

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, AUGUST 7, 2017.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.
2. **OPENING PRAYER** - Reverend George Welch, White City United Methodist 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 Attorney James Messer
City Clerk Linda Cox
City Manager Nicholas Mimms

Commissioner Alexander arrived at 6:31 p.m.

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from the July 12, 2017 Special Meeting minutes and the July 17, 2017 Regular Meeting minutes

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes of the July 12, 2017 Special Meeting and July 17, 2017 Regular Meeting.

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

Passed

6. **PROCLAMATIONS** - There were no proclamations.

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

- a. Email from Donna Thomas thanking Chief Hogley-Burney for inviting CenterState Bank to participate in the Unity in Our Community event, and also thanking Audria Wells, Crime Analyst, for her hard work and prompt communication with the bank concerning the coordination of the event.
- b. Email from Kerry Padrick, Chief Communications Officer, St. Lucie Public Schools, commending the entire team at the Fort Pierce Police Department for the organization and follow through with the Unity in Our Community event.

- c. Letter from Mike Oyler, President, CMI Executive Board, The Colonnades nominating Fort Pierce Police Officer J. Fasanello for the "outstanding recognition" of his top tier professionalism, work ethics and problem solving abilities, and in appreciation of Sgt. John Schramm's support and leadership with their Crime Watch and COP and giving accolades and compliments to Officer Damian Spotts, who is a valuable asset to the Police Department.
- d. Email from Andrea Kochanowski, Executive Director, Fort Pierce Housing Authority, commending Chief Hobley-Burney for an impressive, first class, professional Unity in the Community event and for the Police Department's positive impact on the community.
- e. Letter from Merritt and Anna Mae Reimert expressing their delight with the City's effort to improve Seaway Drive from the bridge east to Chuck's.
- f. Letter from Chief Hobley-Burney acknowledging the support from Allegany Franciscan Ministries and Police Department personnel, Summer Students, Explorers, COP, Ambassadors as well as City staff that contributed to the tremendous success of the First Annual Unity in Our Community Day.
- g. Letter from Pam Gillette, Main Street Fort Pierce, thanking the City of Fort Pierce for funding the Stars over St. Lucie - 4th of July Celebration and the fireworks show, and also thanking the Public Works Department and Fort Pierce Police Department for their support and assistance.
- h. Email from Kimberly A. Roberts, 21st Century Program Manager, thanking the Fort Pierce Police Department for visiting Chester A. Moore and Lawnwood Elementary Schools to speak to the students about making good choices and for their relationship building interaction with the students.

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

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to move items **12a** and **12b** ahead of the Consent Agenda and accept the agenda as amended.

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

Passed

Items 12a and 12b were heard ahead of the Consent Agenda.

10. **CONSENT AGENDA**

- a. Approve grant award for Ms. Helen Ha for her business, Pro Nails, in the amount of \$3,000 as an eligible recipient under the 2016-2017 CDBG Action Plan - Grant Award for Small Business.
- b. Approval of Communitywide Council recommendations for three (3) Commercial Facade Grant awards for 503 N. 7th Street (International Longshoremen), 701 Orange Avenue (Trident Properties) and 1505 Orange Avenue (Council on Aging) in an amount not to exceed \$5,000 for each property.
- c. Commission approval to appoint employees to serve on the Public Risk Management of Florida Group Health Trust Board of Directors.

- d. Approval of the annual Humane Society contract for FY 2018 in an amount not to exceed \$130,000.00.
- e. Approve settlement agreement in The Haven Detox Fort Pierce, LLC, et al. vs. City of Fort Pierce, et al., U.S. District Court Case No. 16-CV-14270-KAM.
- f. Approval of an Interlocal Agreement between the City of Fort Pierce and St. Lucie County beginning October 1, 2017 to September 30, 2018 for cooperation on state lobbying in an amount not to exceed \$25,000.

Commissioner Perona requested to pull item **10d**.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve items **10a, 10b, 10c, 10e** and **10f**.

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

Passed

As to item **10d**, Commissioner Perona stated that this is a recurring event and he is happy to see that the amount does not exceed \$130,000. This program has been a success. He wants to say thank you to staff, community volunteers and partners.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item **10d**.

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 a Conditional Use with No New Construction, submitted by Property Owners, Walter and Cheryl Brett and Applicant, Heather Tinney to change the use of two (2) existing buildings from office to single family residential, at 515 S. Indian River Drive, Fort Pierce, FL. The property is zoned C-1, Office Commercial Zone (Parcel ID 2401-810-0001-000-9).

Vennis Gilmore, Planning Analyst, gave a presentation and was available for questions. City staff confirmed that the quasi-judicial hearing procedures have been waived.

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 - Review and approval of a Final Plat, with conditions, submitted by Property Owner(s) Premier Hospitality Inc. and Applicant, Richard Laventure, PE, to subdivide a 5.28 acre parcel of land into four (4) tracts, located at 6505 Metal Drive, Fort Pierce, FL. The property is zoned General Commercial (C-3), Parcel: 2324-341-0002-000-3.

Kori Benton, Senior Planner, appeared and was available for questions. City staff confirmed that the quasi-judicial hearing procedures have been waived.

Mayor Hudson opened the public hearing.

Richard Laventure, applicant representative, was available for questions. Seeing no one else, Mayor Hudson closed the public hearing.

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

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

- c. Quasi-Judicial Hearing - Application for Site Plan, Conditional Use, and Design Review, with conditions, submitted by property owners, 604 Midway LLC and Representative Mike McCarty of McCarty & Associates, to reuse an existing 6,002 sq. ft. medical office and construct a new 50,820 sq. ft. (180 bed) in-patient treatment center for Drug & Alcohol Treatment at 604 Midway Road, Fort Pierce, FL. The property is zoned Office Commercial, C-1. Parcel ID: 3403-243-0001-000-0.

Jim Messer, City Attorney, spoke briefly about the process for quasi-judicial proceedings. The Commission is held to stricter procedural requirements and decisions must be made based on competent, substantial evidence. He advised that recovering addicts are treated as disabled for purposes of anti-discrimination laws.

Linda Cox, City Clerk, confirmed that advertising has been met for this hearing. Commissioner Perona announced that he has spoken with the applicant representative and a community member. Commissioner Johnson announced that he spoke with the applicant representative on August 2nd. Mayor Hudson has received several emails and phone calls from neighboring residents.

Members of the audience who plan to speak were asked to stand and Linda Cox, City Clerk, issued the oath. She asked the witnesses to, when addressing the Commission, to clearly state their name and confirm that they have been sworn in.

Kori Benton, Senior Planner, gave a presentation and was available for questions. The applicant representative is here to speak to details of their operations.

Mike McCarty, applicant representative, introduced the team that worked on the project and spoke about the details of the operations and addressed concerns.

Ron Corbin, Clinical Director, appeared, was available for questions and addressed concerns.

Mayor Hudson opened the public hearing.

Lisa Nelson spoke in opposition.

Bud Wild spoke in opposition.

Stefanie Wild spoke in opposition.

Sandra Brogan spoke in opposition.

Judith Waskq spoke in opposition.

Response from applicant representative:

Mike McCarty, applicant representative, stated that the project was in compliance with the zoning code.

Ron Corbin, Clinical Director, stated that there are outpatient services, counseling and after-care services provided.

Nitchel Marcelin-Joyce, employee, stated that all employees receive training and work closely with medical providers.

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

James Messer stated there was no evidence presented to justify a continuance.

Commission discussion included other facilities approved by City Commission, other similar facilities that are within and outside of the city's limits and square footage of the facility. They have to make good decisions within their authority and the authority on this issue is limited.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item **11c** with the following staff conditions:

- 1) The proposal integrates a trash collection and dumpster screening plan for the initial phase to reuse the existing structure; and
- 2) The Landscape Plan integrates detail of tree protection and mitigation, pursuant to the City Code Section 22-194, prior to issuance of building permits.
- 3) A stop sign and stop bar is incorporated at the Midway Road exit.
- 4) The combined two-way drive aisle and parking stall width (90° spaces), at the south side of the new Porte Cochere, meets the minimum dimension of 45 ft.

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

Passed

- d. Presentation and Two of Two (2) Public Hearings for 2017-2018 CDBG Annual Action Plan.

Libby Woodruff, Grants Administration Manager, gave an update on the community needs survey and grant fund allocation for the 2017-2018 fiscal year.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

- e. Legislative Hearing - Ordinance No. 17-024, Reducing the number of Planning Board Members. FIRST 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 XII, SECTIONS 2-221 AND 2-223, REDUCING THE NUMBER OF PLANNING BOARD MEMBERS AND ELIMINATING ITS POWER TO ADOPT RULES AND REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Jim Messer, City Attorney, stated that the Ordinance reduces the number of planning board to five (5) members with one (1) alternate. This is an attempt to restore the balance so that

the department head is responsible for the workings of the planning board. In order to effectuate the goals of the planning board, the department head must be there to make sure things are getting done.

Mayor Hudson opened the public hearing.

Bob Burdge, Chair, spoke in opposition.

Roy Darby spoke in support.

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

Commission discussion included procedure changes and the City Manager's role in managing the process. Commissioner Johnson is a proponent of a seven (7) member board and two (2) alternates. Nicholas Mimms, City Manager, stated that we have capable staff that is able to work closely with the professional and competent board members.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander with a question, to select and have seven (7) members and one (1) alternate. Five (5) will be appointed by the Commission, three (3) at large, one (1) of which is an alternate. Terms will be staggered for the 3 at large appointments. Staff and Board will work together to create procedures for that committee.

Further Commission discussion included the necessity of an alternate when you have a quorum and clarification on the establishment of standardized procedures.

The motion was further clarified to keep the members at seven (7) plus one (1) alternate and to delete rules and regulations and rename them procedures.

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

Passed

- f. Legislative Hearing - Ordinance No. 17-023, amending Article XXII, Chapter 2 to provide for Arts and Culture Advisory Board to oversee Art in Public Places Program and 10-Year Arts and Culture Strategic Plan. SECOND 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 ARTICLE XXII, CHAPTER 2, ART IN PUBLIC PLACES, BY AMENDING SEC. 2-355 – DEFINITIONS, PROVIDING FOR THE CREATION OF AN ARTS AND CULTURE ADVISORY BOARD AND CREATION OF A 10-YEAR ARTS AND CULTURE STRATEGIC PLAN; AMENDING SEC. 2-356 ART IN PUBLIC PLACES PROGRAM, INCORPORATING THE STRATEGIC PLAN; PROVIDING A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Libby Woodruff, Grants Administration Manager, appeared 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 Rufus Alexander to approve item **11f**.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

- a. St. Lucie County School District update - Superintendent Wayne Gent - This item was presented before the Consent Agenda.

Wayne Gent, Superintendent, gave an update on the state of the school district. St. Lucie County is now a B-rated district with no failing school and had the highest improvement in the Treasure Coast. They are excited about the significant improvement and plans to keep the momentum going as they embark on the new academic year.

Commission discussion included rewarding the student's progress, dealing with truancy, and how the future of Fort Pierce based on the school board's success.

- b. Presentation and update on the Boy & Girls Clubs of St. Lucie County - Will Armstead, Executive Director - This item was presented before the Consent Agenda.

Will Armstead, Executive Director, stated that he has seen the youth become motivated and contributes that to the school board's success. The Summer of Success, Unity in the Community, Juneteenth celebration, Restoring the Village events, and other events such as these, give the youth a sense of belonging that makes them proud to be a part of the Fort Pierce community.

Commissioner Alexander thanked Mr. Armstead for making a difference.

- c. Approval and Acceptance of the FPUA FY2018 Annual Budget.

John Tompeck, Interim FPUA Director, and Nina Penick, Finance Director, presented the FY2018 budget and was available for questions. There are no unusual items in the budget and it is very similar to last year's in terms of scope, revenue and expenses. No rate increases are included in this budget and none are anticipated.

Commission discussion included having a spending issue, fixing the infrastructure and debt services requirements.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to accept the budget amendment and waive the 30 day period.

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

Passed

- d. Third Quarter Financial Report

Johnna Morris, Finance Director, gave a brief presentation and was available for questions. All funds are in a positive position with the exception fo the Golf Course and Sunrise Theatre.

13. CITY COMMISSION

- a. Resolution No. 17-R17 establishing a Limited Charter Review Commission.

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

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING A LIMITED CHARTER REVIEW COMMISSION; AND PROVIDING FOR AN EFFECTIVE DATE.

James Messer, City Attorney, spoke to recent issues in reference to the FPUA, such as, what is the relationship between UA and City, what are the powers and duties of UA relative to their service territory, and how the revenue paid to the City is calculated. He proposes a limited Charter Review Commission to examine Article XII, with a 6 month limit to come back to the City Commission.

Commission discussion included residency requirements of appointees and were open to including St. Lucie County residents. The applications are due on Sept 5, 2017.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item **13a** to include a ratepayer that is a St. Lucie County resident as an eligible appointee.

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

Passed

- b. Resolution No. 17-R21 establishing a fee for Special Exemption Permits as provided in Sec. 4-2 of the City Code of Ordinances

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

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ADOPTING A SPECIAL EXEMPTION PERMIT FEE AS REFERENCED IN SECTION 4-2 PROHIBITED ANIMALS IN THE FORT PIERCE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

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

Passed

- c. Resolution 17-R22 establishing the Arts and Culture Advisory 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, ESTABLISHING THE ARTS AND CULTURE ADVISORY BOARD, SPECIFYING THE PURPOSES OF THE ADVISORY BOARD, COMPOSITION OF THE ADVISORY BOARD, TERMS OF APPOINTMENTS AND DUTIES OF THE ADVISORY BOARD, AND PROVIDING FOR A DATE CERTAIN.

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

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

Passed

- d. Resolution 17-R24 approving the submission of grant application to receive grant award for costs associated with reconstruction of Moore's Creek Boat Ramp from Florida Fish and Wildlife Conservation Commission (FWC).

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 AUTHORIZING THE MANAGER OF THE FORT PIERCE CITY MARINA TO APPLY FOR BOATING INFRASTRUCTURE GRANT FUNDS, ADMINISTERED BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION THROUGH THE U.S. FISH AND WILDLIFE SERVICE FOR THE COST ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF A BOAT RAMP IMPROVEMENTS AND RELATED AMENITIES LOCATED AT THE MOORE'S CREEK BOAT RAMP IN DOWNTOWN FORT PIERCE, PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

- e. Resolution 17-R25 Appointing members to the Civil Service Appeals Board following a vote by the Commission.

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE CIVIL SERVICE APPEALS BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Linda Cox, City Clerk, passed out the ballots.

Commissioner Perona appointed: Laura Murphy - regular; Ed Cox - alternate
Mayor Hudson appointed: Christine Taylor - regular; Mike Dahan - alternate
Commissioner Johnson appointed: Christine Taylor - regular; Ed Cox - alternate
Commissioner Sessions appointed: Mario Wilcox - regular; Mike Dahan - alternate
Commissioner Alexander appointed: Christine Taylor - regular; Ed Cox - alternate

Three appointments of Christine Taylor to the regular position and Ed Cox to the alternate position.

14. COMMENTS FROM THE PUBLIC

Roy Darby

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, spoke about staff's Community Outreach; Chili Cook-off, Unity in our Community, Treasure Coast Youth Sailing Foundation raft race, the Police Department giving out free backpacks, free basketball summer camp, Summer of Success and IMPACT Awards. He also gave an update about 17th Street resurfacing, TNR program and capital improvements. Upcoming events include the Boards and Committees Appreciation Breakfast on August 10, First Annual Treasure Coast Minority Business Expo on August 12. On August 14, Conference Agenda will discuss golf cart utilization, annexation and Sunrise Center layout.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona attended the FMPA Conference and will provide an update on the utility provider.

Commissioner Sessions inquired about 17th street resurfacing.

Commissioner Johnson mentioned school starting on Monday, August 14 and asked everyone to be safe and leave early. He inquired about additional police presence in the CA Moore school zone.

Commissioner Alexander had no comments.

Mayor Hudson stated that personal letters to her as Mayor are public record. The planters along Orange Avenue in the Peacock Arts District is going to look great; thank you staff and public works.

17. ADJOURNMENT - There being no further business, Mayor Hudson declared the meeting adjourned at 11:59 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER