

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, **DECEMBER 4, 2017.**

1. CALL TO ORDER

2. OPENING PRAYER - Pastor Brian Jemison, Common Ground Vineyard Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona

Absent: Commissioner Reginald Sessions

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

Commissioner Sessions arrived at 6:32 p.m.

5. APPROVAL OF MINUTES

- a. Approval of minutes from the November 20, 2017 meeting.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve item 5 a.

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

6. PROCLAMATIONS

- a. Special presentation by Aaliyah Wilson. Ms. Wilson read a poem she wrote entitled, "I Pledge".
b. A Proclamation was issued to recognize Community Symposium Day.

7. LETTERS TO COMMISSION - There were no letters.

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

John Tompeck spoke on item 13 c.
Odil Deroches spoke on item 12 a.
Richard Ross spoke on item 13 c.
Lee Mulderrig spoke on item 13 c.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve the Agenda as presented.

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

10. MISCELLANEOUS REPORTS

- a. Presentation and launch of new city app - Fort Pierce Works (SeeClickFix).

DeVoshay Johnson, Information Technology Manager, spoke of the launch of the City of Fort Pierce's new mobile application. This app will allow residents within our City to report any non-emergency issues to the appropriate staff to take care of with the ability to come back and see what the status of the issue is. This information will also be available to the City Commission in real-time via the website so that they are also kept abreast of what is happening and how potential issues are being handled. It will also provide community engagement supplying information to the public about events going on in the City. This application will launch on Friday, December 15, 2017 and can be accessed for both Android and iPhone devices through their corresponding electronic stores by searching "SeeClickFix" (as one word) and typing in Fort Pierce.

11. CONSENT AGENDA

- a. Approval of a one-year extension to Let There Be Lights, Inc., Bid No. 2015-003 Holiday Lighting for Marina Square, in the amount not to exceed \$27,000.00.
- b. Notification of Director of Development's approval of a Minor Amendment to Site Plan & Conditional Use for Causeway Cove Marina, located at 601 Seaway Drive. The Minor Amendment accommodates access and retention adjustments required with permitting by the Florida Department of Transportation (FDOT) & South Florida Water Management District (SFWMD).
- c. Notification of Director of Development's approval of a Minor Amendment to Site Plan for Inlet Palms at 1502 Seaway Drive, Fort Pierce, FL. The properties are zoned Planned Development, PD zone. (Parcel IDs: 2401-501-0279-000-1 and 2401-501-0279-010-4). The Minor Amendment reduces the total number of residential units from seven to six, adds additional parking and a gazebo amenity for the property.
- d. Approval of Revocable Encroachment Permit for Sunshine Car Wash located at 3104 Okeechobee Road.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve items 11 a - d.

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

Passed

12. PUBLIC HEARINGS

- a. Application submitted by Donald Noble to operate a food truck ("Fork It Over") at 1907 Avenue D, Fort Pierce. Said use requires a Waiver of Distance, Sec. 9-111(b)(1) and (2) to operate within 500 feet from a similar type of business and 300 feet from a church.

Noemí Rios, Deputy City Clerk, presented this business's application. Fork It Over has been in operation for a year, having been given approval to operate with a one-year condition by the City Commission in their meeting of November 21, 2016. Mr. Noble is still addressing issues with his architect and engineer to open a restaurant in place of the mobile food truck in the building next to where he is currently stationed and expects to open in the next six months.

Mayor Hudson opened the Public Hearing.

Candice Brown Goehheg, the applicant's representative and the owner of the 1907 Avenue D building, presented herself for any questions the Commission or the public would have. Omar Sharif spoke in opposition to the approval of this application saying he did not welcome the competition.

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

Commissioner Sessions and Commissioner Perona both expressed their concern for hindering brick and mortar business which had presumably higher business expenses, however, being that this mobile food vendor has been in operation for a year and has already begun the process to opening a brick and mortar restaurant, they were not in opposition if this vendor was approved, again with a one-year condition.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 12 a for one-year only.

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

Passed

- b. Quasi-Judicial Hearing (waived) - Approval of an Application for Subdivision (Final Plat) submitted by the property owner, Foglia Contracting Corp., for the development of the Inlet Palms Townhome project. The site is located at 1502 Seaway Drive, Fort Pierce, FL. The property is currently zoned PD, Planned Development with a Future Land-Use of HIR, Hutchinson Island Residential.

Brandon Creagan, Planning Analyst, discussed the application for the Inlet Palms Townhomes project. This project consists of two parcels totaling 0.94 acres and seeks to reduce the number of lots previously approved in the preliminary plat from seven to six units with corresponding parking spaces. This reduction allows for additional parking spaces to be added, as well as a gazebo.

The proposed subdivision (Final Plat) is consistent with the City's Land Development Code and Comprehensive Plan, therefore, Staff recommends the City Commission approve the request of a Final Plat.

Mayor Hudson opened the Public Hearing.

Joe Biddle, the applicant, presented himself to answer any questions the Commission or the public would have.

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

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

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

Passed

- c. 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) SECOND 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.

Mayor Hudson opened the Public Hearing. Seeing no one, the Mayor closed the Public Hearing.

Commissioner Alexander stated he spoke to and welcomed the contractors to the City of Fort Pierce.

Commissioner Sessions met with the applicant.

Commissioner Perona also met with the applicant.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 12 c.

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

Passed

- d. Legislative Hearing - Ordinance 17-037 amending Chapter 5 - Buildings and Building Regulations, Section 5-19(a) in order to remove the Director of Building and Community Response from the Board of Examiners of Contractors. FIRST READING

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING CHAPTER 5 - BUILDINGS AND BUILDING REGULATIONS, SEC. 5-19 (a) IN ORDER TO REMOVE THE DIRECTOR OF BUILDING AND COMMUNITY RESPONSE FROM THE BOARD OF EXAMINERS OF CONTRACTORS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

James Messer, City Attorney, expressed this is a minor housekeeping task that will bring the ordinance into compliance with the Sunshine Law pursuant to a directive from the State Attorney who recommended the City Commission take immediate steps to remedy the continuing violation of the Sunshine Law by amending the Code of Ordinances. Mr. Messer clarified the violation was in that the Building Official was also a member of the board and would meet with the Chairman of the board to predetermine if cases would be brought in front of that board, thereby, the Building Official not only sat on the board and voted on the final determination, but also met outside the Sunshine meeting with the Chairman of the board to determine whether the violation should be heard in the first place.

Mayor Hudson opened the Public Hearing. Seeing no one, the Mayor closed the Public Hearing.

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

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

Passed

- e. Legislative Hearing - Ordinance No. 17-038: Transmittal hearing pertaining to an application submitted by the property owners, Ariel Homes of Treasure Coast, and applicant, S. R. Bacher Enterprises, LLC., for one (1) parcel of land, 56.035 +/- acres, to change the future land use designation within the Comprehensive Plan, from RM, Residential Medium to BC, Boundary Commercial. Said parcel is generally located at the northeast corner of Edwards Road and Jenkins Road, or approximately 3180 South Jenkins Road. 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 THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTY GENERALLY LOCATED AT 3180 SOUTH JENKINS ROAD, FROM MEDIUM DENSITY RESIDENTIAL, RM, TO BOUNDARY COMMERCIAL, BC; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Kori Benton, Senior Planner, presented a request to transmit a proposed future land use map amendment to various State agencies seeking to amend the future land use from RM-Medium Density Residential to BC-Boundary Commercial based on its proximity to the interstate. The Boundary Commercial designation allows medium intensity commercial developments that are primarily intended to serve surrounding neighborhoods and residential areas. Uses allowed within this designation include general commercial, retail, offices, tourist/entertainment facilities, hotels/motels, parks and recreation, along with compatible public, quasi-public, and special uses.

The proposed amendment meets the criteria specified in Section 22-131 of the City Code and promotes and protects the public health, safety and general welfare; therefore, Staff recommends that the City Commission approve the transmittal of the proposed Large Scale amendment.

Mayor Hudson opened the Public Hearing.

Lee Dobbins, the applicant's attorney, gave a presentation to give the Commission and the public further information of what to expect.

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

Commissioner Perona met with the applicant to discuss this project.

Commissioner Alexander also met with the applicant to discuss this project.

Commissioner Johnson also met with the applicant to discuss this project.
Commissioner Sessions also spoke with the applicant about this project.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 12 e.

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

Passed

13. CITY COMMISSION

- a. Discussion of the Planning Board procedures and membership led by Commissioner Johnson.

Commissioner Johnson discussed the procedures for the Planning Board. He asked City Manager, Nicholas Mimms, to formalize those procedures on City Letterhead so that future members that come on the board will have these and guide themselves accordingly.

Commissioner Johnson expressed his concerns with certain members of the Planning Board and the impending repercussions their behavior during those meetings will cause on business men and women who wish to bring their business to our City. Nicholas Mimms confirmed Mr. Robert Burdge stepped down as the Chairman for this board, but not as member as the Board. In addition to Robert Burdge, Commissioner Johnson was also worried about Marcia Baker's membership on the Board.

Commissioner Alexander also expressed his distaste. He mentioned he watched several meetings and had to consult with the City Attorney, as well as the City Manager because he was upset at the developments and feels amendments should be made.

Mayor Hudson has also seen the aforementioned concerns develop within the board. She said she's spoken with her appointee to see if his expectations were up to par with what was expected from a board member. She further mentioned she was not looking for everyone to always agree on everything, but rather that even when they have disagreements, to express those disagreements respectfully to each other and to staff members. The objective is a Planning Board that works well with staff, is efficient, and everyone that comes before them leaves feeling they've been treated fairly and have had a fair hearing. However, what she's seen is the exercise of power and a lot of time wasted on demonstrating who is in charge and who is right. The Mayor also expressed concern with some comments Ms. Baker has made during these meetings.

Commissioner Perona expressed he would not rush to judgment without having spoken to his appointee, Robert Burdge, and he would appreciate the Commission allow him to speak with Mr. Burdge before making any decisions on his membership with the Planning Board. He was interested in seeing a list of prospective applicants to see if positive changes could be brought to the Planning Board.

Commissioner Sessions expressed that he'd spoken to Mr. Burdge and he seemed very remorseful about the way he'd exercised his title within the board and how he'd acted. Commissioner Sessions was of the agreement that they should not remove Mr. Burdge immediately from the board but rather, wait for Commissioner Perona to speak with him. The Commission agreed to allow Commissioner Perona and Robert Burdge this courtesy.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to remove Ms. Marcia Baker as a member of the Planning Board.

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

Passed

- b. Discussion of regularly scheduled City Commission meetings led by Commissioner Perona.

Commissioner Perona opened a discussion for the City Commission to consider changing the Regular Commission Meeting schedule to include one daytime meeting, instead of two evening meetings. Commissioner Johnson believed if this were done it would allow a different view from the public for others that cannot attend the evening meetings because they work nights, since most nights when the Commission Meeting runs to the late hours of the night they are left with very few people left to give their opinions. He also thought it would cut down on monetary costs by having the meeting during regular working hours. Commissioner Johnson also suggested another option would be an afternoon meeting instead of a morning meeting. Mayor Hudson made herself available for anytime the meetings were scheduled.

Commissioner Alexander suggested there could possibly be “more teeth” during the Conference Agenda Meetings allowing for the consensus of those discussions to be on the Consent Agenda for the next Regular meeting.

After much deliberation, the City Commission would like to run a trial period in which they have the second Regular Commission Meeting of the month beginning at 4 p.m. versus 6:30 p.m. They’ve instructed the City Attorney and City Manager to convene in order to amend the ordinance to remove previously stipulated meeting times, so as to be able to work with a resolution moving forward if they were to decide to change the meeting time again in the future.

- c. Discussion regarding the funding of the purchase of water front property at the Port of Fort Pierce

Nicholas Mimms, City Manager, provided the City Commission with a memorandum including spreadsheets, a proposed resolution and information regarding the water front property purchase in the Port of Fort Pierce. Sometime in October, St. Lucie County signed a contract for a sales transaction with Indian River Terminal, also known as the Port of Fort Pierce and the Commission asked Mr. Mimms to identify funding to become a participating partner in this purchase. Funding was identified which may be used in this acquisition via the FPUA. This would not negatively affect the operation of the Utilities Authority nor cause rate increases for residents. Mr. Mimms believes this would direct activity to the port, create economic development, and would allow for a contributing port, currently ranking last in the State. In order to proceed with the City being a partner with the County, this would require a contribution of fifty percent of the funds necessary to acquire the port with St. Lucie County, that being \$12.5 million. This would not be a loan, but a distribution from FPUA to the City of Fort Pierce to make said purchase. A direct return on investment should be seen in 20 years. Mr. Mimms assured the Commission this would be a low risk opportunity since water front property in the State is scarce and the property could be sold for higher than it was purchased if the plans currently in place would not materialize.

Some Commission members believed this funding could be utilized in other City issues. Mayor Hudson, member of the FPUA Board, mentioned the FPUA Board has spoken about this and both City staff and FPUA staff are working together to address some of these issues. Commissioner Sessions also suggested that perhaps the total of \$12.5 million could be reduced so that the City could still participate in the port purchase, but also provide a wholesome abode for the constituents in other areas that need investment.

14. COMMENTS FROM THE PUBLIC

Charles Gannon
Sherry Strong

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report

At the City Manager’s request, Mike Reals provided the Commission with a street light update.

Regarding the traffic light issues, Tracy Telle, Assistant City Engineer, told the Commission she would acquire an update from the appropriate staff member.

Lastly, Mr. Nicholas Mimms let the Commission know the City has currently received four proposals for the RFQ bid for the H.D. King Plan site.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander announced the Christmas on Moore’s Creek event to take place on Saturday, December 16, 2017 on the corner of 8th Street and Avenue D from 12 p.m. to 4 p.m.

Commissioner Perona thanked everyone who had a hand in the Christmas Parade the previous weekend, as well as, the new chairs for the City Commission.

Commissioner Sessions had no comments or announcements.

Commissioner Johnson thanked the Public Works Department for the clean-up after the Christmas Parade and announced he was celebrating his one-year anniversary on the City of Fort Pierce’s Commission.

Mayor Hudson asked City Clerk, Linda Cox, to put together a complete list of the Boards the Commission Members served on and their attendance to each meeting.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER