

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, **MARCH 5, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Apostle Trevor Banks, Resurrection Life Family Worship Center

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 meeting minutes for the February 20, 2018 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson 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. Children's Day in St. Lucie County being received by the Early Learning Coalition of St. Lucie County

7. LETTERS TO COMMISSION

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

- a. Email from Mary Duckworth, Ladies Golf League President, expressing their appreciation of the staff changes, course maintenance, membership discount program and landscape improvements at Indian Hills Golf Course.

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 Jeremiah Johnson, seconded by Commissioner Thomas Perona 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. Presentation of St. Lucie County Bike Share Program by David Engel, Transportation Planner/Transit Systems Coordinator.

David Engel presented the new St. Lucie County Bike Share Program, how it works, how one can participate, what locations the bikes can be found at and the cost for participating.

- b. Monthly Financial Report for the Month Ending January 31, 2018

Karen Logue, Chief Accountant, expressed the General Fund has a positive net resource for \$2.9 million dollars.

11. CONSENT AGENDA

- a. Approval of Johnson-Davis, Inc. proposal in the amount of \$73,680.00 for the removal and replacement of a failed drainage system located at Avenue Q and 13th Street.
- b. Approve award of the annual Citywide Landscape Maintenance of Medians contract to the lowest most responsive and reasonable bidder, Integrity Lawns LLC in the amount not to exceed \$41,950.00 annually.
- c. Approve award of the annual Citywide Mowing and Trash Removal Services contract to the low bidder, X - Clusive Transportation dba Forever Lawn & Landscaping Inc. in an amount not to exceed \$15,390.00 annually. The contract terms are for a two year contract with three one-year renewal options.
- d. Approval of Communitywide Council Recommendations for program year 2017-18 Public Service Grant Awards in the total amount of \$50,000.
- e. Approval of travel costs for Rufus Alexander and Reginald Sessions to attend the Florida Black Caucus of Local Elected Officials 2018 Spring Conference in the amount of \$761.84 each, for a total of \$1,523.68.
- f. Approval of a two (2) year extension for the Planned Development approval for Indian River Commerce, located at the western half 401 and 411 Indian River Drive, the new expiration date would be March 21, 2020.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve items 11 a through 11 f.

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

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 18-005 Abandoning an unopened segment of Francis Avenue right-of-way, between Granada St. & Hernando St. upon payment of appraised value in the amount of \$58,000. SECOND READING

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

ORDINANCE NO. 18-005 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING A PORTION OF FRANCIS AVENUE RIGHT-OF-WAY, LYING ADJACENT TO LOT 12, BLOCK 7 AND LOT 2, BLOCK 8 OF THE PALM HAVEN - UNIT 1 SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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 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. Legislative Hearing - Ordinance 18-006 Extending the territorial limits of the City of Fort Pierce, Florida, to include property located at 5450 S US Highway 1. FIRST READING

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

ORDINANCE NO. 18-006 - AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE PROPERTY LOCATED AT 5450 SOUTH US HIGHWAY 1, 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, indicated this was a voluntary annexation. The Planning Board voted 7-0 to recommend Approval of the request as presented. As proposed, the annexation meets the standards of the City Code & Comprehensive Plan, therefore, staff recommends that the City Commission approve the proposed voluntary annexation along with the zoning and future land use designations.

Mayor Hudson opened the Public Hearing.

Lee Dobbins, the applicant's representative, said the property owner also owns the property just north of this one and it only made sense to annex the property to have them both in the City of Fort Pierce. Mr. Dobbins thanked staff for how easy they've made the process for them.

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 as presented.

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

Passed

- c. Legislative Hearing - Review and Approval of Proposed Developer's Agreement between Lally Development Inc., a Florida corporation and the City of Fort Pierce, a Florida municipal corporation pertaining to release of funds held as surety for incomplete infrastructure improvements required for the Magnolia Square Planned Development and associated subdivision. PUBLIC HEARING 2 OF 2.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

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

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

Passed

- d. Quasi-Judicial Hearing (waived) - Ordinance No. 18-007 Rezoning Property and Approving a Planned Development (PD) application submitted by the Property Owners and Applicant, S. R. Bacher Enterprises, LLC., and Representatives, Brian Nolan, AICP, ASLA of Lucido & Associates and W. Lee Dobbins, Esq. of Dean, Mead, Minton & Zwemer, for approval of a Planned Development (PD), known as Jenkins Road KOA, encompassing a Zoning Atlas Amendment (rezoning) from Medium Density Residential (R-4) to Planned Development (PD) and an associated development plan for a KOA Campground for the subject parcel of land, 56.035 +/- acres in size. 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.

ORDINANCE NO. 18-007 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTIES GENERALLY LOCATED AT 3180 SOUTH JENKINS ROAD, FROM MEDIUM DENSITY RESIDENTIAL (R-4), TO PLANNED DEVELOPMENT (PD); FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-58, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox confirmed this quasi-judicial hearing was waived.

Brandon Creagan, Planning Analyst, mentioned this project will consist of three phases. Phase I is estimated to be completed by Spring 2019. Phase II should be completed by Spring 2021 and, lastly, Phase III should be completed by Spring 2023. The Planning Board voted unanimously to approve the request as presented. The proposed amendment and associated Development Plan meet 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 the approval of the proposed Planned Development with the condition that the applicant complete sidewalks, or provides payment-in-lieu of sidewalk construction, pursuant to City Code Section 22-62 or applicable St. Lucie County provisions as abutting roadways are under County jurisdiction.

Mayor Hudson opened the Public Hearing.

Lee Dobbins, the applicant's representative, presented himself to answer questions.

Paul Schall supports this project.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 d with staff conditions.

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

Passed

- e. Quasi-Judicial Hearing (waived) - Review and approval of an application for a Conditional Use with New Construction & Design Review, submitted by Property Owners, Lesley Phillips & Abdel Jebbar Elbakkari and Applicant RG Towers LLC to Construct a One Hundred & Fifty (150) foot Tall - Slim Pole Telecommunication Tower, at 2006 Orange Avenue, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID 2409-605-0008-000-4).

City Clerk Linda Cox indicated that the applicant has waived the quasi-judicial hearing.

Brandon Creagan, Planning Analyst, indicated the applicant, RG Towers, is seeking a Conditional Use with New Construction & Design Review approval to construct a telecommunications tower at 2006 Orange Avenue. The structure that is proposed is a one hundred and fifty (150) foot slim pole communications tower. The Planning Board, at their February 13, 2018 meeting, voted 7-0 to recommend approval of the request as presented. Seventy-eight letters were sent to property owners within 500 feet; the Planning department received 5 letters in opposition indicating generally that they did not feel it was suitable for the area because of the nearby residents and the radio waves.

Commissioners indicated their concern over the proliferation of cell towers within the City and the proximity to each other. They also expressed concern over the aesthetics of the tower on the corridor designated for beautification and redevelopment.

The Mayor opened the Public Hearing.

Holly Valdez, Applicant and Vice President of Operations for RG Tower Operations. Ms. Valdez encouraged everyone to visit the FCC website for impartial information on cell towers. She explained the demand for service and the need for additional towers to address current need and future growth. She additionally referenced studies to address the concerns of cancer from cell towers.

Harlan Ginn, President of RG Towers, spoke to address the concerns over the number of towers and described the increasing need of additional towers to meet the demands of the future. He clarified that the need for the subject tower in the proposed location is designed to meet a specific need; moving two miles away will not address the imminent need in the area the subject tower is designed to serve.

Paul Schall supports the project to address the need of the residents in the area.

DJ Ferguson opposes the project out of concerns for the safety of the neighborhood and suggested satellite as an option.

Alozono Watkins opposes the project and suggests that existing towers be upgraded.

Holly Valdez, RG Towers, indicated that T-Mobile has made significant upgrades in the area and that did not help the coverage in the area which is why they identified the need for an additional tower.

Harlan Ginn, RG Towers, described why satellite is not an option using as an example the fact that if you have satellite radio and drive into a parking garage, the signal is lost; satellite requires line of site to keep a signal.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, to approve item 12e with staff conditions. Mayor Hudson passed the gavel to Mayor Pro Tem Johnson and seconded the motion.

AYE: Mayor Linda Hudson, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Reginald Sessions

Failed

Mayor Pro Tem Johnson returned the gavel to Mayor Hudson.

Mr. Messer clarified for the record that after weighing the aesthetic impact and compatibility issues of the proposed antenna support structure with the public benefit derived from having an efficient and reliable wireless communications system, the City Commission denied the request to protect the health, welfare, safety of the community by regulating the siting of wireless antenna support facilities to minimize adverse visual effects of wireless communication facilities and to provide certainty to the residents and citizens of the city that the aesthetic integrity of the city will be protected from the proliferation of unnecessary antenna support structures pursuant to the Fort Pierce Code of Ordinances, Section 22-156.

- f. Quasi-Judicial Hearing - A hearing to allow the owners and/or parties of interest in the property identified at 323 N 14th Street to show cause why the structure located on the premises should not be condemned and demolished.
1. Resolution No. 18-R09 determining that the structure located at 323 N 14th Street is unsafe and; that the owners or parties of interest have been provided the opportunity to be heard and show cause as to why the structure should not be condemned and its removal required and; that substantial evidence has been provided to support the condemnation of the structure and order its removal in accordance with the Rules of Procedure for Condemnation and Demolition.

Before commencing this Quasi-Judicial Hearing, James Messer, City Attorney, reminded the Commission when acting as a Quasi-Judicial Body they apply the laws and policies established and are held to stricter procedural requirements, notice and due process based on substantial evidence. As such, they conduct these proceedings as judges instead of legislators.

Mr. Messer additionally confirmed that there are no party interveners in this matter. That means that the only other individuals that may be heard are people who might have relevant information and their comments are limited to three (3) minutes each. Members of the public may be permitted to present their non-expert opinions, but the Commission must know that public sentiment is not relevant to the decision which must be based on competent, substantial evidence.

Mayor Hudson called the proceeding to order.

City Clerk, Linda Cox, confirmed the City mailed by Certified Mail the Notice of Hearing to the parties and confirmation was received by the owner, but not the mortgage holder as of the hearing date.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications. No members of the City Commission had any ex-parte communication.

City Clerk, Linda Cox, asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Peggy Arraiz, Code Enforcement Manager, reminded the City Commission of the past presentations made on this property since 2015 and presented them with new photos as evidence of how severely dilapidated the structure has become. Sufficient time has been given to the proper parties to demolish the properties themselves to no avail.

Ms. Cox introduced the resolution, read by title only, into the record.

RESOLUTION NO. 18-R09 - A RESOLUTION DETERMINING THAT CERTAIN BUILDING(S) OR STRUCTURE(S) LOCATED AT 323 N 14TH ST IN FORT PIERCE, FLORIDA IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT SAID BUILDING OR STRUCTURE SHALL BE CONDEMNED AND DEMOLISHED; DECLARING THE PARTIES OF INTEREST WERE PROVIDED THE OPPORTUNITY TO BE HEARD AND ARE RESPONSIBLE FOR THE REMOVAL OF THE BUILDING OR STRUCTURE; AND ORDERING THE CITY OF FORT PIERCE TO AFFECT SUCH REMOVAL AND PLACE A LIEN UPON THE PROPERTY IDENTIFIED IF COMPLETED BY THE PARTIES OF INTEREST; PROVIDING FOR APPEAL; AND PROVIDING FOR NOTICE TO ALL PARTIES.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 12 f1.

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

13. CITY COMMISSION

- a. Application for Consideration for Appointment to the Board of Examiners of Contractors

Linda Cox, City Clerk, said this will come back for a vote at the next meeting if a vote is necessary.

- b. Resolution No. 18-R10 determining that the structures located at 426 N 10th Street are unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on March 19, 2018.

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

RESOLUTION NO. 18-R10 - A RESOLUTION DETERMINING THAT CERTAIN BUILDINGS OR STRUCTURES LOCATED AT 426 N 10TH ST IN FORT PIERCE, FLORIDA IS UNSAFE AND CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT SAID BUILDING OR STRUCTURE SHALL BE CONDEMNED AND DEMOLISHED IN ACCORDANCE WITH THE CHARTER OF THE CITY OF FORT PIERCE; AND THAT A PUBLIC HEARING BE HELD AT THE REGULARLY SCHEDULED CITY COMMISSION MEETING ON MARCH 19, 2018 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 N US HWY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES OF INTEREST.

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. Approve letter of support for the St. Lucie County Artificial Reef Program Grant Application at the request of Commissioner Johnson.

Commissioner Johnson mentioned St. Lucie County Coastal Resources is looking for support with their grant for the St. Lucie County Artificial Reef Program and because they do a lot of work here in the City of Fort Pierce and at the Inlet he felt the City should show their appreciation in the form of a letter of support.

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

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

14. COMMENTS FROM THE PUBLIC

Paul Schall
Alonzo Watkins

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, discussed the past activities and events that have taken place in the City. There are two new K-9 Officers with our Police Department. The Building Department has a 48% increase in permits versus 2017. The Indian Hills Golf Course has 5,700 more rounds for the previous quarter than it did in 2017. The Strategic Planning Sessions have been completed and plans are in place. The Citizens Academy begins on Thursday, May 8, 2018 and there is currently a waiting list.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona asked that City staff monitor the Jetty for adequate safety precautions due to the current weather conditions. He mentioned he loves the idea of having a YMCA in our City.

Commissioner Sessions would have loved if the Strategic Planning Workshop had more citizens in attendance so that they see what they have planned for the City in the future. He said his main concern will always be prioritizing the citizens' safety and wellbeing.

Commissioner Johnson mentioned tourism definitely has its place, but he also agrees with Commissioner Sessions' thoughts about prioritizing our citizens.

Commissioner Alexander said the Strategic Planning Workshop proved a lot to the City Commission and what they anticipate doing. He looks forward to the plan in place for the next year. He wants to tackle the potholes in the City.

Mayor Hudson indicated the Legislative Session ended this week. She's been in contact several times with Representative Lee to keep abreast of what his plans are and what he plans to vote for and the Mayor mentioned he's working hard for us. She attended the Indian Hills Lunch over the weekend and received very good feedback from the golfers, both male and female.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER