

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 TUESDAY, JANUARY 3, 2017.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - DeVoshay Johnson, Information Technology Manager, gave the opening prayer.
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**

Present: Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions; Mayor Linda Hudson

Absent: Commissioner Rufus Alexander

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney James Messer

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to excuse Commissioner Alexander

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

5. **APPROVAL OF MINUTES**

- a. Approval of the minutes from the December 19, 2016 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes of the December 19, 2016 regular meeting.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson presented a 2016 SKA National Fishing Tournament Trophy to Dean Kubitschek, Marina Manager.
- b. Mayor Hudson issued a proclamation declaring January 6 - 13, 2017 as the Week of Kindness.

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

- a. Letter from Harold H. Smyth in appreciation of the dedication, hard work and commitment of the crew from the Public Works Department who saved the Christmas Parade.
- b. Email from Dan Toback expressing his appreciation for the Code Enforcement staff resolving a lien issue.
- c. Email from Tom Perona thanking Gerald Faison, a 20 plus year veteran of the Solid Waste Division, for the exemplification of excellent customer service.

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

Diana Voss - Item 10a
Jordan Gagliardi - Item 12a
Aleshia Johnson - Item 12a
Troy Surloff - Item 12a

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

Mayor Hudson requested to remove item **6c** as it will be announced by press release, to move item **12a** ahead of the Public Hearings and to postpone item **11b** to January 17, which requires a super majority vote, due to Commissioner Alexander's absence.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve agenda as amended.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

10. **CONSENT AGENDA**

- a. Request for approval of proposal from Beemats in the amount of \$109,440 for the annual harvesting, maintenance and replanting vegetated mats at Moore's Creek and Indian Hills Recreation Area.
- b. Reduce code enforcement liens associated with 325 S 13th Street, Ft. Pierce, FL, Parcel ID #2409-424-0003-000-4 previously owned by Dean Bryan, 2730 Devonwood Avenue, Miramar, FL 33025 and currently owned by Jean M. Dantilus, 325 S 13th Street, Ft. Pierce, FL 34950 in the amount of \$282,050.00 (\$50.00 recording fees) to \$1,500.00 payable in 3 months or at closing.
- c. Approve Interlocal Agreement with FPUA and St. Lucie County creating a Fra Mar/Wagner MSBU to fund the cost of providing potable water to the neighborhood in unincorporated St. Lucie County.
- d. Approval of 2017 City of Fort Pierce Legislative Priorities.
- e. Approve lease to own purchase of six (6) 2017 Mack refuse collection trucks for the Solid Waste Division in an amount not to exceed \$328,619.64 annually for a term of five (5) years.

- f. Request approval of Change Order No. 2 for Lincoln Park Neighborhood Improvements in the amount of \$23,873.12 for compensation of contract line item overruns.
- g. Approve emergency replacement of vacuum compressor assembly on Streets Division Vac-Con unit number 26-403 in an amount not to exceed \$19,521.20.

Commissioner Johnson requested to pull item **10a**.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve items **10b, 10c, 10d, 10e, 10f and 10g**.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

As to item **10a**, Commissioner Johnson stated that the Beemat program is important to the quality of the Indian River Lagoon and it is a very big effort. The City of Fort Pierce is dedicated to cleaning up the waterways.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item **10a**.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

11. PUBLIC HEARINGS

- a. Review and approval of an application for Preliminary Plat, submitted by Property Owner(s) Cargill Juice N America Inc. and Applicant, Precast Specialties, LLC. (PCS), to subdivide a 75 acre parcel of land for the Precast Specialties Site Development located at 3798 Selvitz Road, Fort Pierce, FL. The property is zoned Heavy Industrial (I-3) 2432-122-0001-000-5 (75 Acre Segment).

Kori Benton, Senior Planner, 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 Thomas Perona, seconded by Commissioner Reginald Sessions to approve item **11a** with staff conditions.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

- b. Review and approval for an application for Conditional Use with New Construction and Design Review, submitted by Property Owners, Paul D Mandel and Diane M Perkins, and representative, William P. Stoddard, Ph.D., P.E., are requesting approval of a Conditional Use with New Construction and Design Review for a single family home seaward of the Coastal Construction Control Line (CCCL), at 324 South Ocean Drive in Fort Pierce, Florida. The property is zoned Hutchinson Island Medium Density (R-4A). The Parcel ID is 2401-501-0026-000-3.

This item was postponed until the January 17, 2017 regular meeting.

- c. Ordinance 16-022 Amending the current Alarm Ordinance. SECOND READING

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

AN ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 14, ARTICLE II, ALARM SYSTEMS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, BY AMENDING SECTION 14-18 DEFINITIONS TO ADD CERTAIN DEFINITIONS; AMENDING SECTION 14-19 AUTOMATIC DIALING DEVICE; INTERCONNECTING TO TRUNKLINES TO PROVIDE FOR ISSUANCE OF CEASE AND DESIST ORDERS NOTICES; AMENDING SECTION 14-23 ALARM PERMIT-REQUIRED TO PROVIDE FOR THIRD PARTY ADMINISTRATOR TO ADMINISTER THE PERMIT PROCESS AND AMENDING THE PERMIT TERM TO ONE YEAR AND IDENTIFYING ALARM SYSTEM INFORMATION AS EXEMPT UNDER FLORIDA LAW; AMENDING SECTION 14 -24 EXCESSIVE FALSE ALARM SIGNALS TO REQUIRE EXISTING SYSTEMS TO COME INTO COMPLIANCE, TO ESTABLISH INSTALLATION REQUIREMENTS AND DUTIES OF ALARM OWNERS AND ALARM COMPANIES; AMENDING SECTION 14- 25 FALSE ALARM SERVICE CHARGE TO PROVIDE FOR REVISED AND SEPARATE SERVICE CHARGE SCHEDULES FOR RESIDENTIAL AND COMMERCIAL PROPERTIES, ESTABLISHING PROCEDURE FOR DETERMINATION OF FALSE ALARM AND NOTICE TO ALARM USER AND/OR RECORD TITLE OWNER, REQUIRING THAT ALL ALARMS BE REPORTED, AMENDING THE APPEAL PROCESS TO INCLUDE HEARING OF APPEALS BY SPECIAL MAGISTRATE; AMENDING SECTION 14- 26 PENALTIES CHANGING CITY ENFORCEMENT TO THE SPECIAL MAGISTRATE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item **11c**.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

- d. Ordinance 16- 025 Adopting the International Property Maintenance Code (IPMC) as the Fort Pierce Housing Code and Property Maintenance Code with local amendments.
SECOND READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, ARTICLE III (BUILDING NUMBERING), SEC. 5-66 BY AMENDING PENALTIES FOR THIS ARTICLE; AMENDING SEC. 5-73 TO CLARIFY REQUIREMENTS FOR ASSIGNMENT, PROCUREMENT AND INSTALLATION OF HOUSE NUMBERS; REPEALING ARTICLE XII (HOUSING CODE), SEC. 5-350 TO 5-352; AMENDING ARTICLE XIII (PROPERTY MAINTENANCE), SEC. 5-361 TO INCORPORATE THE HOUSING CODE; AMENDING, SEC. 5-364 PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL PROPERTY

MAINTENANCE CODE; AMENDING SEC. 5-365 REPEALING BUILDING SURVEYS ADDING LANGUAGE TO CONFORM WITH AND ADOPT SPECIFIC PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING SEC. 5-366 CLARIFYING DUTIES OF EMPLOYEES; AMENDING SEC. 5-367 BY REPEALING DUTY OF THE OWNER AND OCCUPANT AND PROVIDING FOR REQUIREMENTS OF VACANT BUILDINGS; AMENDING SEC. 5-368 BY REPEALING MAINTENANCE OF BUILDINGS AND STRUCTURES AND PROVIDING FOR REQUIREMENTS FOR OCCUPANCY OF UNITS; AMENDING SEC. 5-369 BY REPEALING REQUIREMENTS OF VACANT BUILDINGS; AMENDING SEC. 5-371 REPEALING EXTERIOR AREAS AND PROVIDING FOR ENFORCEMENT OF THIS ARTICLE; AMENDING SEC. 5-372 REPEALING REQUIREMENTS FOR REPLACEMENT OF STORE FRONTS AND PROVIDING PROVISIONS FOR VIOLATIONS RELATED TO ACTS OR OMISSIONS BY TENANTS; AMENDING SEC. 5-373 REPEALING OCCUPANCY OF VACANT UNITS; AMENDING SEC. 5-374 REPEALING ENFORCEMENT OF THIS ARTICLE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item **11d**.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

e. Ordinance 17-001 Amending Chapter 5, Article II regarding Contractors FIRST READING

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

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE II (CONTRACTORS), OF THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, BY AMENDING SECTION 5-16 (DEFINITIONS) TO DELETE CERTAIN DEFINITIONS AND CREATE CERTAIN DEFINITIONS; AMENDING SECTION 5-17 (VIOLATIONS) TO CLARIFY THE BUSINESS ENTITY SUBJECT TO PENALTIES; AMENDING SECTION 5-18 (EXCEPTIONS) TO CHANGE TITLE AND CLARIFY PARTIES AND ACTIVITIES EXEMPT FROM CHAPTER 5, ARTICLE II; AMENDING SECTION 5-19 (BOARD OF EXAMINERS- MEMBERS; OFFICERS GENERALLY; MEETINGS; RULES) TO CHANGE TITLE AND REFERENCE TO BOARD; AMENDING SECTION 5- 32 (CERTIFICATE OF COMPETENCY- MANNER OF OBTAINING) TO CLARIFY MANNER OF OBTAINING CERTIFICATE OF COMPETENCY AND REVISE APPLICATION FEE; AMENDING SECTION 5-33 (INVESTIGATION OF APPLICANTS) TO CLARIFY FINDINGS REQUIRED TO ISSUE CERTIFICATE OF COMPETENCY; AMENDING SECTION 5-35 (EXPIRATION; RENEWAL; CERTIFICATE OF COMPETENCY) TO CLARIFY PROCESS OF RENEWING CERTIFICATE OF COMPETENCY AND PROVIDE FOR EXPIRATION OF INACTIVE COMPETENCY CARDS; AMENDING SECTION 5-36 (FEES) TO REVISE FEE SCHEDULE FOR CERTIFICATES OF COMPETENCY, SERVICE USERS AND LETTERS OF RECIPROCITY; AMENDING SECTION 5-37 (STATE CERTIFIED CONTRACTORS) TO PROVIDE FOR A BUSINESS TAX RECEIPT; AMENDING SECTION 5-48 (RECIPROCITY) TO PROVIDE FOR THE DIRECTOR OF BUILDING AND COMMUNITY RESPONSE TO ISSUE CERTIFICATES OF COMPETENCY BASED ON RECIPROCITY; AMENDING SECTION 5-51 (DISCIPLINARY PROCEDURES) TO CLARIFY CONTRACTORS AGAINST WHOM CHARGES MAY BE FILED; AMENDING SECTION 5-52 (GROUNDS FOR REVOCATION OR SUSPENSION) TO CLARIFY ACTS INVOLVING

BUSINESS ENTITY; AMENDING SECTION 5-53 (UNLICENSED CONTRACTORS; PROHIBITIONS; PENALTIES AND ENFORCEMENT) TO CHANGE TITLE, CLARIFY UNLAWFUL ACTS, ADD AN UNLAWFUL ACT, REVISE MAXIMUM CIVIL PENALTY, CLARIFY PROCESS OF APPEALING CITATION, AND REVISE SCHEDULE OF PENALTIES ASSESSED BY ENFORCEMENT OFFICER; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Paul Thomas, Interim Building Official, stated that this will clean up of the current ordinance and streamline the contractor licensing process in an effort to being more business friendly. Shaun Coss, Building Investigator, gave a summary of the changes by section.

Commissioner Johnson requested clarification of a few definitions.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item **11e**.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson
Passed

12. MISCELLANEOUS REPORTS & REQUESTS

- a. Presentation of an update on the Restoring the Village Youth Initiative by Shaniek Maynard, Executive Director, Roundtable of St. Lucie County. **This item took place before Public Hearings.**

Shaniek Maynard gave a presentation on an update on highlighting the Restoring the Village Youth Initiative including the comprehensive gang assessment report. Monica Jakobson, Project Coordinator, spoke about the programs and opportunities created within the program.

Commission discussion included scare tactic-type programs geared towards the youth, excitement about the Youth Council, as well as community collaboration and resources.

- b. Wastewater treatment plant relocation activities update.

Nicholas Mimms, City Manager, gave a brief update on the WRAC Committee progress. He discussed the County and FPUA partnership to evaluate the regionalization of utilities, reverter clause research and the financial contribution required by the state. Commission discussion included sticking to a feasible realistic vision and not being discouraged.

- c. Monthly Financial Report for the Month Ending November 30, 2016.

Johnna Morris, Finance Director, gave a presentation and was available for questions. All funds are positive with the exception of the Golf Course.

13. CITY COMMISSION

- a. Resolution 17-R01: A resolution of the City Commission of the City of Fort Pierce, Florida, establishing the Peacock Arts District, providing for an effective date.

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, ESTABLISHING THE PEACOCK ARTS DISTRICT, PROVIDING FOR AN EFFECTIVE DATE.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions. This is the advancement to approve the naming, boundaries and reorganization.

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

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

- b. Resolution 17-R02 approving the Mayor's reappointment of Linda Cutler to the Housing Authority Board.

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, CERTIFYING THE MAYOR'S REAPPOINTMENT OF LINDA CUTLER AS A COMMISSIONER OF THE HOUSING AUTHORITY OF THE CITY OF FORT PIERCE; PROVIDING FOR AN EFFECTIVE DATE.

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

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

- c. Selection of Mayor Pro Tem, pursuant to Section 23 of the City Charter which requires the city commissioners to shall select one (1) of their number as Mayor Pro Tem at the first regular meeting following January 1.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to appoint Commissioner Sessions as Mayor Pro Tem.

AYE: Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

14. COMMENTS FROM THE PUBLIC

Annette Brown
Mario Wilcox
Charles Gannon
Angelo Oterro

Kenneth Jackson

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, stated that the Commission will be busy in January; Legislative Priorities, Strategic Planning, MLK parade and the conclusion of the City of Lights contest.

16. COMMENTS FROM THE COMMISSION

Commissioner Johnson announced C.A. Moore Volunteer opportunities and discussed an issue that was quickly resolved by the Building Department.

Commissioner Sessions commended the Police Department for their efforts in the NW section. He inquired about an option to reconsider the vendor issue.

Commissioner Perona thanked staff for doing a great job for presenting our community during the holidays. He is not in favor of mobile vendors and would like to keep up with the issue, There is a lot of South Beach activity, which brings parking/transportation concerns and now there are golf carts on the street; we need to address the situation with education and determining what is allowable.

Mayor Hudson appreciates the guests who stayed late to Commission meeting and gave positive comments.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 9:06 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER