.

William Taylor spoke in opposition.

Jeff Sabin, Waste Management, spoke in support.

Geraldine Murphy spoke in opposition.

Dan Riley spoke in opposition.

John Babbots spoke in opposition.

Ivan Lang spoke in opposition.

Valerie Bertel spoke in opposition.

Christian Sevilla spoke in opposition.

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

Commission discussion included clarifying the zoning changes from County to City and the business being consistent with other businesses in the heavy industrial area.

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

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

Passed

- c. Conclusion of Quasi-Judicial Hearing for a Planned Development of properties generally located at 1801 Nebraska Avenue and Development Plan associated with this district. Continued from 10/3/2016 meeting.

James Messer, City Attorney, stated that this proceeding was extended solely to allow both parties to come to an amicable accommodation.

Richard Wolfarth, applicant, and Deborah Ross, HOA attorney, announced that they have reached an agreement and would like for the Commission to move forward.

Commission discussion included thanking both parties for working together and putting the contract in writing, providing the details of the agreement for Staff to review.

Motion was made by Commissioner Edward Becht, seconded by Commissioner Rufus Alexander to approve the request conditioned on the incorporation of the agreement between the applicant and the adjacent properties' HOA to writing, and then that writing being incorporated into the development order.

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

Passed

Both parties verbally agreed.

## 12. MISCELLANEOUS REPORTS & REQUESTS

- a. Presentation on Status of Administrative Review by Chief Diane Hobley-Burney.

Chief Diane Hobley-Burney gave a presentation on the administrative review of the Fort Pierce Police Department including the Grand Jury recommendations. Commissioner Sessions inquired into how the investigation of the Demarcus Semer case played into the administrative review. He would like to have an independent person to come in and review the department and present the information to the Commission. Commission discussion included creating policies that will improve the relationship of the police department with the citizens and appreciating the Chief's efforts since she has been here.

## 13. CITY COMMISSION

- a. Resolution 16-R50 Accepting the Returns of the General Election held on November 8, 2016.

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, ACCEPTING THE RETURNS OF THE GENERAL ELECTION HELD ON NOVEMBER 8, 2016, AS PROVIDED BY THE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

- b. Resolution 16-R52 Accepting the proposal of Capital One Public Funding, LLC to purchase the City's Capital Improvement Revenue Notes and authorizing the execution and delivery of a Loan Agreement.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA ACCEPTING THE PROPOSAL OF CAPITAL ONE PUBLIC FUNDING, LLC TO PURCHASE THE CITY'S NOT TO EXCEED \$1,350,000 TAXABLE CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2016A THE PROCEEDS OF WHICH WILL BE APPLIED BY THE CITY TO REPAY \$1,250,000 OWED THE FORT PIERCE UTILITIES AUTHORITY AND TO PAY COSTS OF ISSUANCE THEREOF, THE CITY'S NOT TO EXCEED \$900,000 CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2016B THE PROCEEDS OF WHICH WILL BE USED BY THE CITY TO ACQUIRE LAND FOR PUBLIC PARKING AND TO PAY COSTS OF ISSUANCE THEREFOR AND THE CITY'S NOT TO EXCEED \$1,500,000 CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2016C, THE PROCEEDS OF WHICH WILL BE USED BY THE CITY TO PURCHASE RADIOS AND RELATED EQUIPMENT FOR USE BY THE CITY'S EMERGENCY SERVICES EMPLOYEES AND TO PAY COSTS OF ISSUANCE THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID LENDER TO SECURE THE REPAYMENT OF SAID LOAN; PROVIDING FOR THE PAYMENT OF SUCH NOTES FROM THE CITY'S COVENANT TO BUDGET AND APPROPRIATE NON AD VALOREM REVENUES ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE NOTES, AND THE SECURITY THEREFOR; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH SAID LOAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

NAY: Commissioner Reginald Sessions

Passed

- c. Discussion and decision on reconsideration of the approval of the FY 2017 Humane Society Contract in the amount of \$130,000.00.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to reconsider the Humane Society Contract.

AYE: Commissioner Rufus Alexander, Commissioner Edward Becht, Commissioner Reginald Sessions

NAY: Commissioner Thomas Perona, Mayor Linda Hudson

Passed

Commission discussion included the need to revisit the Ordinance and fees after consideration of the contract.

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, Mayor Linda Hudson

NAY: Commissioner Reginald Sessions

Passed

- d. Submittal of applications for reappointment/appointment to the Historic Preservation Board - This item will be brought back for a vote and Resolution approval at the next meeting.

**14. COMMENTS FROM THE PUBLIC**

Joyce Jackson  
Shaniek Maynard  
Reverend Kenneth Mills  
Cindi O'Connell

**15. COMMENTS FROM THE CITY MANAGER**

Nicholas Mimms, City Manager, expressed his honor to have worked with Commissioner Becht.

Jim Messer, City Attorney, gave an update on the Wilson's Game Room Nuisance Abatement.

**16. COMMENTS FROM THE COMMISSION**

Commissioner Perona mentioned attending the grand re-opening of the A.E. Backus Museum, the Retirement Board is in the top 9 in funding and hitting financial expectations and expressed his gratitude for working with Commissioner Becht.

Commissioner Sessions extended his appreciation to District 1 for re-electing him and he will do all he can to make Fort Pierce a better place. He stated he respects Commissioner Becht and has enjoyed working with him over the years.

Commissioner Alexander gave compliments to Commissioner Becht and wished him well. He expressed concern about the Grease Trap program and as to why we are paying before the jobs are complete. There have been lights out on Avenue D and Avenue A.

Commissioner Becht mentioned it is time for a change and spoke briefly about Jeremiah Johnson's competence. He spoke about his mother saying that he lost his mind and his families overall support in reference to his initial decision to enter local politics. He feels good about the leadership, the city is in a good place financially, the dog park being one of his prouder merit badges and how he feels he was involved in hiring very qualified senior management.

Mayor Hudson thanked Commissioner Becht for being her right hand for many years and she has appreciated his ability to keep them civilized.

- 17. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 11:18 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER

