

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 18, 2017.**

1. **6:15 p.m. - SPECIAL PRESENTATION** - Holiday Music with the Boys and Girls Club of St. Lucie County

6: 30 p.m. - CALL TO ORDER

2. **OPENING PRAYER** - Reverend Dr. Kenny Mills, The Bible Way Save Our Children Ministries

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

5. **APPROVAL OF MINUTES**

- a. Approval of Minutes from the December 4, 2017 regular meeting.

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

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

Passed

6. **PROCLAMATIONS**

Mayor Hudson issued Proclamations to the following individuals listed below.

- a. Sergeant Daniel Flaherty
- b. Sergeant Rodney Nieves
- c. Lieutenant Katherine England

7. **LETTERS TO COMMISSION**

The following letters will be kept on file in the City Clerk's Office.

- a. Email from Dorothy Ingram thanking Chief Hobbey-Burney for Officer Fossella and other police officers who are dependable and spoke at her church.
- b. Letter from Pamela L. Gillette, Marketing and Events, Main Street Fort Pierce, thanking Mayor Hudson, Nick Mimms, City Commissioners, Public Works Department and the Police Department for their support of Sights and Sounds on Second Festival and Parade.
- c. Letter of commendation to Kori Benton, Senior Planner from Commissioner Alexander acknowledging Mr. Benton's exemplary work for 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**

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

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

Passed

10. MISCELLANEOUS REPORTS

There were no reports.

11. CONSENT AGENDA

- a. Approval of a \$100 holiday bonus pay to each employee.
- b. Approval of the 2017 Bullet Proof Vest Program (BVP) Blanket Purchase Order Request in an amount not to exceed \$30,396.08.
- c. Approval to purchase twelve (12) DELL Rugged Laptop computers at a cost of \$1,659.78 each for a total not to exceed \$20,000. The police department is proposing to piggyback the U.S. Communities Contract No. 43211500-WSCA-15-ACS, from Dell Computers, Round Rock, TX.
- d. Approval to purchase up to three (3) K-9's for the Fort Pierce Police Department K-9 Unit in the amount not to exceed \$30,000.
- e. Approval to purchase two (2) Ford Interceptor Sport Utility vehicles for the Fort Pierce Police Department K-9 Unit in the amount not to exceed \$78,218.00.
- f. Approval of an extension for the Planned Development (PD) Approval for the project commonly known as Villages of Midway, located on northside of Midway Road and west of I-95. This project was originally approved on April 4, 2016 via Ordinance No. 16-009. The new date for the site plan expiration would become April 7, 2020.
- g. Approval of a twenty-four (24) month Lease Extension Agreement between the City of Fort Pierce and Fort Pierce Resorts, LLC for certain parcels along Indian River Drive, that are being utilized to provide additional parking spaces for the public.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve items 11 b - 11 g.

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

Passed

As to item 11 a, Commissioner Johnson requested his \$100 bonus as a City employee be removed. Commissioner Sessions, Commissioner Perona and Mayor Hudson requested the same.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 11 a with the exception of the Mayor and City Commission.

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

Passed

12. PUBLIC HEARINGS

- a. Presentation and Public Hearing of 2016-2017 Consolidated Annual Performance Evaluation Report (CAPER).

Elizabeth "Libby" Woodruff, Grant Writer Administrator, introduced the new Lincoln Park Revitalization Coordinator, Caleta Scott, who has been with the department since September 2017. Ms. Woodruff proceeded to present the accomplishments and highlights of the CAPER. With the SHIP Program six home purchases were made with 11 more home purchases underway. Three home rehabs were completed and five more are currently underway. In partnership with the FPUA, the Weatherization Program has helped to rehab 27 homes. The Paint Our Town Program, in conjunction with businesses who volunteer within our community, were able to paint homes and change locks on some of these helping 19 home owners. For Small Business Development, workshops were presented to educate small business owners and grants were provided to businesses that qualified. Through the Public Service Grants 5,787 people were served. The Third Annual Summer Jam Camp provided free camp for eight weeks, five days a week and it created seven summer jobs.

There was also a promotion of Free Job Training, along with a Job Fair. The next 3rd Annual Job Fair will take place on January 31, 2018 at the Havert L. Fenn Center and 100 employers will be present. Five Commercial Façade Grants are underway. The 3rd Annual Highwaymen Art Show & Festival will be on Saturday, February 17, 2018 at 10 a.m. at the Moore's Creek Linear Park. Improvements were also made to the Maravilla Park, as well as, Percy Peek Gymnasium.

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

- b. An application for Waiver of Distance submitted by the property owners, Fifer Partners 1 LLC, and applicant/representative, Brian Paul, for approval of Waiver of Distance for a 2COP Alcoholic Beverage License in order to serve Beer and Wine for Consumption on Premises, within a proposed restaurant, at 733 North US Highway 1, Fort Pierce, Florida. The property is zoned General Commercial, C-3, and approximately 2.94 acres in size. The Parcel IDs for the property is 2403-717-0002-000-8, 2403-705- 0024-000-1, & 2403-717-0007-000-3.

Senior Planner, Kori Benton, mentioned the applicant is requesting an alcoholic license with a new restaurant proposed as an expansion of the Pelican Seafood retail store. This restaurant would be approximately 1,200 square feet, accommodating 40 patrons and would include a kitchen, office, restroom facilities and outdoor dining.

Staff unanimously recommended approval of this request with the following conditions:

- (1) The proposed parking lot expansion, to support the restaurant and plaza, complies with minimum dimensions, curbing, and drainage provisions of City ordinance;
- (2) Site landscaping is in compliance with City Code Sections 22-187 General landscaping requirements (4), (6), and (7). , prior to zoning release of the alcohol license.
- (3) Site lighting is affirmed to be in compliance with City Code Sections Sec. 22-60 (j) & Sec. 22-59 (g)(6) Lighting, providing a minimum average of two (2) foot candle lighting, prior to zoning release of the alcohol license; and
- (4) The presented dumpster enclosure is screened with landscaping, pursuant to City Code Section 22-187 (11) Screening of refuse collection areas, prior to zoning release of the alcohol license.

Mayor Hudson opened the Public Hearing.
Brian Paul, the applicant, presented himself to answer any questions.
Commissioner Perona asked if Mr. Paul was moving his other restaurant to the current location they were speaking of. He is not.
No one else had questions.
Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Item 12 b with staff conditions.

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

Passed

- c. Review and approval of a Conceptual Development Plan submitted by property owners, Oleander Oaks LLC. and representative Ryan Von Weller of Warwick Commons Ltd, which conceptualizes establishment of an 80-100 unit affordable housing complex exclusively for seniors 55 and older, located on the west side of Oleander Avenue, south of Bell Avenue, and north of Tumblin Kling Road in Fort Pierce, Florida. The property is zoned R-4 Medium Density Residential (south 12.88 acres) and C-3, General Commercial (north 4.3 acres). The development of this project would commence on the south 12.88 acres zoned R-4. The parcel ID for the property is 2433-144-0001-000-6

Planning Analyst, Brandon Creagan, stated the applicant is looking to develop an affordable housing complex for Seniors 55 years of age and older in the Southern half lot consisting of 12.88 acres. This product is for independent living and would produce a minimum of 80 to a maximum of 100 units (approximately 10 units per acre) which will consist of a mix between one bedroom and one bath units to two bedrooms and two bathroom units. Amenities to be included would be a pool, outdoor recreation area, common dining area, a movie room, amongst other things. Onsite management will be provided. The building is proposed with the allowable height of three stories and elevators are part of the plan.

Staff recommends that the City Commission review the Conceptual Development Plan and approve the conceptual parameters of the proposal.

Mayor Hudson opened the Public Hearing.
Kevin Kroll, Development Associate with Wendover Housing Partners, the applicant's

developer and representative, presented himself to answer any questions. He assured the City Commission that they'd design and build 100% to the City's specifications, zoning, comprehensive plan, development code and design standards. At Commissioner Session's request, Mr. Kroll went into the details of the difference between independent and assisted living.

Rosemary Spietz asked the distance between this property and Tumblin Kling Road and Mr. Kroll replied it is about 900 feet North.

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 c with staff recommendations.

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

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. SECOND 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.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

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

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

Passed

- e. Legislative Hearing - Ordinance No. 17-029 amending Chapter 15 - Signs and Billboards. 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 THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES CHAPTER 15 – SIGNS AND BILLBOARDS, SEC 1 DEFINITIONS BY AMENDING THE DEFINITION OF A MURAL AND SEC. 15-7 PERMITTED SIGNS BY ESTABLISHING SIGN SIZES FOR R4, R4A AND R5 ZONING DISTRICTS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Code Enforcement Manager, Peggy Arraiz, followed up on the discussion with the City Commission from a few months ago, amending the Scrivener's error in Chapter 15 that would allow signs up to 32 sq. ft. in the R4, R4A and R5 zones. This was amended to allow large signs in areas consisting of 1 acre or more. Anything smaller would have small signs per residential areas. Our mural definition has also been amended to differentiate from an artist by trade and a painting contractor. If, as an artist, you have authority from the building owner, there will be no permits needed to paint a mural. However, if it is a historical structure the artist or building owner would have to go through the Historical Preservation Officer to acquire approval.

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

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

Passed

- f. Legislative Hearing - Ordinance No. 17-039 Amending Chapter 4 - Animals to resolve issues identified by staff during the first year of enforcement efforts regarding tethering. 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; CHAPTER 4 – ANIMALS; AMENDING ARTICLE I – GENERAL; SEC. 4-1 – DEFINITIONS, AMENDING ARTICLE II – ANIMAL CONTROL; SEC. 4-22 – RESTRAINT OF ANIMALS, GENERALLY; PROVIDING FOR A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Code Enforcement Manager, Peggy Arraiz, followed up on the discussion with the City Commission about amending the animal tethering ordinance. This ordinance will be amended to state the person in charge of the animal will have to be 15 years of age or older, will have to be outside with the tethered animal and increases the violation penalty to \$100. Commissioner Perona thanked staff for their efforts in making these amendments.

Mayor Hudson opened the Public Hearing.

Janice Douglas with United For Animals, thanked the Commission for these amendments and said they looked forward to working with the City to enforce these amendments. Seeing no one else, the Mayor closed the Public Hearing.

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

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

Passed

13. CITY COMMISSION

- a. Resolution 17-R42 to the Florida Department of Transportation (FDOT) showing the City Commission's support for the inclusion of an observation deck into the design and construction of the North Causeway Bridge Replacement project.

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, SUPPORTING THE CONSTRUCTION OF AN OBSERVATION DECK UNDER THE WESTERN END OF THE REPLACEMENT STATE ROAD A1A NORTH CAUSEWAY BRIDGE, COMMITTING TO THE MAINTENANCE OF THE OBSERVATION DECK UPON THE COMPLETION OF ITS CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

City Engineer, Jack Andrews, elaborated on the resolution and expressed why the City is supporting this structure. Mr. Andrews mentioned they'd met with FDOT regarding the possibility of keeping the same structure or opting for the proposed observation deck. The Engineering Department met with several representatives to compare the maintenance costs from the old structure to the new one in order to make the best decision possible. With projected annual maintenance costs of \$75K to \$100K, the City Engineer felt it would be a continuous maintenance problem for the City for years to come. Therefore, they convened with the Transportation Planning Organization (TPO) to request FDOT to produce the new structure. This structure would be similar to what has been done in other municipalities like Vero and Jensen Beach. The City and the TPO feel it's an appropriate cost for FDOT to consume and build something new versus the City continuously investing funds to maintain the old structure. This resolution shows the support of the City to have the FDOT explore this new observation deck.

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

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

Passed

- b. Request for letter in support of redevelopment of Brownfield Site ID #BF560702001 located at 1150 South U.S. Highway 1, Ft. Pierce, FL 34950 (Parcel 2415-602-0002-000-2)

Planning Director, Rebecca Grohall, stated the same property owner of the ALDI store that opened this month purchased the site located at 1150 South U.S. Highway 1 with the impression that the remediation was complete but later discovered there was still contamination present and in order to proceed with the Brownfield designation and remediation, they are requesting the City's support in the form of a letter to go to the State of Florida indicating said support of this parcel as a Brownfield remediation site. This would be at no cost to the City and in return, this will enable future developments on that parcel, thus generating economic development opportunities.

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

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

Passed

- c. Follow-up discussion of the Planning Board membership led by Commissioner Johnson.

Commissioner Perona mentioned he'd met with Mr. Robert Burdge and made a plea to the Commission that Mr. Burdge remain on the Planning Board. He stated Mr. Burdge brings an enormous value to the Planning Board that he would have a difficult time replacing. He feels strongly past issues came about with Mr. Burdge being Chairman and the stresses this position poses. Commissioner Johnson thanked Commissioner Perona for speaking to his appointee.

14. COMMENTS FROM THE PUBLIC

Marcia Baker

15. COMMENTS FROM THE CITY MANAGER

City Manager, Nicholas Mimms, said Commissioner Alexander did reach out to him and, while he was unable to attend the Commission Meeting, he is fine in health.

Mr. Mimms mentioned, between the developer of the new ALDI, the State of Florida and the City of Fort Pierce the project was completed in record time and the structure has brightened up the corner at which it proudly stands. Furthermore, he had the opportunity to attend Christmas at Moore's Creek which was a successful event and, additionally, when he was in Downtown Fort Pierce he saw it was completely filled with people enjoying the dancing lights at the Marina Square. Mr. Mimms proceeded to remind the Commission that the Beach does not have ample parking and the parking opportunities will have to be explored soon.

City Attorney, James Messer, echoed Mr. Mimms' words and said from his perspective, this past year had been very productive and progressive and he looks forward to doing more in the New Year. He wished all a Merry Christmas.

16. COMMENTS FROM THE COMMISSION

Commissioner Sessions expressed the same way he's seen the Pelican Plaza go from two occupants to being fully occupied, he is positive this result will replicate itself throughout the City. He commended Staff for their efforts and hard work this year. Additionally, he announced the County Commission's approval of the County's \$25 million investment in the Indian River Terminal. He wished all a very Merry Christmas.

Commissioner Perona revisited the topic of possibly switching the Conference Agenda morning meetings to a 4 p.m. meeting and a Regular Commission Meeting to a 9 a.m. meeting (the current Conference Agenda Meeting time). He did not want to make any decisions now and simply said it was something to consider.

Commissioner Johnson congratulated all Staff for their arduous work this year and said he is excited about all the positive things occurring in our community. He is looking forward to even greater things in 2018 and implementing new ideas.

Mayor Hudson mentioned the Treasure Coast Regional League of Cities launched a public education campaign called "Our Community, Our Decisions" and she asked that all support this campaign for local City government. Additionally, the Constitutional Revision Commission has three proposals, these being Proposal 61 restricting Legislature's ability to restrict Home Rule powers, Proposal 92 speaking of unfunded mandates and trying to restrict the Legislature from passing on unfunded mandates to Cities and Proposal 51 which would deregulate

utilities. All three are in committees right now. Also, she is happy to see how much the City of Lights contest has received so much support. Lastly, the City of Fort Pierce won an award from the Treasure Coast Regional League of Cities for the most ingenious 2017 selfie campaign. The Mayor ended her comments thanking the Citizens and Staff for their support and love of community.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER