

DRAFT

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, JUNE 5, 2017.

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 Church, gave the opening prayer.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; 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 May 15, 2017 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the minutes of the May 15, 2017 regular meeting.

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

6. **PROCLAMATIONS**

- a. Mayor Hudson issued a proclamation recognizing the retirement of Samuel "Tony" Barnes.
- b. Mayor Hudson issued a proclamation recognizing State Representative Larry Lee, Jr.

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

- a. Email from Brian Tinberg thanking Public Works employee, Earnest Ricciardi, for coming to his assistance out of the kindness of his heart.
- b. Email from Sonia DuPree, Co-Founder/Director, E.N.D. IT! Corporation, thanking the City Manager and the City of Fort Pierce for the support and the opportunity to perform DADDY at the Sunrise Theatre.

- c. Email from Sandra Bogan, St. Lucie County Environmental Education & Outreach Manager, thanking Mayor Hudson and the City of Fort Pierce for supporting the 13th Annual Earth Day Festival at the Oxbow Eco-Center.
- d. Email from Representative Larry Lee, Jr. commending Deputy Chief Norris for his powerful, inspirational message about what is happening in the City of Fort Pierce.

8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS** - There were no public comments.

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

Commissioner Perona requested to move item 12b to before the consent agenda.

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

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

Passed

10. **CONSENT AGENDA**

- a. Approve award of RFP No. 2017-013 - Nuisance Abatement to Gone Fishing Landscaping & More, LLC and Mow 4 Less Lawn Care, LLC in the total amount of \$25,000.00 each.
- b. Approve award of RFP No. 2017-012 - Lot Clearing to Gone Fishing Landscaping & More LLC and Mow 4 Less Lawn Care LLC for \$12,500.00 each for current fiscal year \$25,000.00 each in subsequent years.
- c. Approval of Lynch Paving and Construction Company's Change order No. 1 in the amount of \$11,595.00 for the Melody Lane Parking Lot Reconstruction project.
- d. Approval of the Contract between the City of Fort Pierce and the International Union of Police Associations, AFL-CIO which was ratified on April 27, 2017 by the Union.
- e. Approve piggybacking Fort Pierce Utilities Authority Bid No. 13-51 - Security Guard Services in an amount not to exceed \$55,000.00 annually.
- f. Approve acceptance of Grant Award from FL Fish and Wildlife for Floating Dinghy Docks at City Marina.
- g. Approval of a 5-month extension to Dunn's Tractor Service contract which will provide canal and recreation maintenance through September 30, 2017 in the amount of \$90,000.00.
- h. Approve award of Bid No. 2017-010 - City Park Restroom Cleaning to Morivalous Cleaning, Inc. of Fort Pierce FL, for a one year contract with two-one year renewal options, in an amount not to exceed \$26,000.00 annually.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve all items on the consent agenda.

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

Passed

11. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with New Construction submitted by property owners, Kamlesh and Jagruti Pandya, and applicant, Terry Brisson, to demolish and rebuild a single family home with a building height of up to 34 feet at 1717 Bayshore Drive, Fort Pierce, FL. The property is zoned Single Family Low Density Residential (R-1). Parcel ID: 2412-501-0022-000-9.

Vennis Gilmore, Planning Analyst, 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 Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item **11a**.

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

Passed

- b. Quasi-Judicial Hearing - Application for Conditional Use with New Construction subject to conditions submitted by property owner, Boch A Galup Inc, and applicants, Kash Patel, Mike O'Leary, Partners, ASTA Parking Inc., to development and operate a commercial parking lot at 111 S. Ocean Drive, Fort Pierce, FL. The property is zoned Tourist Commercial (C-5). Parcel ID: 2401-501-0055-000-5.

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

Commission discussion included kiosk location(s), sidewalk connections and pedestrian impact.

Mayor Hudson opened the public hearing.

Mike O'Leary, applicant representative, addressed concerns and restated the intention to invest in the community an reduce the parking problem.

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

Further Commission discussion included pedestrian safety, signage, and possible FDOT involvement.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve with staff conditions:

1. The operator restricts use, and overnight parking, by any campers, Recreational Vehicles (RVs), or similar transit vans; and
2. Two (2) trash receptacles, and process for collection, are integrated into the development plan.

plus additional conditions:

3. The northeast standard parking stall is identified as compact only; and
4. The applicant provide additional 36 inch breakaway pedestrian crossing signs, west of the roundabout at Seaway, and at the AIA crosswalk, to the south of the roundabout.

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

Passed

- c. Legislative Hearing - Ordinance 17-017 Abolishing the Code Enforcement Board. SECOND READING

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

AN ORDINANCE AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES, CHAPTER 2, ARTICLE XIII AND CHAPTER 2, ARTICLE XIII.5 SECTION 2-253 BY ABOLISHING THE FORT PIERCE MUNICIPAL CODE ENFORCEMENT BOARD, TRANSFERRING ALL DUTIES OF THE CODE ENFORCEMENT BOARD TO THE SPECIAL MAGISTRATE, AND DELETING REFERENCES THEREIN TO THE CODE ENFORCEMENT BOARD; REPEALING CHAPTER 2, ARTICLE XIII.5 SECTION 2-253.5; AMENDING CHAPTER 2, ARTICLE XX, SECTION 2-331; CHAPTER 8.5, ARTICLE III, SECTION 8.5-48; CHAPTER 9, ARTICLE XIII, SECTION 9-371 (a); CHAPTER 11.5, ARTICLE I, SECTION 11.5-6; CHAPTER 11.5, ARTICLE II, SECTIONS 11.5-28(b) AND 11.5-29; CHAPTER 16, ARTICLE III, SECTIONS 16-51, 16- 54, AND 16-55(b); CHAPTER 22, ARTICLE XII, DIVISION 1, SECTION 22-181; AND CHAPTER 23, ARTICLE VII, DIVISION 3, SECTION 23-119(c) BY DELETING REFERENCES TO THE CODE ENFORCEMENT BOARD AND SUBSTITUTING SPECIAL MAGISTRATE; AMENDING CHAPTER 7, ARTICLE III, SECTION 7-33; CHAPTER 9, ARTICLE II, SECTION 9-27(c); CHAPTER 10, ARTICLE III, SECTIONS 10-305(a)(11), 10-306(b), 10-307(d), 10- 307(f); AND CHAPTER 17, ARTICLE III, SECTION 17-60 BY DELETING REFERENCES TO THE CODE ENFORCEMENT BOARD; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL 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 Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions, Mayor Linda Hudson

Passed

- d. Legislative Hearing - Ordinance No. 17-019 Amending Chapter 15 - Signs and Billboards FIRST READING

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

AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA ADOPTING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 15 – SIGNS AND BILLBOARDS BY AMENDING SEC. 15-1 – DEFINITION; 15-2 – PURPOSE AND INTENT; AMENDING SEC. 15-3 – ADMINISTRATION AND ENFORCEMENT; AMENDING SEC. 15-4 – NONCONFORMING SIGNS; AMENDING SEC. 15-5 – PROHIBITED SIGNS OR SIGN CHARACTERISTICS; AMENDING SEC. 15-6 – REGULATION; DELETING SEC. 15-7 – PERMITTED TEMPORARY SIGNS; AMENDING SEC. 15-8 – PERMITTED PERMANENT SIGNS; AMENDING SEC. 15-9 – PERMIT PROCEDURES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Peggy Arraiz, Code Compliance Manager, explained that due to a Supreme Court decision, we can no longer regulate signs based on content. Non-content based regulation includes size, location and number. Damaged signs will be considered nuisance. Temporary signs and I-95/Turnpike Interchange regulations have also been updated.

Mayor Hudson opened the public hearing.

Jim Buriak spoke in opposition.

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

Commission discussion included special event consideration and moving the number of signs to 75 and 30 days.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item **11d**, amending the number of signs to 75 and the length of time to 30 days.

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

Passed

- e. Legislative Hearing - Ordinance 17-022: Abandoning an unopened segment of North 31st Street right-of-way abutting the Pioneer Park Subdivision, between Madison Cay Apartments and Zora Neale Drive **FIRST 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, ABANDONING A PORTION OF NORTH THIRTY-FIRST STREET RIGHT-OF-WAY, LYING ADJACENT TO LOTS 9, 10 AND 11 OF THE PIONEER PARK 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.

Seeing no one, Mayor Hudson closed the public hearing.

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

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

- a. Restoring the Village update by Representative Larry Lee, Jr. - **This item was presented after item 6b.**

Representative Larry Lee, Jr. gave an update on Restoring the Village. Operation: Community Pride will take place on Saturday, June 10, 2017. The program has been well received and other cities are creating similar programs. He thanked the Board and the City of Fort Pierce for

their continued support.

- b. Presentation of St. Lucie Reads by Sean Boyle, Executive Director, Children's Services Council of St. Lucie County. - **This item was presented before the Consent Agenda.**

Sean Boyle gave an update on St. Lucie Reads program highlighting the programs' goal to increase third grade reading levels. The educational and economic impact on a community is far reaching. The program asks the community to help through engagement, mentorship or donations. Commission discussion included having a book drop at City Hall.

13. CITY COMMISSION

- a. Resolution 17-R16 Establishing Quasi-Judicial Hearing Procedures

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA;
ESTABLISHING QUASI-JUDICIAL PROCEDURES FOR THE CITY COMMISSION;
PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN
CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

James Messer, City Attorney, would like for Planning to provide the information to applicants, and others so they may understand the process.

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

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

Passed

- b. Resolution 17-R18 Declaring Certain Property as Surplus

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

A RESOLUTION DECLARING CERTAIN REAL PROPERTY 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 1, SECTION 13 OF CITY OF FORT PIERCE CHARTER.

Rebecca Grohall, Planning Manager, stated that this is in preparation for the marketing of the HD King site. Mr. Mimms, City Manager, stated that the community input will be taken into consideration and they are waiting for FDEP approval.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 13b.

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

Passed

- c. City Commission to appoint one (1) voting delegate to the Florida League of Cities. The 91st Annual FLC Conference will be held August 17-19, 2017 in at the World Center Marriott, Orlando, Florida.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to have Commissioner Alexander as the voting delegate.

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

Passed

14. COMMENTS FROM THE PUBLIC

Joyce Jackson
Mark Woodruff
Jorge Goz
Keith Holmes
George McArthur
Jim Buriak
Jeanne Arias

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, spoke about the Police Department's community outreach efforts and making a positive name for Fort Pierce within the community and around the state. The City Manager's report highlights the building department; Paul Thomas was announced as the new Building Official, the Summer Jam Basketball Camp will include free breakfast, lunch and dinner and run June 12 – Aug 4. The new Annual Report and Calendar has been distributed to our community partners and will be available for the public. The Conference Agenda topics will be legislative update, golf carts on city roads and possible development of JCPenney parking lot.

James Messer, City Attorney, thanked the Commission for passing the resolution and it will help to straighten out the quasi-judicial process.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander stated that he was impressed with the attentiveness and well-mannered nature of the kids that attended the Preventing Crime in the Black Community Conference. The conference was enjoyed by all.

Commissioner Perona is happy to know that we will finally have the dinghy docks. He is happy for the change that is taking place, including staff and administration.

Commissioner Sessions spoke about the camp at Percy Peek Gymnasium, June 12 - August 4 and the Restoring the Village event on Saturday, June 10. The representation of the Police Department at the Preventing Crime in the Black Community Conference was well received as well as the children from Fort Pierce who attended.

Commissioner Johnson stated that the Memorial Day event at Riverwalk was great, Treasure Coast Research Park will have a ground opening that will house a commercial kitchen, and customs is almost complete which may attract more passenger service opportunities. These things should all bring growth to Fort Pierce.

Mayor Hudson spoke about the property tax valuation increased by 5.25%. She attended

graduation for San Juan Diego and St. Anastasia.

17. **ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 9:12 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER