

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 20, 2017.**

1. CALL TO ORDER

2. OPENING PRAYER - Reverend George Welch, White City United Methodist Church

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 Attorney James Messer
City Clerk Linda Cox
City Manager Nicholas Mimms

5. APPROVAL OF MINUTES

- a. Approval of the Minutes of the November 6, 2017 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 5a.

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

Passed

6. PROCLAMATIONS - No proclamations were issued.

7. LETTERS TO COMMISSION - The following letters will be kept on file in the City Clerk's Office.

- a. Email from Martha Wright thanking Mayor Linda Hudson, City Manager Nick Mimms and Communications Manager Shyanne Helms for their outstanding performance at the Peacock Art District event.
- b. Letter from Bob O'Brien, Corporate & Community Training Institute Coordinator, IRSC, thanking Ed Seissiger, Engineering Projects Coordinator, for giving them a tour of the City Marina.

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

The following individuals spoke:
Joan Banda spoke on item 13 g.
Susan Parry spoke on item 13 g.
Rosemary Spates spoke on item 13 g.
Janice Douglas spoke on item 13 g.
Steve Wilkie spoke on item 13 g.
Danny Kresky spoke on item 13 g.
Charlie Frank Matthews spoke on item 13 e.
Paul Gonnella decided he'd speak during item 14.
Dodi Spence spoke on item 11 i.
Curtis Lam spoke on item 11 j.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve the agenda as presented.

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

Passed

10. MISCELLANEOUS REPORTS

- a. City of Fort Pierce Economic Development Team Update - Linda Cox, ED Team Leader

Linda Cox expressed the Economic Development Council of St. Lucie County (EDC) focuses on offering assistance to business owners who wish to open a business or expand their currently opened business in the City of Fort Pierce, while providing project assistance, identifying obstacles, redeveloping targeted areas, maintaining strong partnerships with various organizations in an effort to enhance the City of Fort Pierce. They are centered on improving and revitalizing our community business-wise, as well as, aesthetically. To achieve this, they're launching a Development Review Task Force lead by the Chamber of Commerce in conjunction with the EDC.

- b. St. Lucie County Economic Development Council Annual Update - Pete Tesch, President

Pete Tesch is responsible for the administration and operations of the organization while providing strategic direction for the growth and economic development of St. Lucie County. He explained how he is working toward attracting new business to encourage new investment(s) with the help of other economic development partners, including but not limited to, the Small Business Development Center, St. Lucie County Chamber of Commerce, CareerSource Research Coast, City of Fort Pierce, Enterprise Florida, etc. Part of EDC's efforts includes providing 36 scholarships to 36 high school graduates equating to \$100K in over three years so that they become quality employees, thereby adding value to our economic development sectors. For EDC's *Economic Development Strategic Plan 2015-2020*, please visit: http://youredc.com/images/uploads/SLC-Economic_Development_Strategic_Plan_2015-2020.pdf

11. CONSENT AGENDA

- a. Approval of Change Order No. 2 for the Indian Hills Recreation Area to Paul Jacquin and Sons, Inc. in the amount of \$20,759.07
- b. Approve Wilco Construction, Fort Pierce, FL, as the most responsive responsible bidder for the replacement of City Marina Channel Navigation Buoys numbered 1 through 12, in the amount of \$12,975.00.
- c. Approval of Dock Electrical Replacement and Repair as a result of Hurricane Irma by Florida Floats aka Bellingham Marine in an amount not to exceed \$65,009.25.
- d. Approval of travel expenses in the amount of \$923.75 for Commissioner Rufus J. Alexander to attend the Florida League of Cities 57th Annual Legislative Conference being held on December 6-8, 2017 in Kissimmee, Florida.
- e. Approval of travel expenses in the amount of \$923.75 for Mayor Linda Hudson to attend the Florida League of Cities 57th Annual Legislative Conference being held on December 6-8, 2017 in Kissimmee, Florida.
- f. Notification of Director of Development's approval of a Minor Amendment to Site Plan for a new 4,989 sq. ft. Chick-fil-a restaurant with drive-thru service at 5560 Okeechobee Road, Fort Pierce, FL. The properties are zoned General Commercial, C-3 zone. (Parcel IDs: 2419-603-0002-000-7 & 2419-603-0005-000-8.) The Minor Amendment accommodates storm water retention adjustments required with permitting by the South Florida Water Management District (SFWMD).
- g. Approval of contractual agreements for outside counsel to represent the City of Fort Pierce in related employment arbitration cases.
- h. Approve De La Hoz Builders, Inc. as the lowest responsive bidder to Bid No. 2017-030 for an amount not to exceed \$19,983 for rehabilitation of 1310 N 27th Street, funded through the State Housing Initiatives Partnership (SHIP) program.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve items 11 a - h. Commissioner Alexander pulled items 11 i - j and Commissioner Johnson pulled item 11 k for discussion.

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

Passed

- i. Approve Gentile Corporation as the lowest responsive bidder to Bid No. 2017-029 for an amount not to exceed \$16,990 for rehabilitation of 517 North 16th Street funded through the State Housing Initiatives Partnership (SHIP) program.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 11 i.

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

Passed

- j. Approve letter to Florida Department of Transportation supporting fishing from the piers beneath the Peter P. Cobb Bridge upon completion of the rehabilitation.

The FDOT had a public information meeting in which they would have received the comments from community to preserve the fishing activity on the observation deck, the same in which the reconstruction is already under way. The FDOT arbitrarily decided for this reconstruction, therefore, the City of Fort Pierce is attempting by any means possible to preserve the fishing amenity. People of the public have begun a social media movement that can be used for this purpose: #FishingSpotsMatter. Regarding the lighting, City Engineer Jack Andrews, Planning Manager Rebecca Grohall and City Manager Nicholas Mimms met with the FDOT officials in Fort Lauderdale; once structural work is done the city will provide the lighting the fisherman need at a feasible cost.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 11 j.

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

Passed

- k. Approve the payment of \$15,000 payable to Main Street Fort Pierce, Inc. for the sponsorship of the 29th Annual Sights and Sounds on Second Christmas event and parade.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 11 k in the amount of \$16,000.

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

Passed

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing (Waived) - Ordinance No. 17-033 - An ordinance rezoning property located at 4600 Selvitz Road, Dogs and Cats Forever. SECOND READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED AT 4600 SELVITZ ROAD FROM COUNTY AR-1, AGRICULTURAL RESIDENTIAL, ZONING CLASSIFICATION AND CITY RL, LOW DENSITY RESIDENTIAL, FUTURE LAND-USE CLASSIFICATION, TO CITY PD, PLANNED DEVELOPMENT, ZONING CLASSIFICATION AND CITY INST, INSTITUTIONAL, FUTURE LAND-USE CLASSIFICATION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the Public Hearing.

Rich Laventure with Atlantic Civil Engineering, the applicant's representative, presented himself to answer any questions any one from the public would have.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 a.

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

Passed

- b. Quasi-Judicial Hearing (Waived)- Review and approval of an application for a Planned Development, submitted by Property Owner Dogs and Cats Forever, Inc. and Applicant, Atlantic Civil Engineering, Inc. to establish a Planned Development, at 4600 Selvitz Road, Fort Pierce, FL. The property is currently has St. Lucie County zoning AR-1, Agricultural Residential Zone (Parcel ID 2432-333-0001-000-3).

Mayor Hudson opened the Public Hearing.

Rich Laventure with Atlantic Civil Engineering, the applicant's representative, presented himself to answer any questions any one from the public would have.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 b.

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

Passed

- c. Quasi-Judicial Hearing (Waived) - Ordinance 17-034 Amending the Zoning Atlas of the City of Fort Pierce to rezone property located at 3530 S. US Hwy 1 from Planned Development (PD) to General Commercial Zone (C-3) SECOND READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY LOCATED AT 3530 S. US HWY 1 FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the Public Hearing.

Richard Niell, the applicant's representative, presented himself to answer any questions the public would have.

Seeing no one, the Mayor closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 c.

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

Passed

- d. Legislative Hearing - Ordinance 17-035 to amend City Code Section 22-16 - Designation of overlay districts, specifically (a) South Beach Overlay District (1) Applicability and Purpose & (2) Delineation of the district; to amend Figure 1 which designated the boundaries of the overlay district, removing approximately 18.02 acres of land, known as 601 Seaway Drive, from the South Beach Overlay. FIRST READING

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE II, ESTABLISHMENT OF ZONES, SECTION 22-16, DESIGNATION OF OVERLAY DISTRICTS, SPECIFICALLY AMENDING FIGURE 1 WITHIN SUBPART A, SOUTH BEACH OVERLAY DISTRICT, TO REMOVE PROPERTY GENERALLY LOCATED AT 601 SEAWAY DRIVE FROM SAID OVERLAY DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

The applicant is seeking to be removed from the South Beach Overlay district.

Rebecca Grohall, Planning Manager, presented a Site Aerial & Zoning diagram of the South Beach Overlay. The purpose of the South Beach Overlay District is to promote good planning and site design that produces quality development that is functional, an asset to the community and in keeping with the general character of South Hutchinson Island. The C5 district currently allows for 45 feet for commercial residence use. The permitted uses and conditional uses between the C-5 Tourist Commercial District and the South Beach Overlay do not change; the only changes within the two is the height limitations, for multifamily housing developments in accordance with the requirements of the High Density Residential (R-5) zone up to 200 feet may be approved. According to City Code Section 22-28 (b) (4) Building heights - No building shall exceed two hundred (200) feet above grade.

Staff reported a number of inconsistencies were identified with the adherence to the City Comprehensive Plan beginning with Policy 1.1.10 which guides the City shall maintain the South Beach Overlay District in the Land Development Regulations for northern South Hutchinson Island to protect the existing neighborhoods and maintain a low-density, "Tropical Village by the Sea" character. Furthermore, the Comprehensive Plan Objective 5.6 states that the City shall direct population concentrations away from known or predicted Coastal High Hazard Areas (CHHA) and this is considered a high hazard area. Additionally, the proposed amendment to the City's land development code does not demonstrate consistency with the basic amendment standards required of City Code Section 22-131, the Comprehensive Plan, and is inconsistent with the Western Peninsula Charrette Report, therefore, Staff recommends City Commission disapproval of the amendment as presented.

Mayor Hudson opened the Public Hearing.
Mac McCarty spoke in favor.
Harold Smyth spoke in favor.
Ashton DePeyster spoke in favor.
Carol Mushier spoke against.
Larry Lee, Jr. spoke in favor.
Richard Foster spoke against.
Patricia Ireland spoke against.
Charles Grande spoke against.
Tom McAneny spoke against.
Elliott Zide spoke against.
Peter Harrison spoke in favor.
Joan Sinnar spoke against.
Rick Ross spoke in favor.
Dr. Wasserman spoke against.
Linda Matthews spoke against.
Steve Jorwaski spoke against.
Seeing no one else, the Mayor closed the Public Hearing.

Commissioner Perona saw no real difference between the South Beach Overlay and the C5 Zoning District.
Commissioner Alexander came to the same conclusion.
Commissioner Johnson indicated the Western Peninsula Charrette Report was accepted by the City Commission but not made part of Comprehensive Plan.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12 d.

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

- e. Legislative Hearing - Ordinance 17-036 - A voluntary annexation submitted by Celebration Pointe Property Development LLC, and Celebration Pointe CDD to annex property located approximately at 5501 Peterson Road. Property is zoned PUD, Planned Unit Development with a Future Land-Use of RM, Residential Medium. Parcel ID 2418-600-0005-000-6, et al (Complete Celebration Pointe Subdivision) FIRST READING

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

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE THE SUBDIVISION KNOWN AS CELEBRATION POINTE AS RECORDED IN PLAT BOOK 57 PAGES 7-14 AND PROPERTY GENERALLY LOCATED AT 5501 PETERSON ROAD AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2018; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Brandon Creagan, Planning Analyst, presented a site aerial map of the 147.14 acres of land. Currently this property is zoned with the County as a PUD or Planned Unit Development. The proposed City Zoning is PD or Planned Development. The future plans for the development is to build 755 residential units consisting of 318 single-family homes, 292 single-story villa lots, and 145 two-story town homes. The current County Future Land Use is considered RM-Residential Medium. If annexed with the City it will be considered RM-Medium Density Residential. Both proposed Zoning and Future Land Use is consistent with annexation policies and the City's comprehensive plans. They Planning Board voted unanimously to recommend approval of this request as proposed meeting the standards of the City code and comprehensive plan regarding annexations and, thereby, recommends the City Commission's approval of proposed voluntary annexation along with the Zoning and Future Land Use designations.

Mayor Hudson opened the Public Hearing.

Bill Barbaro with Carnahan Proctor & Cross Engineers, the owner's representative, presented himself for any questions from the Public and/or the Commission.
Commissioner Perona mentioned he'd spoken to Mr. Huerta, who had issues with FPUA's existing agreement and he questioned them being resolved. The two previous owners had purchased credits to lock-in at a particular rate for development of the site within a year or they would incur guaranteed revenue charges. With the economic downturn they were not able to develop the site within the allotted time frame, therefore, incurring charges. Mr. Barbaro mentioned they are working through the fees with FPUA and City staff, however, regarding approvals and certifications they have moved forward.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item 12 e.

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

13. CITY COMMISSION

- a. Resolution 17-R37 Appointing members to the Sunrise Theatre Advisory Board following a vote.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE SUNRISE THEATRE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

The members to be appointed are: Erick Gill, Melanie George and Mel Echazabal. Commissioner Perona voted for Melanie George, Mel Echazabal and Erick Gill. Commissioner Alexander voted for Erick Gill, Joanne Driscoll and Melanie George. Commissioner Sessions voted for Erick Gill, Mel Echazabal and Melanie George. Mayor Hudson voted for Erick Gill, Mel Echazabal and Melanie George. Commissioner Johnson voted for Erick Gill, Kandra Davis and Janet Ingstrom.

Harry Goldman has been appointed to serve as the County Resident Representative. Commissioner Johnson, Commissioner Sessions, Commissioner Perona and Commissioner Alexander all voted for Mr. Goldman. Mayor Hudson voted for Arthur Pernice.

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

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

Passed

- b. Resolution 17-R38 adopting the Rules of Procedure for Condemnation and Demolition.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ADOPTING RULES OF PROCEDURE FOR CONDEMNATION AND DEMOLITION OF STRUCTURES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Because this was discussed during the Commission's recent Conference Agenda meeting, there was no presentation.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 13 b.

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

Passed

- c. Resolution 17-R39 Opposing Legislation that would Restrict or Eliminate Community Redevelopment Agencies.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO OPPOSE LEGISLATION THAT WOULD RESTRICT OR ELIMINATE COMMUNITY REDEVELOPMENT AGENCIES; DIRECTING CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE ST. LUCIE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve 13 b.

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

Passed

- d. Resolution 17-R40 Supporting Home Rule Powers for Municipalities.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA, SUPPORTING HOME RULE POWERS AND REQUESTING THE FLORIDA LEGISLATURE TO OPPOSE ANY LEGISLATION WHICH WILL IMPEDE MUNICIPALITIES AND CITIZENS OF THEIR CONSTITUTIONAL RIGHT OF LOCAL SELF-GOVERNMENT; HOME RULE POWERS, BOTH ADMINISTRATIVE AND FISCAL, ALLOW MUNICIPALITIES TO DEVELOP AND IMPLEMENT COMMUNITY-BASED SOLUTIONS TO LOCAL PROBLEMS WITHOUT STATE INTERFERENCE; DIRECTING CITY CLERK TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE FLORIDA LEAGUE OF CITIES, THE ST. LUCIE COUNTY LEGISLATIVE DELEGATION AND ANY OTHER INTERESTED PARTIES; PROVIDING AN EFFECTIVE DATE.

Commissioner Perona thanked Mayor Hudson for all her efforts and her involvement with the Florida League of Cities.

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

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

Passed

- e. Discussion of renaming the portion of Avenue D east of US Highway 1 to Silene led by Commissioner Perona.

Commissioner Perona mentioned some of the persons living on Avenue D had broached the subject with him of possibly reverting back to Avenue D's original name of Silene Street. Mayor Hudson gave an overview of the historical background dating back to 1887 stating that Silene was the daughter of Alford Lagow, who amongst other things, was a land developer and named this street after his daughter, whom they called Lena. Commissioner Sessions found if this was going to be open to discussion he would suggest the entire avenue to be renamed versus just part of it. The Commission would be open to hearing comments from the public in this regard in the future.

- f. Discussion at the request of Commissioner Alexander regarding street lighting in Paradise Park.

Commissioner Rufus Alexander questioned some residents of the City of Fort Pierce paying for the street lights. He considered it a deterrent for others who would like to live in the City.

City Manager, Nicholas Mimms, explained he'd spoken to two residents residing in the same household and did initial research. In 1982 a street lighting district was established and reconfirmed in 2010 via a resolution. The street lighting MSTU serves as a vehicle of the county where they can provide municipal services to areas that are not within a municipality. This area was being annexed to the City of Fort Pierce but he believes there was a failure within County and City to communicate in 2010. Johnna Morris, Finance Director, contacted the County to get further information. From 2010 to the present, all residents have been billed approximately \$106,000 as a whole. Moving forward they're taking immediate steps to right this glitch.

- g. Update on anti-tethering enforcement efforts.

Peggy Arraiz, Code Compliance Manager, explained hundreds of flyers have been passed out to help the education and enforcement effort. The Commission shifted into the enforcement effort by taking the citations out of the County Court and moving them in-house to the special magistrate giving us more control of the citations. Citations are being used as a tool to motivate compliance instead of charging fees. Ms. Arraiz suggested more education for dog owners letting them know that if the dog is outside it must have an enclosed fence allowing the animal to move freely without being tied. Secondly, when the ordinance was first drawn up it stated the dog, while tethered, had to be "in view of the owner", but not outside with the animal; when using the terminology of "the person responsible" it did not reference an actual age. Ms. Arraiz suggested amending the ordinance to add the age responsible of 15 and older and to add the person would need to be outside with the dog that was tethered, not simply in view. Additionally, she suggested the citation be increased from \$50 to \$250. The Code Enforcement Department has hired a new Animal Control Officer, as well as, are in the process of purchasing new Animal Control software. They are working hard toward the ultimate goal of the City becoming an anti-tethering community. The Commission were in agreement that Ms. Arraiz draft the amendment stating the person has to be outside with the tethered animals, as well as, adding the age of 15 years of age and older. Regarding increasing the violation fee, it was agreed they'd increase from \$50 to \$100. The amended ordinance will be presented for approval at another Commission meeting.

- h. Consider the possible transfer and extension of the lease for Little Jim's Bait & Tackle Shop.

City Manager, Nicholas Mimms, expressed at the last Conference Agenda there was a discussion over a proposal presented from a potential investor that could possibly assume/transfer the lease responsibility; they also requested consideration of a lease extension. The City of Fort Pierce has had a contractual relationship with Little Jim's Bait & Tackle since 2010 which was initiated with an original RFP in 2008. However, this existing contract begun in 2010 for a five year span and, pursuant to a mutual agreement upon extension, it extended for another 10 years. There are no other extension provisions. All extensions have been exhausted with this current term, thereby, by the end of 2025 there would be a termination of the lease. Attorney James Messer concurs with staff opinion and a letter was sent to David Cleveland who was the developer's representative.

Business partners and owners of the Manatee Island Bar & Grill on South Beach, Paul Gonella and Michael Pollatano were asked to step forward for any comments regarding their project. They mentioned they submitted the proposal of transfer of the lease contingent on the lease extension. Mr. Gonella expressed they were not aware of anything on the City charter that would impede what they were trying to accomplish. Once they found out about this, they decided to research the matter and continue with their plans noting that there had been extensions for other properties; Cobb's Landing was one property they noticed. Mr. Gonella states this project would improve a City property with private funds, will create jobs and increase the tax base, as well as, increase equity in City property.

Rita King, co-owner of Little Jim's Bait & Tackle spoke to the Commission expressing her hopes of history being preserved with her shop and moving further along with the help of Mr. Gonella and Mr. Pollatano.

Mayor Hudson mentioned the situation of Cobb's Landing was not the same. She let the investors and owners know she wanted this to go forward, however, the City Commission could not bend the rules for one group when they had other properties that would expect the same treatment. Mayor Hudson investigated the Right of First Refusal and found the aspect of granting this would be considered akin to bid rigging. Commissioner Perona stated he would feel most comfortable with them, either taking over the lease, or submitting a RFP. Mr. Mimms and the City Attorney, James Messer explained Cobb's Landing had a different set of circumstances, where prior to Mr. Messer coming on board with the City, Cobb's Landing operated without a finalized lease, therefore, no terms or conditions were changed when it was finalized years later.

14. COMMENTS FROM THE PUBLIC

Michael Pollatano
Rita King
Susan Parry
Dodi Spence

15. COMMENTS FROM THE CITY MANAGER

City Manager, Nicholas Mimms had no comments.

City Attorney, James Messer, stated he had no intention of perpetuating things that were done incorrectly in the past. He wanted to make clear he represented the Commission and that was where his loyalty was, providing them with the most current legal advice so as to prevent incarceration or being sued for acting illegally. That being said, he'd be happy to work with whomever the Commission wanted in order to see what could be done legally to proceed with any dealings.

16. COMMENTS FROM THE COMMISSION

Commissioner Jeremiah Johnson broached the subject of the Planning Board. The City Commission concluded all needed to watch the last Planning Board meeting before they'd be able to proceed with discussion and make decisions. Commissioner Perona and Mayor Hudson both believed the comments expressed the aforementioned meetings were becoming personal. It was concluded they would discuss it at the next Commission Meeting on December 4, 2017.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER