

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 17, 2017.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Pastor Harry Shaw of Good News Missionary Baptist Church gave the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

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

Absent: Commissioner Rufus Alexander

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

5. **APPROVAL OF MINUTES**

- a. Approval of minutes from the January 3, 2017 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve the minutes of the January 3, 2017 regular meeting.

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

Passed

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a proclamation recognizing January 23 - 27, 2017 as Celebrate Literacy Week.
- b. Mayor Hudson issued a proclamation celebrating the Downtown Fort Pierce Farmers' Market 20th Anniversary.
- c. State Representative Larry Lee, Jr. gave an update on Restoring the Village.

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

- a. Email from Chris Hulsey, General Superintendent, All Florida Thin Brick and Stone, Inc. thanking the City Clerk's Office for the prompt and efficient renewal of a business license, and also thanking the Building Department for their expeditious and professional inspection.

- b. Letter from Candace Richards, MS4 Phase II Coordinator, NPDES Stormwater Program, Florida Department of Environmental Program, notifying Jack Andrews, City Engineer that the City has satisfied required elements and commending him for excellent work ensuring water quality.
- c. Email from Pete Tesch and Candy Marlow, Economic Development Council of St. Lucie County, commending Kori Benton for his very thoughtful and well delivered presentation at an EDC meeting that provided fantastic, creative visuals as well as a clear message of activity and results.

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

Dyanna Voss - item 13b

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

Mayor Hudson would like to postpone items **11a** and **11e** until the February 6, 2017 regular meeting.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve the agenda as amended.

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

Passed

Linda Cox, City Clerk, announced that the next City Commission meeting will be at the St. Lucie County Board of County Commission Chambers on February 6, 2017 at 6:30 p.m.

10. **CONSENT AGENDA**

- a. Approve grant award for Ms. Doretha Hair Truesdale, owner of Doretha Hair Highwaymen, LLC in the amount of \$2,945 as an eligible recipient under the 2016-2017 CDBG Action Plan - Grant Award for Small Business.
- b. Notification of Minor Replat Approval, 2721 & 2725 Oak Alley Drive, Lots 7 & 8, Block 3 of the Oak Alley Subdivision.
- c. Approve transfers of \$170,000 to address the Golf Course funding shortage and \$156,000 to Sunrise Theatre's shortage.

Mayor Hudson requested to pull item **11c**.

Motion was made by Commissioner Thomas Perona, to approve items **11a** and **11b**.

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

Passed

As to item **11c**, Mayor Hudson thinks that there needs to be a conversation at the golf course funding shortage at an upcoming conference agenda. She is interested for the amount of subsidizing over the past five or ten years. Commission discussion included obtaining full golf course overview including parcel info, fiscal impact, management and operations and gaining public input.

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

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

Passed

11. PUBLIC HEARINGS

- a. 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. (Postponed from January 3, 2017 meeting)

This item has been postponed until the February 6, 2017 regular meeting.

- b. Ordinance 17-001 Amending Chapter 5, Article II regarding Contractors. SECOND 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.

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 **11b**.

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

Passed

- c. Review and approval of an application for Final 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 presentation and was available for questions.

Mayor Hudson opened the public hearing.

Kevin Smith spoke in opposition.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item **11c** with staff condition.

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

Passed

- d. Review of a Conditional Use, submitted by Property Owner, Kelly Patricia Golden to establish a Dwelling Rental, offering lodging for less than six months located at 608 S. Ocean Drive, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A) (Parcel ID 2401-503-0008-0007).

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

Commission discussion included on-premise management and property manager registration.

Mayor Hudson opened the public hearing.

Carol Mushier spoke on behalf of the South Beach Association.

Kelly Golden spoke in support.

Susan Pheltz spoke in support.

Charlene Adair spoke in support.

Rick Ross spoke in support.

Seeing no one, Mayor Hudson closed the public hearing.

Further Commission discussion included reviewing, clarifying the conditions and the applicant making accommodations.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item 11d with the following conditions:

- 1) The applicant provides specificity to the guided maximum occupancy of each unit, ensuring compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
- 2) Registration of the property manager and a second contact, one of which is a resident of the City of Fort Pierce, accessible at all times available to resolve complaints or violations of City Code with 72 hours;
- 3) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval; and
- 5) Adherence to the use limitations presented with the application proposal.

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

Passed

- e. Ordinance 17-002 Amending Chapter 22-60 - Off-street Parking, creating an exemption and special area standard for the Peacock Arts District. FIRST READING

This item is postponed until the February 6, 2017 regular meeting.

- f. Ordinance No. 17-003 amending City Ordinance Chapter 4 - Animals; Article IV - Impoundment; Section 4-76 - Release of Impounded Animals. FIRST 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 IV – IMPOUNDMENT; SEC. 4-76 – RELEASE OF IMPOUNDED ANIMALS; REQUIREMENT AND FEES; PROVIDING FOR A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, gave a brief statement about the changes.

Commission discussion included the ability to change policies in the future and thanking staff for working on this proposal.

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 **11f**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS - There were no Miscellaneous Reports or Requests.

13. CITY COMMISSION

a. Resolution 17-R04 Declaring Lot 13 Lincoln Court as surplus.

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

A RESOLUTION DECLARING LOT 13 LINCOLN CT, 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.

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

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

Passed

b. Resolution 17-R05 authorizing approval of a joint project agreement between the Florida Department of Transportation and the City of Fort Pierce providing for FDOT's participation towards the engineering design for the retrofit of the shell rock trail at the Indian Hills Recreation Area to concrete.

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, STATING THE CITY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) ARE DESIROUS OF ENTERING INTO A FLORIDA SHARED-USE NONMOTORIZED TRAIL GRANT AGREEMENT TO PROVIDE FOR THE DEPARTMENT'S PARTICIPATION IN THE RETROFIT OF THE SHELL ROCK TRAIL, AT INDIAN HILLS RECREATION AREA, TO CONCRETE AUTHORIZING THE MAYOR, CITY CLERK AND CITY ATTORNEY TO ENTER AND EXECUTE SAID AGREEMENT ON THE PART OF THE CITY PROVIDING FOR AN EFFECTIVE DATE.

Jack Andrews, City Engineer, gave a brief background on the Greenways Trail system.

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

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

Passed

14. COMMENTS FROM THE PUBLIC

Dyanna Voss
Matt Samuel

15. COMMENTS FROM THE CITY MANAGER

Nicholas Mimms, City Manager, announced that the next meeting of the Fort Pierce City Commission will be held on Monday, February 6, 2017 at 6:30 p.m. in the St. Lucie County Commission Chambers, Roger Poitras Annex, 3rd Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, Florida, while we undergo the installation of new equipment. The meeting will not be televised.

He offered thanks for a great strategic planning session and mentioned the street lighting concern will be addressed.

16. COMMENTS FROM THE COMMISSION

Commissioner Johnson attended a news conference with Congressman Brian Mast and the Transportation and Infrastructure Committee. The parade MLK parade was great.

Commissioner Sessions commended the MLK Committee, stating that the parade was fun.

Commissioner Perona feels the strategic planning was a great exercise, highlighting the progress within the past years and staying consistent with our vision. The parade was wonderful.

Mayor Hudson reminded about the Farmer's Market 20th Anniversary. The Indian River magazine had a History Festival downtown celebrating ten years that was well attended. On January 18, she will be installed as the President of Treasure Coast Regional League of Cities tomorrow at Fort Pierce Yacht Club.

Nicholas Mimms announced the 2nd Annual Job Fair on January 19 at Percy Peek Gymnasium at 10:00 a.m.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 8:25 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER