# C I T Y  O F  F O R T  P I E R C E

## CITY COMMISSION AGENDA

Regular Meeting - Monday, June 18, 2018 - 6:30 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**

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

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

5. **APPROVAL OF MINUTES**

   a. Approval of the minutes of the June 4, 2018 Regular Meeting.

6. **PROCLAMATIONS**

7. **LETTERS TO COMMISSION**

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

   Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

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

10. **MISCELLANEOUS REPORTS**

    a. Presentation on City of Fort Pierce Recreation Activities

11. **CONSENT AGENDA**

a. Approve Civil Service Appeals Board Rules as approved by the Civil Service Appeals Board on May 30, 2018.

b. Approve Close Construction, LLC as the lowest responsive bidder to Bid #2018-027 for an amount not to exceed $32,450 for rehabilitation of 811 South 15th Street through the State Housing Initiatives Partnership (SHIP) program.

c. Approve Gentile Corporation as the lowest responsive bidder to Bid # 2018-022 for an amount not to exceed $32,550 for rehabilitation of 1908 Barcelona Avenue, funded through the State Housing Initiatives Partnership (SHIP) program.

d. Approve Close Construction, LLC as the lowest responsive bidder to Bid # 2018-021 for an amount not to exceed $31,350 for rehabilitation of 435 N 14th Street, funded through the SHIP program.

e. Approve Gentile Corporation as the lowest responsive bidder to Bid #2018-032 for an amount not to exceed $26,700 for rehabilitation of 903 N 24th Street, funded through the SHIP program.

f. Approve Aburi, LLC as the lowest responsive bidder to Bid # 2018-028 for an amount not to exceed $24,200 for rehabilitation of 2001 Sunrise Blvd. funded through the SHIP program.

g. Approve DeLaHoz Builders, INc. as the lowest responsive bidder to Bid # 2018-031 for an amount not to exceed $32,996 for rehabilitation of 1515 Edgewood Terrace, funded through the SHIP program.

h. Approve Close Construction, LLC as the lowest responsive bidder to RFP #2018-023 for an amount not to exceed $28,850 for the rehabilitation of 304 S 21st Street funded through the SHIP program.

i. Approve Construction Management of Florida, Inc. as the lowest responsive bidder to Bid #2018-029 for an amount not to exceed $28,718.02 for rehabilitation of 2004 Avenue N funded thorough the SHIP program.

j. Approve DeLaHoz Builders, Inc. as the lowest responsive bidder to Bid # 2018-025 for an amount not to exceed $26,391.00 for the rehabilitation of 513 N 15th Street, funded through the SHIP program.

k. Approve Close Construction, LLC as the lowest responsive bidder for Bid # 2018-030 in an amount not to exceed $16,800 for rehabilitation of 1230 Avenue I funded thorough the SHIP program.

l. Approve Gentile, LLC as the lowest responsive bidder for Bid #2018-040 for an amount not to exceed $21,600 for rehabilitation of 702 South 7th Street, funded through the State Housing Initiatives Partnership (SHIP) program.

m. Approve Construction Management of Florida as the lowest responsive bidder for Bid #2018-033 for an amount not to exceed $31,946.53 for rehabilitation of 1011 Pennsylvania Avenue, funded through the SHIP program.

n. Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid # 2018-034 for an amount not to exceed $26,105.49 for rehabilitation of 202 South 23rd Street through the SHIP program.

o. Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid #2018-036 for an amount not to exceed $27,920.49 for the exterior rehabilitation of 314 North 21st Street, funded thorough the SHIP program.

p. Approve Close Construction, LLC as the lowest responsive bidder for Bid #2018-037 for an amount not to exceed $32,190 for the exterior rehabilitation of 813 Avenue M, funded through the State Housing Initiatives Partnership Program.

q. Request approval of Professional Architectural Services Continuing Contract with the 3 short-listed professional architectural firms, on a project-by-project basis, as a result of RFQ 2018-015.

r. Approval of sole source purchase to Southern Sewer Equipment Sales of Fort Pierce FL. in an amount not to exceed $100,000.00 for the purchase of one (1) 2017 Peterbilt Brush Hawg Model C Grapple Loader.

12. **PUBLIC HEARINGS**

a. Ordinance 18-015 Rezoning the properties generally located at 411 N. 25th Street (including Parcel ID(s) 2408-507-0133-000-5 and 2408-507-0097-000-0), from R-3, Single-Family Moderate Density Zone TO C-3, General Commercial Zone. SECOND READING

b. Ordinance 18-016 Amending the Future Land Use Map of the Comprehensive Plan to change the designation of properties generally located at 411 N. 25th Street, including parcels 2408-507-0133-000-5 and 2408-507-0097-000-0, from Low Density Residential, RL, to General Commercial, GC. SECOND READING

c. Ordinance 18-019 Rezoning the property generally located at 1101 N. US Highway 1, from C-2, Neighborhood Commercial Zone, to C-3, General Commercial Zone. SECOND READING

d. Ordinance 18-020 - Review and approval of an application for Major Amendment to a Planned Development by Applicant; Endeavor Wall Homes, LLC, and Representative Bill Barboro to modify the rear yard setback for lots 1-318 located in the subdivision known as Celebration Point, located at approximately 5501 Peterson Road, Fort Pierce, FL. The property is currently zoned PD, Planned Development (Parcel ID 2418-600-0005-000-6). SECOND READING

e. Ordinance 18-021 Abandoning a portion of Georgia Avenue, now known as Avenue C, right-of-way, Lying between North 25th Street and North 26th Street; Being 50.00 feet wide; per plat, of the Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida; Providing for a replacement easement. SECOND READING

13. **CITY COMMISSION**

a. Resolution 18-R30 authorizing the execution of FDOT's Joint Participation Agreement (JPA) Amendment No. 1 which provides an agreement termination date of June 30, 2020.

b. Resolution No. 18-R31 and Quasi-Judicial Hearing - A hearing to allow the owners and/or parties of interest in the property identified as 1635 Thumb Point Drive to show cause why the structure located on the premises should not be condemned and demolished.

c. Resolution 18-R32 Establishing the Police Department Advisory Committee

14. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

15. **COMMENTS FROM THE CITY MANAGER**

16. **COMMENTS FROM THE COMMISSION**

17. **ADJOURNMENT**

Pursuant to Section 286.0105, Florida Statutes, the City hereby advises you that if you or another person decide to appeal any decision made by the City Commission with respect to any matter considered at its meeting or hearing, that you or said person will need a record of the proceedings, and that for such purpose, affected persons may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission into evidence of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

**City Commission Regular Meeting** **5.a.**

**Meeting Date:** 06/18/2018

**Re:** June 4, 2018 Meeting Minutes

**Submitted For:** Linda Cox, City Clerk, City Clerk

**SUBJECT:**

Approval of the minutes of the June 4, 2018 Regular Meeting.

## Attachments

Mtg Mins 06.04.2018

## Form Review

Form Started By: Noemi Rios Started On: 06/13/2018 03:43 PM

Final Approval Date: 06/13/2018

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, **JUNE 4, 2018.**

**1. CALL TO ORDER**

**2. OPENING PRAYER -** Pastor Harry Shaw, Good News Missionary Baptist Church

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Absent: Commissioner Rufus Alexander

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

Commissioner Rufus Alexander arrived at 6:58 p.m.

**5. APPROVAL OF MINUTES**

a. Approval of the minutes from the May 21, 2018 Regular Meeting.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item 5 a.

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

Passed

6. **PROCLAMATIONS**

Mayor Hudson issued the following Proclamations.

a. Proclamation recognizing the 70th Anniversary of the Garden Club of Fort Pierce.

b. Proclamation recognizing Code Enforcement Officers' Appreciation Week.

c. Proclamation recognizing Children's Day.

d. Key to The City presentation to Jamya Wiley

7. **LETTERS TO COMMISSION**

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

a. Memorandum from Frank J. Amandro, Deputy Chief of Police, commending Mike Reals, Public Works Director for the expeditious servicing of police vehicles due to his recent restructuring of the Fleets Division.

b. Memorandum from Frank J. Amandro, Deputy Chief of Police, in appreciation of the outstanding cleaning of the Main Station and Sub Station performed by Shirley Briggs, a contractual temporary employee.

c. Letter from Hosley Gibson thanking the Mayor and KFPB Board for selecting them as the recipients of the Neighborhood Gems
Award for 2018.

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

Michael Jacquin signed up to speak on item 11 g, however, he spoke regarding Little Jim Bait & Tackle.

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

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

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

Passed

## 10. MISCELLANEOUS REPORTS

a. Monthly Financial Report for the Month Ending April 30, 2018

Johnna Morris, Financial Director, indicated all funds remained positive with the exception of the Indian Hills Golf Course and the Sunrise Theatre. However, the Indian Hills Golf Course did have an additional $9,000 in revenue despite the heavy rain we've been experiencing lately.

## 11. CONSENT AGENDA

a. Approval to extend City's Traffic Signal Maintenance contract to Carr Construction through end of F/Y 2018 in the amount of $118,930.

b. Approve the request from Main Street Fort Pierce, for a contribution from the City of Fort Pierce in the amount of $20,000.00 towards the cost of the 4th of July Celebration.

c. Approval of Contractor Selection Committee recommendation for RFP No. 2018-004 City Marina Maintenance Dredging and to enter into contract with Gator Dredging in the amount of $385,500.00.

d. Approval to submit and accept grant application to the Florida Job Growth Grant Fund - Industrial Sewer Connection and Septic Tank Closure program to connect 37 industrial parcels to public sewer; project is estimated at $1,917,841.00.

e. Approval of Purple Heart parking designations at the proposed locations throughout the City.

f. Approval of travel costs for Commissioner Thomas Perona to attend the Florida Municipal Electric Association Annual Conference in the amount of $1293.69.

g. Approval of travel costs for Commissioner Rufus Alexander to attend the National League of Cities National Black Caucus of Local Elected Officials in the amount of $1463.11.

h. Approval of travel costs for Commissioner Reginald Sessions to attend the National League of Cities National Black Caucus of Local Elected Officials in the amount of $1463.11.

Commissioner Johnson pulled items c and e and Commissioner Perona pulled item a, both for discussion.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve items 11 b, 11 d, 11 f, 11 g and 11 h.

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

Passed

With regards to item 11 a, Commissioner Perona mentioned he'd received several calls about the traffic signals not responding as they should and wanted clarification from the City Engineer about how these are being handled. Jack Andrews, City Engineer, indicated the DOT has provided us with a new system that the City will be implementing in about four weeks time. He assured the Commission they are handling the situations that have been presented to them either by the Commission themselves or via the SeeClickFix application.

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

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

Passed

Relating to item 11 c, Commissioner Johnson requested clarification on the cost listed of $385,500. City Engineer, Jack Andrews, indicated they erroneously listed that amount and the correct amount should be $374,000. Commissioner Johnson asked if this followed the standard of the City of Fort Pierce's RFP process and Mr. Andrews answered affirmatively.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 11 c in the amount of $374,000.

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

Passed

In relation to item 11 e, Commissioner Johnson thanked staff for their efforts on identifying nine Purple Heart parking designations. He wanted to see if there was a possibility to designate a parking space closest to the entrance of the City's public parking garage. After discussion, it was decided City staff would determine which space would be best suited for this.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 11 e.

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

Passed

## 12. PUBLIC HEARINGS

a. Legislative Hearing - Ordinance 18-013 Increasing Business Tax Receipt Rates by 5 percent. 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 9, ARTICLE II, BUSINESS TAX, SECTION 9-23 TO REMOVE THE COPY AND FILING REQUIREMENTS; AND SECTION 9-30, FEES, TO PROVIDE FOR A 5% INCREASE IN BUSINESS TAX FEES FOR BUSINESSES, PROFESSIONS, OR OCCUPATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING 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.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander 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 18-014 amending Chapter 2, Article IV, Sections 2-63a, 2-63(c)(10), and 2-65(c) "Increasing the Purchasing Threshold of City Manager." SECOND READING

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

AN ORDINANCE AMENDING THE PROVISIONS OF FORT PIERCE CODE OF ORDINANCES CHAPTER 2, ARTICLE IV, SECTION 2-63, TO REVISE THE NUMBERING OF SAID SECTION, SEPARATE THE PURCHASING PROCEDURES OF SAID SECTION INTO A NEW SECTION NUMBERED 2-63.1, AND INCREASE THE PURCHASING THRESHOLD REQUIRING COMMISSION APPROVAL, AMENDING CHAPTER 2, ARTICLE IV, SECTIONS 2-63(c)(10) AND 2-65(c) TO INCREASE THE CITY MANAGER'S AMENDMENT THRESHOLD; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 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 18-015 Rezoning the properties generally located at 411 N. 25th Street (including Parcel ID(s) 2408-507-0133-000-5 and 2408-507-0097-000-0), from R-3, Single-Family Moderate Density Zone TO C-3, General Commercial Zone. FIRST 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 THE PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET, INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM R-3, SINGLE-FAMILY MODERATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox indicated this Quasi-Judicial Hearing was waived.

Vennis Gilmore, Planning Analyst, indicated his presentation included items12 c, 12d, and 12 e. It is an application for Zoning Atlas Amendment, Future Land Use Amendment and Development Review. The site is approximately 2.06 acres. The proposed zoning will be C-3 General Commercial Zoning. The Future Land Use proposed is GC, General Commercial. The applicant is seeking to develop a 5,610 sq. ft. church with 85 parking spaces, retention pond and driveway in abandonment area. All affected departments have reviewed the proposed Zoning Atlas Amendment, Future Land Use Amendment, & Development Review for Site Plan and Design Review with regards requirements of the City Code. Findings from the review by corresponding departments and any associated responses by the applicant are provided for viewing by the City Commission. Staff did not suggest imposing any conditions for items 12 c, 12 d, or 12 e.

Mayor Hudson opened the Public Hearing for items 12 c, 12 d, or 12 e.
The applicant, Abraham Chabab, presented himself to answer any questions.
Mike Menard with Architectonic Inc. also presented himself to answer any questions on the design.
Seeing no one else, the Mayor closed the Public Hearing for the aforementioned item numbers.

Motion was made by Commissioner Reginald Sessions, 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. Legislative Hearing - Ordinance 18-016 Amending the Future Land Use Map of the Comprehensive Plan to change the designation of properties generally located at 411 N. 25th Street, including parcels 2408-507-0133-000-5 and 2408-507-0097-000-0, from Low Density Residential, RL, to General Commercial, GC. FIRST 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; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

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

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 Development Review of a Site Plan & Design Review submitted by Applicant; Abraham Chabab, P.E., Civil Engineer and the Owner; Fresh Wind Fresh Fire Church of God Inc. to construct a church consisting of 5,610 sq. ft. in the C-3, Central Commercial zone (pending a re-zoning from R-3, Single-Family Moderate Density Zone, a future land use amendment from RL, Low Density Residential to GC, General Commercial, and an Abandonment of the Right-of-Way section Georgia Avenue [now Avenue C]; between N. 25th Street and N. 26th Street), located approximately at 411 N. 25th Street, Fort Pierce, FL. (Parcel ID(s) 2408-507-0133-000-5, 2408-507-0097-000-0 ).

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 FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 S. JENKINS ROAD FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

Passed

f. Quasi-Judicial Hearing - Ordinance 18-017 Rezoning five (5) parcels of land generally located at or near 2191 S. Jenkins Road, from PD, Planned Development to C-3, General Commercial. FIRST 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 FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 S. JENKINS ROAD FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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, following basic standards established and are held to stricter procedural requirements, following basic standards of 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.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications. No one from the City Commission had ex-parte communications.

City Clerk, Linda Cox, was 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.

Brandon Creagan, Planning Analyst, indicated the current zoning designation for this site is PD-Planned Development and the applicant is seeking to rezone it to C3-General Commercial.

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

1. The amendment is consistent with the comprehensive plan;
2. The amendment will not have an adverse effect on the ability of the city to:

a. Satisfy land and water use needs; and
b. Meet transportation demands and provide community facilities and services; and

3. The amendment will promote and protect the public health, safety and general welfare.

The Planning Board voted unanimously to recommend approval of the request as presented. Staff recommends that the City Commission approve the request as presented along with Ordinance 18-017.

Mayor Hudson opened the Public Hearing.
Brad Currie with Engineering Design & Construction, Inc. stated Camping World made an attempt to come to Fort Pierce several years ago, but the piece of property chosen was within the County's jurisdiction. He added they'd conducted a neighborhood meeting in May 2018 and the feedback gathered was favorable. Camping World expects to hire approximately 80 people for this location.
Seeing no one else, the Mayor closed the Public Hearing.

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

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

Passed

g. Legislative Hearing - Ordinance No. 18-018: Transmittal hearing pertaining to an application submitted by the property owners, Spec Ft. Pierce, LLC, Applicant Structural Real Estate, and Representative Engineering Design & Construction, Inc. for a Future Land Use Map Amendment for five (5) parcels of land, 44.97 +/- acres in total, to change the future land use designation, within the Comprehensive Plan, from RL, Low Density Residential to GC, General Commercial. Said parcels are generally located south of Graham Road, east of interstate 95, north of Tedder Road, and west of S. Jenkins Road, or approximately 2191 South Jenkins Road. Parcel IDs: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7. FIRST 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; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 SOUTH JENKINS ROAD, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Brandon Creagan, Planning Analyst, indicated the applicant is seeking to change the current FLU from RM, Medium Density Residential to GD, General Commercial. Staff confirmed that the standards contained in Section 22-131 of the City Code have been satisfied prior to the approval of the requested amendment.

The Planning Board voted unanimously to recommend the approval of the request as presented. Staff recommends that the City Commission approve the transmittal of the requested Comprehensive Plan Future Land Use Map Amendment to the Department of Economic Opportunity (DEO) for their review in accordance with large scale comprehensive plan amendment regulations.

Mayor Hudson opened the Public Hearing.
Brad Currie with Engineering Design & Construction, Inc. presented himself to answer any questions.
Seeing no one else, the Mayor closed the Public Hearing.

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

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

Passed

h. Quasi-Judicial Hearing - Review and approval of an application for Site Plan & Design Review, submitted by the property owners, Spec Ft. Pierce, LLC, Applicant Structural Real Estate, and Representative Engineering Design & Construction, Inc. to construct 80,241 square feet of retail, sales, and service facilities along with a Conditional Use for the ability to perform general vehicle repair on site, located at approximately 2191 S. Jenkins Road, Fort Pierce, FL. The property is currently zoned PD, Planned Development and the project area contains five (5) parcels of land (Parcel IDs 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7).

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all City Commissioners denied having ex-parte communications.

Brandon Creagan, Planning Analyst, indicated the applicant is seeking to rezone this property to C3-General Commercial. The applicant would like to conduct general vehicle repair as part of the proposed development. General vehicle repair is considered a conditional use in the C-3, General Commercial zoning district. General vehicle repair consists of, but is not limited to, vehicle painting and major engine work. The applicant would like to have the ability to service their inventory and customers' vehicles like any automobile dealership. A new Site Plan was resubmitted to meet the concerns of the St. Lucie County School District regarding traffic.

The Planning Board voted unanimously to approve the request as presented. The requested Applications for Development Review, Design Review, & Conditional Use meet the requirements of the City Code and are found to be consistent with the City's Comprehensive Plan pending the approval of the Zoning Atlas Map Amendment and the Future Land Use Map Amendment; therefore, Staff recommends that the City Commission approve the request with the following conditions:

1. Coordinate with St. Lucie County for the installation of sidewalks along South Jenkins Road and either the installation or payment-in-lieu for sidewalks along Graham Road.
2. Submit a tree protection and mitigation plan pursuant to City Code 22-194, Tree Protection and Mitigation prior to the 2nd readings of the Zoning Atlas Map Amendment and Future Land Use Map Amendment.
3. Before a CO is issued, please provide a landscape bond for all proposed landscaping pursuant to City Code 22-180.
4. A Unity of Title will be needed prior to the issuance of a Building Permit
5. That both the Zoning Atlas Map Amendment and Future Land Use Map Amendment are approved by the City Commission.

Mayor Hudson opened the Public Hearing.
Brad Currie with Engineering Design & Construction, Inc., answered City Commission questions regarding signage, right of ways, traffic, etc.
Betty Frobell was sworn in and is against this project.
Richard McClure was in support of the project.
Marty Sanders with the School District, was in support of this project.
Keith Frobell was sworn in and is against this project.
Brad Currie came to speak again to assure the City Commission that a Traffic Study had indeed been conducted and it would be reviewed by St. Lucie County since it was their right-of-way.
Seeing no one else, the Mayor closed the Public Hearing.

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

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

Passed

i. Quasi-Judicial Hearing - Ordinance 18-019 Rezoning the property generally located at 1101 N. US Highway 1, from C-2, Neighborhood Commercial Zone, to C-3, General Commercial Zone.

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 THE PROPERTY GENERALLY LOCATED AT 1101 N. US Highway 1, FROM C-2, NEIGHBORHOOD COMMERCIAL ZONE (CITY OF FORT PIERCE), TO C-3, GENERAL COMMERCIAL ZONE (CITY OF FORT PIERCE); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting, but he'd do so at the request of the applicant. The applicant did not request it.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all City Commissioners, with the exception of Commissioner Alexander, denied having ex-parte communications.

City Clerk, Linda Cox, was 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.

Vennis Gilmore, Planning Analyst, indicated the applicant is looking to change the C2-Neighborhood Commercial Zone to C3-General Commercial Zone, but keep the current Future Land Use designation of GC, General Commercial. Staff confirmed that the standards contained in Section 22-131 of the City Code have been satisfied prior to the approval of the requested amendment.

All affected departments have reviewed the proposed Zoning Atlas Amendment with regards requirements of the City Code. Findings from the review by corresponding departments and any associated responses by the applicant are provided for viewing by the City Commission. 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 proposed amendment.

Mayor Hudson opened the Public Hearing.
Sandy Cooper spoke in support.
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 h.

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

Passed

j. Quasi-Judicial Hearing - Ordinance 18-020 - Review and approval of an application for Major Amendment to a Planned Development by Applicant; Endeavor Wall Homes, LLC, and Representative Bill Barboro to modify the rear yard setback for lots 1-318 located in the subdividsion known as Celebration Point, located at approximately 5501 Peterson Road, Fort Pierce, FL. The property is currently zoned PD, Planned Development(Parcel ID 2418-600-0005-000-6).

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; AMENDING THE REAR YARD SETBACK FOR LOTS 1 THROUGH 318 FOR THE SUBDIVISION KNOWN AS CELEBRATION POINTE AND RESTATING THE PLANNED DEVELOPMENT AS RECORDED IN PLAT BOOK 57 PAGES 7-14 AND PROPERTY GENERALLY LOCATED AT 5501 PETERSON ROAD AND SHOWN ON EXHIBIT A; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR

AN EFFECTIVE DATE.

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting, but he'd do so at the request of the applicant. The applicant did not request it.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all City Commissioners denied having ex-parte communications.

City Clerk, Linda Cox, was 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.

Brendon Creagan, Planning Analyst, indicated this request is for a change to the rear-yard setback. The current setback is 15 feet and the applicant would like to change it to an 8-foot rear-yard setback. This will only affect lots 1 through 318. The Planning Board voted 6-1 to recommend approval of the request as presented. The requested Application for Development Review (Major Modification) meets the requirements of the City Code specifically section 22-40, Planned Development; therefore, staff recommends that the City Commission approve the request as presented along with Ordinance 18-020.

Mayor Hudson opened the Public Hearing.
Bill Barboro, spoke on behalf of the applicant and mentioned the request was being made to allow for a variety product of homes. Not all houses will be built to that setback. They've requested eight to allow for some adjustment. He indicated this was an already approved plan and this was just a modification.
Betty Forbell had concerns about the square footage on the three that they are proposing to change. Ms. Forbell also worried about lake encroachment.
While Mr. Barboro stated he did not have the square footage at hand, he would be happy to provide it. Additionally, he confirmed there would be no lake encroachment.

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

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

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

Passed

k. Quasi-Judicial Hearing - Ordinance 18-021 Abandoning a portion of Georgia Avenue, now known as Avenue C, right-of-way, Lying between North 25th Street and North 26th Street; Being 50.00 feet wide; per plat, of the Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida; Providing for a replacement easement.

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; ABANDONING A PORTION OF GEORGIA AVENUE (NOW KNOWN AS AVENUE C) RIGHT-OF-WAY, LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; BEING 50.00 FEET WIDE (PER PLAT), OF THE FORT PIERCE HEIGHTS SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A REPLACEMENT EASEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting, but he'd do so at the request of the applicant. The applicant did not request it.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all

City Commissioners, with the exception of Commissioner Alexander, denied having ex-parte communications.

City Clerk, Linda Cox, was 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.

Vennis Gilmore, Planning Analyst, indicated this was an abandonment application for the right-of-way segment of Avenue C, formerly Georgia Avenue, between N. 25th Street and N. 26th Street. Per City Code Section 17-1, abandonment, narrowing, etc., of streets.
(a) No street, alley or way shall be closed, abandoned, relinquished or narrowed except by ordinance.
(b) The person requesting abandonment of any street alley, or right-of-way shall be responsible for the payment of all costs involved in, or incurred by, the process of vacating and abandonment of any street, alley, or right-of-way.

All affected departments have reviewed the proposed Abandonment application with regards requirements of the City Code. Findings from the review by corresponding departments and any associated responses by the applicant are provided for viewing by the City Commission. The Planning Board voted unanimously to recommend approval. Staff recommends the City Commission approve the requested abandonment with the following conditions:

1) A 10 ft. easement is granted to FPUA centered on the gas main.
2) Appraisal of the subject abandonment right-of-way with payment to the City of Fort Pierce.

Mr. Gilmore stated the applicant did not submit the appraisal value. Furthermore, the applicant is requesting the City Commission waive the appraisal payment.

Mayor Hudson opened the Public Hearing.
Abraham Chabab, the applicant's representative, spoke about the property's condition. Additionally, he mentioned the client was okay with getting 40 of the 50 feet, since they were aware FPUA would retain a 10-foot easement. He indicated they were not looking to build on there, but rather have it as an access or retention area.
Andrea Dampier is the Pastor of Fresh Wind Fresh Fire Church. She requested the City abandon this piece of land to the church so that they may be able to add value to it.
Seeing no one else, the Mayor closed the Public Hearing.

Mr. Messer was required to clarify the terms of abandonment. He referred back to Mr. Gilmore's presentation and Code Section 17-1.

Commissioner Alexander and Commissioner Sessions were in agreement that the Commission should waive the costs since the Fresh Wind Fresh Fire Church were not utilizing it for profit. Commissioner Perona mentioned it was hard for him not being consistent with other churches that have requested the same thing and they'd not allowed it. Commissioner Johnson was of the same opinion of Commissioner Perona. Mayor Hudson speculated the worth of the land was not much because of its size.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to Call the Question.

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

Passed

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 12 k with staff condition #1, but waive the appraisal costs and any payment for the right-of-way as described in condition #2.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Reginald Sessions

NAY: Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

l. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use with No New Construction submitted by Applicant; Buteau Morestant; to operate a Driving Educational School in the C-2, Neighborhood Commercial Zone, located at 1607 Avenue D, Fort Pierce, FL. (Parcel ID 2409-506-0025-000-5).

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting, but he'd do so at the request of the applicant. The applicant did not request it. City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements. Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; all City Commissioners denied having ex-parte communications. City Clerk, Linda Cox, was 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. Vennis Gilmore, Planning Analyst, indicated the applicant is looking for a Conditional Use approval in order to conduct business as a Driving School. City Code Section 22-60 Off-Street Parking and Loading states (4) Exemptions and special area standards. a. Small businesses. No off-street parking is required for nonresidential uses in commercial districts unless such uses exceed one thousand two hundred (1,200) square feet of gross floor area, in which case off-street parking must be provided for the nonresidential floor area in excess of one thousand two hundred (1,200) square feet. All affected City Departments have reviewed the proposed Conditional Use and have provided approval with conditions based on compliance with requirements of the City Code. Planning Board voted unanimously to recommend Approval. Staff recommends that the City Commission approve the request with the following conditions: 1) Comply with City Code Section 22-60. Off-street Parking and Loading (c) Design Standards, d) Commercial Uses & (j) Lighting. Please provide the lighting plan with a minimum average of two (2) footcandles. 2) Please consider the installation of a bicycle rack (two (2) – space minimum) for students/visitors per City Code Section 22-60 Off-Street Parking and Loading. 3) Remove the existing driveway skirt that is located next to the eastern property line. 4) The cross access agreement must be approved and recorded prior to issuance of a Certificate of Completion. 5) The plan proposes the utilization of property that is not under the ownership of the applicant. Prior to issuance of a Site Work permit, as issued by the Building Department, a recorded easement will be required. Mayor Hudson opened the Public Hearing. Buteau Morestant presented himself to answer any questions. June Raymond was sworn-in. She is in support of this project. Alonza Watkins was sworn-in. While he supports this business, he had concerns as to its location. Seeing no one else, the Mayor closed the Public Hearing.

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

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

Passed

m. Quasi-Judicial Hearing - Review and approval of a Development Review & Design Review, to construct a new 59,823 sq ft automobile dealership on the north parcel as well as demolish the old dealership and expand the existing auto body shop by 3,000 square feet for office space. The subject site consists of 2 parcels of land that are approximately 33.40 acres in total size, and located at 3350 S, US Hwy 1. The properties are currently zoned C-3, General Commercial and the total development area will be approximately 13.50 acres. The Parcel IDs are: 2427-801-0001-000-3, 2427-421-0001-000-7

City Attorney, James Messer, indicated it was not necessary to re-read the Quasi-Judicial Hearing verbiage as it'd been done earlier during this meeting, but he'd do so at the request of the applicant. The applicant did not request it. City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements. Mayor Linda Hudson inquired with the Commission regarding ex-parte communications. Commissioner Johnson and Commissioner Sessions stated they had. Commissioner Alexander indicated he did not recall if he had. All other members of the City Commission denied having ex-parte communications. City Clerk, Linda Cox, was 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. Brandon Creagan, Planning Analyst, stated Bev Smith Toyota was currently working with the County to relocate the second half of the property from Southland Drive to the eastern side of the existing dealership parcel. They are looking to develop 13.50 acres. The Planning Board voted unanimously to approve the request as presented.

The requested Applications for Development Review and Design Review meet the requirements of the City Code and are found to be consistent with the City's Comprehensive Plan; therefore, staff recommends that the City Commission approve the request with the following conditions:

1. As part of the submission of final site construction plans to the City, the applicant shall include sidewalks, in accordance with St. Lucie County design standards, along the projects Dixieland Drive and Southland Drive (relocated) right-of-way frontage. All required permitting with St. Lucie County for construction activities within a County right-of-way shall be the responsibility of the applicant.
2. Prior to the issuance of any site clearing permits, the applicant shall coordinate with the City of Ft. Pierce for the required mitigation of the City regulated trees proposed to be removed as a result of this sites development/construction activity.
3. Prior to the issuance of any certificate of occupancy the applicant shall provide a landscape bond for all project landscaping (on site only) required through the site plan process, and as described in Section 22-180 of the City Code.
4. A Unity of Title for the parcels to be developed will be needed prior to the issuance of a Building Permit.
5. Prior to the issuance of any building permits for any part of the proposed project site plan, the applicant shall provide the City with the most current copy of the application on file with St. Lucie County addressing the proposed right-of-way exchange for portions of the existing Southland Drive. Prior to the issuance of any Certificate of Occupancy for any new habitable construction on the project site, the applicant shall have completed all site construction for the relocated Southland Drive and shall have received, or be under final close out review (or equivalent) for acceptance by St. Lucie County of the relocated Southland Drive.

Mayor Hudson opened the Public Hearing.
Dennis Murphy, the applicant's representative, spoke of what was to be expected with this expansion. He expects it will be a project our city can be proud of.
Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12 m with staff conditions.

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

Passed

**13. CITY COMMISSION**

a. Quasi-Judicial Hearing and Resolution No. 18-R28 - A hearing to allow the owners and/or parties of interest in the property identified as 1700 N 16th Street to show cause why the structure located on the premises should not be condemned and demolished.

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

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 204 N 17TH 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 ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT CONDEMNED AND DEMOLISHED IN ACCORDANCE WITH THE CHARTER OF THE CITY OF FORT PIERCE; AND NOTIFYING ALL PARTIES OF POTENTIAL ACTION BY THE CITY OF FORT PIERCE FOR FAILURE TO ACT; AND THAT A PUBLIC HEARING BE HELD AT THE REGULARLY SCHEDULED CITY COMMISSION MEETING ON JULY 2, 2018 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 N US HWY 1, FORT PIERCE, FLORIDA; PROVIDING FOR NOTICE TO ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney, James Messer, inquired if anyone had filed an objection to this proceeding.
Ms. Peggy Arraiz, Code Enforcement Manager, stated she'd not received any contact from the owner and there were no witnesses to her knowledge received.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

City Clerk, Linda Cox, was 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, indicated this property has been declared unsafe since 2010. In 2011, the owner obtained a permit, however, only half of the roof was approved because the other half was constructed incorrectly. Currently, a new Property Maintenance Inspection Report (PMIR) was completed and due to the extensive deterioration of the building and failure to complete the addition, it is recommended the structure be demolished. The owner was contacted via Certified Return Receipt mail which was signed for, however, the owner made no attempts to contact the city in order to provide evidence of any kind as to why this property should not be condemned and demolished. Code Enforcement has verified the property is not homesteaded; the property is vacant; no attempts by owner have been made in the last 6 years to remedy the condition of the unsafe structure; there are no active utilities for this property; this is not a historic property; no new parties have been identified after conducting a title search. Ms. Arraiz also mentioned she'd been receiving several complaints by others in the neighborhood regarding this structure and was able to show the City Commission photos of the dilapidated state of the structure.

Being that a good portion of the property was constructed with block, there was discussion by the City Commission about possibly saving the property. During this discussion, Bonnie Dixon, the owner's sister, appeared before the Commission with a letter from the owner stating his duties in the military had not allowed him to tend to the property but due to investing over $100,000 in the property already he was requesting an extension. The Commission requested information on how the property would be rehabilitated, if there were funds to do so, how much of an extension the property owner was needing, if they'd be able to remedy the Code Enforcement violations first, whether or not the owner was looking to come back and retire in this home after he retired from his military career, etc. The owner is requesting an extension of a year. Due to the high criminal activity at this location, Ms. Arraiz offered some short-term solutions that could be addressed in order to possibly provide for a long term solution should the Commission decide to grant any type of extension.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to condemn the property as stated, not consider demolition at this time but instead revisit this in 90 days to make sure all code enforcement issues have been resolved and the property has been restored to a stable and secure manner.

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

Passed

b. Resolution No. 18-R29 determining that the structure located at 204 N 17th Street is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on July 2, 2018.

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

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1700 N 16TH 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 CITY OF FORT PIERCE; PROVIDING FOR APPEAL; PROVIDING FOR NOTICE TO ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, 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. Select a member of the City Commission to serve as the voting delegate for the Florida League of Cities at the Annual Conference Business Meeting in August.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to appoint Mayor Linda Hudson as the Voting Delegate for the Florida League of Cities at the Annual Conference Business Meeting in August 2018.

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

Passed

**14. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**15. COMMENTS FROM THE CITY MANAGER**

a. City Manager's Report

City Manager, Nicholas Mimms, happily reported the beach restoration project along the South Jetty is substantially completed. A final inspection is being completed by the end of the first week of June. Negotiations with St. Lucie County for the Interlocal Service Boundary Agreement are still underway and an update should be provided to the City Commission by the end of summer. All city departments are preparing department budgets and a review will be conducted along with strategic goals for each department. The first Budget Workshop will be held on July 12, 2018. The Port of Fort Pierce RFP for yacht servicing, operation and maintenance is underway and bids are due by June 6, 2018. A Joint Workshop will take place on Monday, June 11, 2018 and there will be discussion regarding strategic plan priorities, the waste water facility relocation, economic development, FPUA priorities, etc. Restoring The Village will take place on Saturday, June 9, 2018. Mr. Mimms addressed the current status of the prior PAL facility located at 903 S. 21st Street. The keys were acquired on Friday, June 8, 2018 and staff along with approximately 140 volunteers are cleaning up the space and getting everything ready, including infrastructure, WiFi, etc. in order to welcome the over 400 children that have signed up for this summer. Mr. Mimms stated there will be more activity in this facility than there has been in the past and the city is looking forward to having more of a recreational footprint. Additionally, staff will be visiting Riviera Beach in order to see how they do their programming and what other ideas they could incorporate locally. The Commission inquired about whether or not they would keep the name PAL or name it something else. Currently the City Manager and City Attorney will research what can be done legally to keep the name but also to see what the advantages or disadvantages to keeping that name would be.

City Attorney, James Messer, commented on the prior conversation about condemned properties stating the effort should always be a cohesive effort between all enforcement departments within thecity and there has to be a statistical record to show the Special Magistrate judge (i.e. how many times police cruisers have been out because of criminal activity, how many visits from code enforcement officers, building inspectors visits, how many times attempts have been made to contact the property owner(s), etc.). Furthermore, he believes the process should be contained to less than a decade.

**16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander spoke about his experience at Preventing Crime in the Black Communities Annual Conference. He was very impressed by the courteousness of the youth that attended and their participation.

Commissioner Perona indicated this is the United for Animals 10th anniversary. He would like to thank them via a proclamation in the future to recognize their efforts. He enjoyed the Employee Picnic on June 2, 2018 and he thanked all involved. He would like to discuss the possible sale of the property of Little Jim Bait & Tackle at a future time and review all leases in the July Conference Agenda.

Commissioner Sessions expressed Preventing Crime in the Black Communities Annual Conference was enlightening. It was fortifying to see we are not the only community struggling, but more than that to be able to provide solutions for our city. He was also very proud of the youth and staff that attended. He'd like to discuss the Little Jim Bridge property's lease.

Commissioner Johnson would also like to discuss Little Jim Bridge. He would like to see a list of Surplus Properties. He was sad to miss the employee picnic but was glad to attend a conference that same weekend that would allow him to provide more value to the TPO Board. He is excited to be attending the FLC Institute for Elected Municipal Officials Conference from June 8-10, 2018.

Mayor Linda Hudson shared the program from the St. Paul AME where they honored the fallen from Fort Pierce Police Department and she felt they did a great job. She was very happy to attend the San Juan Diego Graduation. Mayor Hudson inquired about the city's

participation with the Summer of Success Program and Mr. Mimms assured her the city participates every year.

**17. ADJOURNMENT**

The meeting adjourned at 11:00 p.m.

ATTEST:

_____ _____

CITY CLERK MAYOR COMMISSIONER

**City Commission Regular Meeting** **10.a.**

**Meeting Date:** 06/18/2018

**Re:** Presentation on City of Fort Pierce Recreation Activities

**Submitted For:** Mike Reals, Public Works Manager, Public Works

**SUBJECT:**

Presentation on City of Fort Pierce Recreation Activities

## Attachments

Recreation Power Point

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 06/08/2018 04:56 PM |

Form Started By: Mike Reals Started On: 06/06/2018 03:25 PM

Final Approval Date: 06/08/2018




# CITY OF FORT PIERCE RECREATION

# MISSION STATEMENT

The objectives of the City of Fort Pierce Recreation includes the development of self-discipline, self-confidence, physical fitness, good citizenship, and sound character. We seek to bring our youth and our community close together through the means of a common interest in sportsmanship, fair play, and fellowship. We put great emphasis on academics providing tutoring and mentoring for our participants. We seek to provide a fun, safe, caring and supervised environment for our youth in the community.

# CURRENT PROGRAMS



# CURRENT PROGRAMS

## ***Summer Jam Basketball Camp***

- Learning the fundamentals of the game
- Games, crafts and life skill activities
- 80 kids (3rd -10th grade)
- 10 adult staff
- **Dates**-June 18th-Aug 3rd
- **Hours**- 9:30am-3:00 pm
- **Meals**-breakfast, lunch and snacks

# CURRENT PROGRAMS

## *Summer Jam Basketball Camp*





# CURRENT PROGRAMS

Football
&
Cheer

Uniform protypes



# CURRENT PROGRAMS

## Total Registered for 2018

- Football: 294 (12 teams)
- Cheer: 77 (5 teams)

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Total: 371

- Adult Volunteers: 62

# CURRENT PROGRAMS







# CURRENT PROGRAMS





# UPCOMING EVENTS

- Meet with City of Riviera Parks & Recreation Department 6/7/18

- FLHSMV Mobile ID Vehicle
  Tentative dates: 6/18/18 & 7/11/18

# GOALS

- **Police Officer stationed out of the facility.**

**Children Activities:**

- Mentoring/Tutoring Programs
- Gymnastics
- Dance/Ballet
- Soccer
- T-ball

**Adult Activties**

- Fitness Boot Camp
- Zumba
- Yoga
- Basketball

# QUESTIONS

?

**City Commission Regular Meeting** **11.a.**

**Meeting Date:** 06/18/2018

**Re:** CIVIL SERVICE APPEALS BOARD RULES

**Submitted For:** Kevin Browning, Human Resources Manager, Human Resources

**SUBJECT:**

Approve Civil Service Appeals Board Rules as approved by the Civil Service Appeals Board on May 30, 2018.

**SUMMARY:**

The Current Rules have been updated. They were approved by the CSAB members, and are being forwarded for City Commission approval. Provided, is a Mark-up version showing the updates, as well as a clean version.

**RECOMMENDATION:**

Approval is recommended or as directed by Commission.

**ALTERNATIVES:**

Direction as given by Commission.

**RESPONSIBLE STAFF:**

Kevin Browning, HR Manager
Barbara G. Moore, HR Generalist

**COORDINATED WITH:**

City Attorney's office.

**Fiscal Impact**

**Budgeted Y/N:** n
**Fiscal Year:** 2018
**Account:** n/A
**Amount:** 0.0
**OTHER INFORMATION:**

There is no impact to the budget.

**Attachments**

MARKUP CIVIL SERVICE APPEALS BOARD RULES
CSAB RULES WITH MEMO

# Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Kevin Browning | 05/30/2018 05:45 PM |
| City Manager | Kevin Browning | 05/30/2018 06:10 PM |
| City Manager | Kevin Browning | 06/01/2018 01:46 PM |
| City Manager | Kaitlyn Ballard | 06/08/2018 04:45 PM |
| City Manager | Nick Mimms | 06/12/2018 08:43 AM |

Form Started By: Kevin Browning Started On: 05/30/2018 04:58 PM

Final Approval Date: 06/12/2018

THE SUNRISE CITY
FORT PIERCE
Florida

# CIVIL SERVICE APPEALS BOARD

## ARTICLE VII-CIVIL SERVICE AND MERIT SYSTEM EXCERPTS FROM CITY CHARTER

## RULES, REGULATIONS AND PROCEDURES FOR THE CONDUCT OF CIVIL SERVICE

## APPEALS BEFORE THE CIVIL SERVICE APPEALS BOARD FOR THE CITY OF FORT PIERCE, FLORIDA

DRAFT

*Adopted June 18, 2018*

# INDEX

CITY CHARTER FOR THE
CITY OF FORT PIERCE,
ARTICLE VII. - CIVIL SERVICE AND MERIT SYSTEM ……PAGE 3-10

PART 1. GENERAL PROVISIONS ……. PAGE 11

RULE 1. RULES AND PURPOSE ……..PAGE 11

RULE 2. DEFINITIONS …… PAGE 12

RULE 3. REMOVAL, DISCHARGE,
DEMOTION, SUSPENSION
OR REDUCTION …….. PAGE 14

PART II CIVIL SERVICE APPEALS BOARD…….PAGE 17

RULE 4. ORGANIZATION AND DUTIES…. ……..……PAGE 17

PART III APPEAL PROCESS
AND HEARING PROCEDURES ……..…PAGE 19

RULE 5. PROCEDURE ON APPEAL
AND CONDUCT OF
HEARING…….……. PAGE 19

RULE 6. DISCRIMINATION PROHIBITED…….. PAGE 23

PART IV SEVERABILITY CLAUSE
AND EFFECTIVE DATE …….. PAGE 24

# ARTICLE VII. - CIVIL SERVICE AND MERIT SYSTEM

**Sec. 78. - Establishment of merit system; repeal of previous act.**

All appointments and promotions in the administrative service of the city shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive tests. In order to permit the adoption and use of a modern merit system which is efficient and fair to officials, employees and the public, Chapter 23296, Acts of 1945, and all acts amendatory thereto are hereby repealed and a merit system is hereby created which shall conform to the provisions hereinafter set forth.

**Sec. 79. - Classified and unclassified service.**

The following shall constitute the unclassified service of the city and shall be exempt from the provisions of this chapter [article]:

(a)
Members of the city commission and all elected officials.

(b)
The city manager, city clerk, city auditor, city attorney, personnel officer, director of finance, chief of police, department heads, and all members of any board or commission or any individual in a specialized field appointed by the city commission.

(c)
Part-time or temporary employee[s].

The classified service shall include all other positions now existing or hereafter created, and the provisions of this act shall apply thereto except as hereinabove set out.

(Laws of Fla., Ch. 65-1556, § 4; Laws of Fla., Ch. 65-1557, § 2; Ord. No. G-356, § 6, 8-1-77)

**Amendment note—** Ch. 65-1556, § 4, amended § 79(c) by deleting the words "day laborer." Ch. 65-1557, § 2, amended § 79(a) by including all elected officials and § 79(b) by adding the prosecuting attorney and department heads to the unclassified service.

**Sec. 80. - Status of present employees.**

Any person holding a position in the classified service when this act takes effect, who shall have served in such position for a period of at least six (6) months, shall be retained without preliminary or performance tests and shall thereafter be subject in all other respects to the provisions of this act. Any other persons in the classified service at the time this act takes effect shall be considered as having been given probationary appointments at the time this act takes effect.

**Sec. 81. - Personnel officer.**

There shall be a personnel officer, who shall be appointed or removed by the city manager with the approval of the commission. The personnel officer shall administer the merit system of the city in accordance with this charter and the personnel rules adopted thereunder. To this end, his powers and duties shall be:

(a) To prepare competitive examinations and tests of various types for all appointments in the classified service, restricted to persons reasonably qualified to perform duties of the position;

(b) To give wide publicity through appropriate channels in each case to all announcements of competitive examinations to the end of encouraging qualified persons to take such examinations;

(c) To prepare and recommend to the city manager such rules as he may consider necessary, appropriate or desirable to carry out the provisions of this chapter [article] except rules, regulations and procedure pertaining to suspension, removal or demotion of any person in [the] classified service;

(d) To prepare, install, and maintain a classification plan based on the duties, authority and responsibility of positions in the city service;

(e) To prepare and submit to the city manager and the city commission for its consideration a pay plan for the city service;

(f) To establish and maintain a roster of all persons in the municipal service in which there shall be set forth, as to each officer and employee, (1) the class title of the position held, (2) salary or pay, (3) any changes in class title, pay or status, and (4) such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration;

(g) To certify all payrolls for persons in the classified service. No payment for personal service to any person in the classified service of the city shall be made unless the payroll vouchers bear the certification of the personnel officer or his authorized agent that the persons mentioned therein have been appointed and employed in accordance with the provisions of this act;

(h) To assist the city manager in developing and establishing training and educational programs for persons in the municipal service, so that wherever possible vacancies may be filled within the service;

(i) To perform such acts, consistent with this charter and the personnel rules adopted thereunder, as he may deem desirable to administer the provisions of this chapter [article].

**Sec. 82. - Civil service appeals board created.**

(a)

Upon the taking effect of this act, the board of civil service created by Chapter 23296, Acts of 1945, shall be abolished and shall be superseded by a civil service appeals board consisting of five (5) members. Two (2) members shall be appointed by the city commission of said city, and two (2) members shall be elected by the members of the civil service of said city. The fifth member shall be named by the other four (4) members. In the event said four (4) members shall not agree upon the fifth member within fifteen (15) days after said four (4) members take office, the county judge of St. Lucie County, Florida, shall designate such fifth member. The said board shall elect one of their members to be chairman. The two (2) members named by the city commission and the two (2) members of the board named by the employees shall serve for a term or a period of two (2) years except the first member appointed by the city and the first member appointed by the employees shall serve for a term of only one year, but thereafter all terms of members of the board shall be for two (2) years. The fifth member of the board named by the other members of the civil service [sic] shall hold office for a period of one year. All members of the appeals board shall hold office until their successors are duly elected or named and qualified.

(b)

The city commission of said city shall elect two (2) alternate members of the civil service appeals board and the members of civil service of said city shall elect two (2) alternate members of the civil service appeals board. The five (5) members of the said board shall elect two (2) alternate members of the civil service appeals board to serve in the event of disqualification or absence of the five (5) members of the said board.

(c)

If there exists any ground which under the laws of the State of Florida would disqualify the judge of any court, or which is a ground of challenge for cause to disqualify any juror then such procedure shall apply to members of the civil service appeals board and any member who shall be disqualified shall not be permitted to hear and determine any cause wherein he is disqualified.

(d)

Whenever a person [sic] to any charge or proceeding, shall make and file an affidavit that he fears a fair trial cannot be had before said board, where charges are pending, on account of the prejudice of any member or members of said board against the applicant or in favor of the adverse, and thereupon, such member or members shall proceed no further therein, but an alternate or alternates for such member or members shall be designated in the manner prescribed for the substitution of members for the trial of any case when any member is disqualified.

The member or members may, however, examine the affidavit supporting the motion to disqualify any of them for prejudice, to determine its legal sufficiency but shall not pass on the truth of the facts alleged nor [ad]judicate the question of disqualification.

Every such affidavit shall state the facts and the reasons for the belief that any such bias or prejudice exists, and such affidavit shall be filed not less than forty-eight (48) hours before the time the case is called for hearing or good cause shown for the failure to so file the same within such time.

Any such affidavit so filed, shall be accompanied by a certificate of counsel representing the applicant stating that such affidavit and application are made in good faith and the facts stated as a basis for making the said affidavit shall be supported in substance by affidavits of at least two (2) reputable citizens of St. Lucie County, not kin to the applicant or of the counsel for the applicant. Provided, however, that when a suggestion of disqualification of any member or members has been made and the disqualification of such member or members shall have been admitted and an alternate member acting in lieu of the member so held to be disqualified [is designated], the said alternate member shall not be disqualified on account of alleged prejudice against the party making the suggestion in the first instance, or in favor of the adverse party unless such alternate member shall admit that it is then a fact that he, the said alternate member does not stand fair and impartial between the parties and if the alternate member shall state and hold that he does stand fair and impartial between the parties and their respective interests, he shall cause such statement or holding to be entered on the minutes of the said board and shall proceed to serve as member of said board in the pending case. The foregoing holding or ruling may be reviewed by the appellate court, as are other rulings of the said board.

(e)

In event a member of the civil service appeals board shall refuse to qualify as such member, or if said office shall become vacant by reason of death, resignation or otherwise, the proper alternate shall become a member of the civil service appeals board for the unexpired term of the member vacating said office, and a first alternate shall be elected as herein provided for the election of a second alternate.

(As amended by Laws of Fla., Ch. 59-1290, § 1)

**Sec. 83. - Qualifications of board members.**

Each member of the civil service appeals board shall be a resident of St. Lucie County, shall be known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. No person who has been convicted of a crime involving moral turpitude, or who is an officer or employee of said city shall be eligible to hold said office.

(Ord. No. J-17, §§ 1, 2, 5-4-92)

**Sec. 84. - Term of office; employees; meetings and compensation.**

Members of the civil service appeals board elected as herein provided shall take office within ten (10) days after their election or appointment. The oath of office shall be administered to each member of the civil service appeals board by the city clerk.

The personnel officer shall act as secretary to the appeals board of civil service. The city commission may employ such additional personnel for said board as said city commission shall deem necessary.

The civil service appeals board shall hold not less than one regular meeting each month and may hold special meetings when required for the transaction of business by said board. Such members may be called by the chairman or any three (3) members of the board, upon

giving each member written notice thereof served personally, or left at the members usual place of residence. A majority of the board shall constitute a quorum for all meetings; except, however, for all hearings there shall be a full board.

Members of the civil service appeals board shall each receive compensation in the amount of ten dollars ($10.00) per meeting, contingent upon attendance at the meeting, payable on a quarterly basis. Responsibility for reporting attendance to receive compensation shall be placed with the board's staff coordinator.

(Ord. No. I-12, § 1, 6-6-83; Ord. No. K-288, § 1, 10-4-04)

**Sec. 85. - Duties of board.**

It shall be the duty of the civil service appeals board:

(a)
To make any investigation which it may deem desirable concerning personnel administration in the classified service and to that end, any member of the board shall have the power to administer oaths.

(b)
To report to the city commission and expose publicly any abuses or improper practices which it may find in the classified service of the city.

(c)
To provide rules for the procedures and grounds for suspension, demotion and dismissal of employees, said rules being subject to the approval of the city commission, and for the filing of appeals with the civil service appeals board herein created.

(d)
To sit as a body to hear appeals of any person in the classified service who is dismissed, demoted, suspended or transferred.

(e)
To supervise the holding and grading of all competitive examinations held under the merit system.

(Laws of Fla., Ch. 65-1557, § 2)

Amendment note—Ch. 65-1557, § 2, amended § 85 to provide for approval of the rules by the commission in paragraph (c).

**Sec. 86. - Existing rules and regulations stand until superseded.**

The rules and regulations of the board of civil service which are in effect upon the taking effect of this chapter [article] shall remain in full force and effect until superseded by the rules adopted under this chapter [article].

**Sec. 87. - Personnel rules.**

Immediately after the taking effect of this act, the personnel officer shall prepare personnel rules to govern the merit system and carry out the provisions of this chapter [article]. The city manager shall approve them with or without modification. When approved by him they shall be submitted to the city commission and shall become effective thirty (30) days after the commission by resolution adopts them, with or without amendment. Thereupon, the rules and regulations of the board of civil service passed on June 19, 1944, and amended as of July 15, 1954, shall be automatically repealed and superseded by the rules herein provided, except rules promulgated by the civil service appeals board under subsection (c) of section 85 of this act.

The personnel rules shall provide for:

(1) The classification of city positions which classification shall be based on the duties, authority and responsibility of each position;

(2) A pay plan for all city positions embodying the principle [of] equal pay for equal work which plan shall become effective when the commission by resolution adopts it with or without amendment;

(3) The method of holding competitive tests for fairly determining the merit and fitness of candidates for appointment and promotion;

(4) The establishment, maintenance and certification of eligible lists for filling vacancies;

(5) The order and manner in which layoffs may be effected;

(6) Hours of work, attendance, regulations and provisions for sick and vacation leave;

(7) The procedure governing provisional or probationary appointments;

(8) Other practices and procedures necessary for effective administration of the merit system under the provisions of this charter;

(9) To make rules and regulations for the selection of a grievance committee by members in the classified service.

**Sec. 88. - Rules to incorporate principle of merit and fitness.**

The rules required by section 87 shall be so prepared that all decisions on personnel matters shall be made solely on the basis of merit and fitness of the individual, and the various practices and procedures established thereunder which are to govern these decisions shall incorporate established professional standards and techniques which will serve to further that end.

**Sec. 89. - Causes for suspension and dismissal.**

Any member of the civil service under this act who shall be incompetent, neglect his duty, be guilty of insubordination, immorality, drunkenness, any felony or crime involving moral turpitude or for the violation of any rules and regulations adopted by the civil service appeals board pursuant to subsection (c) of section 85 of this act shall be subject to reduction, suspension, fine or dismissal; provided, however, that no officer or employee shall be fined a sum in excess of one month's compensation.

**Annotations—** Grounds for discharge interpreted generally, see *Bloodworth v. Suggs,* 60 So.2d 768(1952); *City of St. Petersburg v. Pfeiffer,* 52 So.2d 796(1951); *Becker v. Merrill,* 20 So.2d 912(1944); *Barron v. Vailles,* 26 So.2d 449(1944); *Nelson v. State ex rel Quigg,* 23 So.2d 136, 90 L. Ed. 1016(1945).

**Sec. 90. - Removals, fine and appeals.**

(a)

The city manager may at any time fine or suspend or dismiss or demote or transfer any employee of the classified service for any cause which will promote the efficiency of the service but only in accordance with the rules and regulations of the merit system and the civil service appeals board.

(b)

The members of the civil service appeals board shall not discuss the facts or merits of any case which may be tried before them with any person or persons whomsoever, except to receive the list of witnesses by any person or which the said city desires to subpoena before the board.

(c)

Violations of the foregoing provisions of this section by any member of the board shall be grounds for disqualifications.

(d)

In investigation of charges each member of the civil service appeals board shall have the power to administer oaths, and said board is hereby authorized to compel by subpoena the attendance of witnesses, [and] the production of books and papers relevant to such investigation, said subpoena to be served by a member of the police department.

(e)

It shall be unlawful for any person to fail or refuse to respond to any subpoena duly issued by the civil service appeals board, without a legitimate excuse therefor, and such failure or refusal to respond is hereby declared to be a misdemeanor and shall be punishable as is now provided by [the] criminal code of the city for violation of misdemeanors.

(f)

All witnesses demanding witness fees for attendance shall be entitled to a per diem of one dollar ($1.00) to be paid by the city, but no employee of the city summoned before said civil service appeals board to testify shall be entitled to any compensation.

(g)

Upon dismissal, suspension or demotion, the city manager shall within twenty-four (24) hours give the employee a written statement of the reasons for his dismissal, suspension

or demotion and shall immediately file a copy thereof with the civil service appeals board. If the employee desires, he may within seven (7) days file with the board a request for a hearing upon the dismissal or suspension or demotion. Any employee under the classified service of the city transferred within the classified service shall also have the right of appeal to the civil service appeals board within seven (7) days after such transfer upon written request to the board. The board upon receiving such notice of appeal, shall within five (5) days set a date for a hearing. Notice of the time and place of such hearing shall be served upon the city manager and the employee either personally or by registered mail at least five (5) days before the date of hearing.

(h)

The board shall conduct the hearing at the time set, which hearing shall be public and may adjourn the hearing from time to time upon cause shown, or upon its own motion, provided that such adjournment in all shall not extend beyond thirty (30) days from the date of dismissal or fine or demotion or transfer, except for good cause shown. Both the affected employees and the city manager shall be given full opportunity to be heard in person or with counsel. The personnel officer shall spread on the official minutes of the board the facts contained in the appeal, the board's findings and its decision which shall be final. Such decisions shall be transmitted to the city manager and executed by him.

(Laws of Fla., Ch. 65-1557, § 2)

**Amendment note—** Ch. 65-1557, § 2, amended § 90(h) by providing that a hearing may be extended beyond thirty days for good cause shown.

**Annotation—** Appeals, procedure. See *City of Miami v. Huttoe,* 38 So.2d 819(1949).

# CIVIL SERVICE APPEALS BOARD RULES AND REGULATIONS

# PART I GENERAL PROVISIONS

## RULE 1 RULES AND PURPOSE

The rules established in this Policy are to be followed by the City in its personnel program so that City employees are treated fairly and equitably in their Employment.

### SECTION 1: EFFECT OF RULES ON APPOINTING AUTHORITY

These rules shall have the force and effect of law insofar as they apply to positions, offices and personnel coming within the provisions of the Civil Service System of the City of Fort Pierce, Florida. Nothing in these rules shall be construed to limit, abrogate, or repeal the provisions of the appointing authority governing the removal, suspension, transfer, lay-off or reduction in grade of employees in the classified service.

### SECTION 2: POSITIONS COVERED BY THESE RULES

These rules shall apply to all positions and offices in the classified service, except as excluded by the City of Fort Pierce, Florida Charter Article VII § 79.
(FPUA and St. Lucie Fire District employees included):
per **City of Fort Pierce, Florida Charter Article XII § 180. - City employees to continue under city's pension plans, civil service merit system**.
All employees of the City of Fort Pierce on the effective date of this article who shall be under the supervision of the authority shall continue without any loss of rights or benefits as employees under the pension plans and civil service merit system of the city existing on the effective date of this article or hereafter.

## RULE 2 DEFINITIONS

SECTION 1: CLASSIFICATION

Classification shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

SECTION 2: CLASSIFIED SERVICE

Classified Service shall mean all permanent employees as specified in Article VII Section 79 of the Fort Pierce City Charter.

SECTION 3: CONTINUOUS SERVICE

Continuous Service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence.

SECTION 4: DAY OR CALENDAR DAY

Day or Calendar Day shall mean an un-interrupted 24 hour period of time between 12:01 a.m. to 12:00 midnight Sunday through Saturday, including, unless otherwise provided;, weekends, and holidays observed by the City of Fort Pierce as designated by the City's Holiday schedule, designated by the City Manager or pursuant to the City's Emergency Plan. (Adopted 2017) Time periods under this section shall not include the day of the act or event from which the designated period of time begins to run.

SECTION 5: DEMOTIONS

Demotion shall mean the transfer of any employee to a position in one classification to a position in another classification for which a lower maximum rate of compensation is prescribed whether such transfer does or does not involve an immediate reduction in pay.

SECTION 6: ELIGIBLE

Eligible shall mean a person listed on an active eligible list.

SECTION 7: ELIGIBLE LISTS

Eligible List shall mean an employment list, promotional list, re-employment list or reinstatement list comprised of names of persons who have been found qualified through suitable tests, arranged in the order of merit.

SECTION 8: HEARINGS

(a) Appeal Hearing

Appeal hearings shall mean a public hearing conducted in accordance with the provisions of City Of Fort Pierce Charter Article VII § 90.

(b) Other Hearings

Other hearing shall mean a public hearing, other than an appeal hearing, provided for by State Law, or arising under the provisions of the City of Fort Pierce City Charter for which any person may have the opportunity to be heard.

SECTION 9: POSITION

(a) Permanent Position

Permanent Position shall mean any position in the classified service to which an employee has been appointed after completing a probationary period as defined in the employee personnel handbook.

(b) Temporary Position

Temporary Position shall mean any position which is not designated as permanent.

SECTION 10: PROBATIONARY EMPLOYEE

Probationary Employee shall mean any employee who is serving a trial period to determine fitness to perform the specified position prior to being regularly appointed in the classified service as outlined in the Personnel Handbook.

## RULE 3 CHANGE IN CLASSIFICATION, REMOVAL, DISCHARGE, DEMOTION, SUSPENSION OR REDUCTION

SECTION 1: TRANSFER HIGHER CLASSIFICATION

The transfer of an employee involving a change from a position in one classification to a position in another classification for which a higher maximum rate of compensation is prescribed shall be considered a promotion.

SECTION 2: ADVERSE ACTION IN GENERAL

(a) By Appointing Authority

The Appointing authority may at any time suspend , dismiss, demote, layoff or transfer any employee of the classified service for any cause which will promote the efficiency of the service but only in accordance with the rules and regulations of the various appointing authorities, and as specified in Article VII Section 89 of the City Charter for the City of Fort Pierce. Such action shall be forthwith reported in writing to the Human Resources Department together with the cause therefore.

(b) Citizen Complaint

Any citizen may file a written complaint alleging misconduct by an employee in the classified service. Such Complaints are to be filed with the Appointing Authority and maybe filed with the Board, with a copy provided to the department head in the department to which the Employee is assigned

(c) Written Charges Required

Cause for removal, discharge or other discipline must be made in writing. No employee who is a member of the Civil Service and who is appointed, employed, promoted, or confirmed under the terms and provisions of the Appointing Authority shall be removed, suspended, demoted, reduced or discharged, except for cause shown on written charges preferred by the Appointing Authority. Such charges may be preferred for incompetency misfeasance, malfeasance, nonfeasance, misconduct, or a violation of the law or rules.

(d) Immediate Suspension of the Employee

Upon charges being preferred in accordance with these rules the employee may be immediately suspended with or without pay, until such time as the complaint is sustained or overruled by a hearing before the Civil Service Appeals Board . If the employee is suspended without pay and the complaint is overruled then the employee shall be eligible to receive back pay for the period of time between the effective date of the employee's suspension and the final determination by the Board. If the complaint is sustained then the employee shall not be reimbursed and shall have no claims against the Appointing Authority for back wages under these rules.

(e) Investigation of Charges

Whenever any allegation of misconduct or other rule violation is filed against a member of the classified service in accordance with the provisions of this rule, by any person other than the appointing authority the allegations forwarded shall be thoroughly investigated by said appointing authority and such shall be investigated as outlined in Article VII Section 85 of the City Charter for the City of Fort Pierce–. Within twenty (20) days receipt of an allegation of misconduct arising under these rules the appointing authority shall make a determination as to how to proceed, based on the rules of the appointing authority.

(f) Effect of Rules on Authority of Department Heads to File Charges

Nothing contained in these rules shall interfere with the authority and the duty of a Department Head to file allegations of misconduct on any grounds which are justified under these rules.

(g) Notice to Departments

A copy of these rules shall be available in each department and institution of the Appointing Authority.

## SECTION 3: SUSPENSION

The Appointing Authority or the head of a department shall have the authority to suspend employees for cause and without pay; and for a reasonable period of time, in accordance with the Rules of the Appointing Authority. Such suspension requires the Authority or Department Head to provide the employee with notice and the rationale for the suspension.

## SECTION 4: REDUCTION IN GRADE

(a) Misconduct

The Appointing Authority shall have the authority to reduce employees to a lower grade; if the employee is found to have committed an infraction of institutional rules, conduct unbecoming to an employee, inefficiency, or other similar justifiable cause.

(b) Reduction due to other circumstances

The Appointing Authority shall be notified when it becomes necessary to reduce in grade any employee due to insufficient funds or workload to support the position.

# PART II CIVIL SERVICE APPEALS BOARD

## RULE 4 ORGANIZATION AND DUTIES OF CIVIL SERVICE APPEALS BOARD

SECTION 1: ADMINISTRATION AND ENFORCEMENT

The Civil Service Appeals Board (the "Board) shall direct the administration and enforcement of the Civil Service Ordinance and rules promulgated as authorized pursuant to Article VII §85 of the Charter of the City of Fort Pierce.

SECTION 2: ELECTION OF CHAIR PERSON:

At the First regular meeting of the Civil Service Appeals Board (" The Board"), the Board shall elect one of its members as Chair Person and one member as Vice- Chairperson. The Chair shall be the presiding officer at all meetings of the Board, shall maintain order in the proceedings and shall sign the Minutes of the Board.

The vice chair shall assist the Chair and shall succeed to the duties of the Chair in his/her absence or during the Chair's inability to serve, or as requested by the Chair.

SECTION 3: ADOPTION OF CODE RULES AND PROCEDURES

It shall be the duty of the Board to adopt, amend and enforce a code of rules and procedures for the suspension, demotion and dismissal of employees. The Board shall also hear civil service appeals including those from dismissal, demotion and transfer. The Board shall have authority to amend these rules as authorized by Article VII §85 of the City Charter.

SECTION 4: QUORUM AND MAJORITY VOTE

A quorum consists of a majority of members of the board members. No official business shall occur, nor official act adopted in the absence of a quorum. In all matters coming before the Board, a majority vote shall control. For All Hearings, a full Board is required as provided in Article VII section 84.

SECTION 5: PERSONNEL OFFICER

The personnel officer or his designee shall act as secretary to the appeals board of civil service, and shall maintain a record of proceedings before the Board, and shall when requested under these provisions transcribe or cause to be transcribed audio recordings of proceedings before the Board As outlined in Article VII section 84 of the City Charter for the City of Fort Pierce.

SECTION 6: COMPENSATION OF THE BOARD -REPORT TO THE CITY COMMISSION

The employees of the Board shall receive such compensation if authorized under the city charter. It shall be the duty of the Board to make an annual report to the City Commission as soon as possible after the close of each calendar year. The report shall outline the Boards activities during the year and shall make such recommendations, as it may deem in the best interest of the Civil Service.

SECTION 7: MAINTENANCE OF CIVIL SERVICE OFFICE

A Civil Service place to meet will be maintained in City Hall where the Board will meet, as called for the purpose of conducting hearings and handling routine business. Hearings will be held in Fort Pierce City Hall unless otherwise arranged.

SECTION 8: ALTERNATES

In the event of the absence or disqualification of a member of the Board, an alternate shall serve on the Board and shall participate in the same manner as other members of the Board for the meeting during which the employee is absent or otherwise unable to participate.

SECTION 9: AGENDA

Items which are requested to appear on the agenda for any scheduled meeting must submitted no fewer than 7 calendar days before a scheduled meeting.. Items must be submitted to the secretary for the board in writing prior to the deadline.

# PART III APPEAL PROCESS AND HEARING PROCEDURES

## RULE 5. PROCEDURE ON APPEAL AND CONDUCT OF HEARING

SECTION 1: NOTICE OF APPEAL

Whenever any Employee in the classified service of the Appointing Authority has been suspended, demoted, reduced in rank, laid off or dismissed from the Civil Service, the employee has the right to appeal to the Civil Service Appeals Board. Appeals to the Civil Service Appeals Board under this section must be filed within 7 days, except for good cause of the effective date of the adverse action as described above. The appeal shall be commenced by the filing of a written notice of appeal filed with the Board the notice shall specify that the proponent is requesting a hearing before the Board. The notice must be signed personally by the employee or his legal counsel.

FAILURE TO PROSECUTE AN APPEAL

Following the filing of a request for a hearing where it appears on the face of the record that no activity, has occurred for a period of thirty (30) days shall cause the Appeal to be subject to dismissal by the Civil Service Appeals Board; on its own motion, or on the motion of any interested person, whether a party to the appeal or not, after reasonable notice to the parties, unless a stipulation staying the action is approved by the Chairman of the Civil Service Appeals Board or a stay order has been filed or a party shows good cause in writing why the appeal should remain pending. Mere inaction for a period of less than thirty (30) days shall not be sufficient cause for dismissal for failure to prosecute.

SECTION 2: NOTICE OF HEARING COMMENCEMENT OF ACTION

(a) Notice of Hearing

Within 5 days receipt of the notice of appeal under this section, the Board shall set a date for a hearing. A notice of hearing shall be provided to the Parties which

shall specify the date, time and place of the hearing. The petitioner shall also be provided with a copy of the allegations and specifics of the alleged misconduct.

(b) Hearing

The Board shall hear the appeal within 30 days' receipt of the notice of appeal, unless a timely written request for continuance is received by the Board Secretary. . The Secretary shall contact the opposing party and determine whether the party has any objection to the Continuance. If there is no objection the matter shall be rescheduled by the Secretary on the next available calendar for the Board. If there is an objection the matter shall be submitted to the board chair for determination of whether the matter shall be rescheduled to a later date.

## SECTION 3: FLORIDA SUNSHINE LAW AND DISCLOSURE OF COMMUNICATIONS

(a) Open Meetings and Communication between Board Members

Any hearing conducted pursuant to these rules shall be open to the public, and shall be noticed in conformity with §286.011 Florida Statutes. No member of the Board shall discuss any matter pending before the Board with any other member outside of the confines of a scheduled public meeting in conformity with the provisions relating to §286.011 Florida Statutes (2016). Any violation of this rule shall constitute cause for the imposition of sanctions up to and including imprisonment for willful violations as outlined in FS §286.0111.

(b) Disclosures

Any communication between staff and any member of the Board or a member of the public and any member of the Board shall be disclosed in the public meeting, prior to commence of the hearing.

## SECTION 4: CONDUCT OF HEARING

(a) The Board shall hear the evidence upon which the allegations have been made. Evidence shall include testimonial, demonstrative and documentary materials which are produced during the hearing. Stenographic notes and/or a mechanical recording shall be kept of all hearings, and may be transcribed at the

request of either party. Requesting party shall pay cost of transcription. Standard transcription fees will apply. Either party may furnish their own court reporter, however if a transcript is ordered the opposing party must be notified and be given an opportunity to order an additional copy

(b) A Joint Pre-trial Stipulation of facts and issues to be considered relating to the Appeal shall be submitted in writing to the Board Secretary no fewer than 5 (five) days prior to the date of the hearing. If the parties are unable to agree as to the facts they shall submit individual Pre-trial statements, however the parties so submitting shall include a statement attesting that a good faith attempt to confer with the opposing party has been made and the parties are unable to agree to the facts and/or issues.

(c) All Board hearings will begin at 6:00 o'clock p.m. and conclude no later than 11:00 o'clock p.m. If the parties have not concluded the presentation of evidence within that time, the hearing will be continued no longer that 30 (thirty) days and written notice of hearing there for will issue from the Secretary for the Board within 24 hours and will be forwarded via us regular mail and/or email to all parties.

(d) The Appointing Authority shall require employees to be present to appear as a witness upon reasonable request by the Petitioner in writing. The Board has authority through its attorney, to issue subpoenas to any witness upon the request of any party, in accordance with §120 Florida Statutes (2017).

(e) Each party shall have the right to be represented by Counsel. The parties are encouraged to confer prior to the hearing to attempt to resolve any administrative issues regarding the evidence and or objections thereto, in order to avoid spending excessive time on these issues during the hearing.

(f) Following the recitation of procedural posture by the Appointing Authority, each party shall have the opportunity to make a brief opening statement. Opening statements shall elicit the facts that the party will prove in his

case and shall be restricted solely to the evidence which the party expects to prove.

(g) The Board's Attorney shall advise on a ruling on all motions and objections. The Florida Rules of Evidence shall be used as a guideline in ruling on all motions and objections. Hearsay shall be admissible, however no decision by the Board may be based solely on extrajudicial evidence or hearsay, unless introduced and supported by evidence produced during the hearing. The parties shall maintain proper decorum and civility during the hearing; and Attorneys shall conduct themselves in accordance with the rules of professional conduct promulgated by the Florida Bar. Failure to do so may subject the non-compliant party to the following sanctions:

(1) An order to prohibit the party from being physically present during the presentation of evidence.

(2) An Order requiring the parties questions to be written and read into evidence by the secretary of the Board.

(3) An order striking pleadings or portions thereof.

(4) An order staying further proceedings until a Board order is complied with.

(5) Notwithstanding any other sanction, the Board may order the non-complaint party to pay of costs and attorney fees.

(h) Petitioner shall present his case first. The Appointing Authority shall have the right to cross examine the Petitioner's witnesses, and the Petitioner may ask rebuttal questions. The Board has discretion to permit further examination by parties. Cross examination and rebuttal examination shall address matters which arose in the context of the previous examination and is limited in scope to matters raised in the immediate preceding examination.

(i) The Board or any member thereof may direct questions to any witness during his testimony. The scope of questions must be reasonably related to the issues of fact which have been alleged by the parties.

(j) At the conclusion of the Petitioner's case, the Appointing Authority has the right to put on rebuttal evidence. During Authority's the rebuttal case in chief the Petitioner may cross-examine the Authority's witnesses in accordance with Subsection (e) above. The Board shall have discretion to permit the introduction of such additional evidence by the parties but solely for the purpose of rebuttal of preceding evidence.

(k) All documentary or demonstrative evidence introduced shall be marked as entered and indicate the party introducing the item (e.g. "Petitioner's Exhibit 1"). Copies shall be provided to the Board as well as to the opposing party. Either party may interpose a legal objection to the item sought to be admitted prior to its admission. The Board may sustain or overrule the objection to the introduction of the evidence, and should be guided to appropriate legal grounds for such action by the Board Attorney; who shall state the legal rational for the Boards action on the objection.

(l) After both sides have rested The Board may render its decision to affirm, modify or reverse the decision of the Appointing Authority. The Board may elect to;

(1) Reinstate the employee, with or without back pay.

(2) Modify the imposed penalty or references of charges in the employees' personnel file.

(m) The burden of proof shall be by preponderance of the evidence.

The Board shall issue a written order within 10 (ten) days of the oral pronouncement. Said order will contain findings of fact, applicable rules, and conclusions of law. Copies of the final order shall be forwarded via US mail and/or e-mail to the parties to the Appeal.

## RULE 6. DISCRIMINATION EXCLUDED

The Civil service Appeals Board does not have jurisdiction to hear cases of Discrimination.

## PART IV SEVERABILITY CLAUSE AND EFFECTIVE DATE

### SEVERABILITY CLAUSE

If any rule or part of these rules should be declared unconstitutional or is preempted by state law or rule or ordinance, the same shall not affect the remaining rules, which shall remain in full force and effect.

### EFFECTIVE DATE

These rules and regulations are hereby promulgated by the Civil Service Appeals Board and shall take effect upon approval by the City Commission.

For the Board,

_____ _____

Chairman Civil Service Appeals Board Date

THE SUNRISE CITY
FORT PIERCE
Florida
HUMAN RESOURCES
DEPARTMENT

**TO:** Nicholas C. Mimms, P.E., City Manager

**FROM:** Kevin E. Browning, HR Manager KEB

**RE:** Civil Service Appeals Board Rules Manual Revisions

**DATE:** June 1, 2018

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This memo is to notify you that the Civil Service Appeals Board met on Wednesday, May 30, 2018. The Board has reviewed and adopted the updated CIVIL SERVICE APPEALS BOARD RULES. The item has been completed for placement on the June 18th City Commission Meeting agenda and has been routed to you for final approval. A copy of the the updated document is attached.

C: Iola Mosley, Senior Assistant City Attorney
James Messer, City Attorney
Barbara Moore, HR Generalist

THE SUNRISE CITY
FORT PIERCE
Florida

# CIVIL SERVICE APPEALS BOARD

## ARTICLE VII-CIVIL SERVICE AND MERIT SYSTEM EXCERPTS FROM CITY CHARTER

## RULES, REGULATIONS AND PROCEDURES FOR THE CONDUCT OF CIVIL SERVICE

## APPEALS BEFORE THE CIVIL SERVICE APPEALS BOARD FOR THE CITY OF FORT PIERCE, FLORIDA

*CSAB Approved May 30, 2018*
*Commission Adopted June 18, 2018*

# INDEX

CITY CHARTER FOR THE
CITY OF FORT PIERCE,
ARTICLE VII. - CIVIL SERVICE AND MERIT SYSTEM .....PAGE 3-10

PART 1. GENERAL PROVISIONS ..... PAGE 11

RULE 1. RULES AND PURPOSE .....PAGE 11

RULE 2. DEFINITIONS ..... PAGE 12

RULE 3. REMOVAL, DISCHARGE,
DEMOTION, SUSPENSION
OR REDUCTION ..... PAGE 14

PART II CIVIL SERVICE APPEALS BOARD.....PAGE 17

RULE 4. ORGANIZATION AND DUTIES.... .....PAGE 17

PART III APPEAL PROCESS
AND HEARING PROCEDURES .....PAGE 19

RULE 5. PROCEDURE ON APPEAL
AND CONDUCT OF
HEARING..... PAGE 19

RULE 6. DISCRIMINATION PROHIBITED..... PAGE 23

PART IV SEVERABILITY CLAUSE
AND EFFECTIVE DATE ..... PAGE 24

# ARTICLE VII. - CIVIL SERVICE AND MERIT SYSTEM

**Sec. 78. - Establishment of merit system; repeal of previous act.**

All appointments and promotions in the administrative service of the city shall be made according to merit and fitness to be ascertained, so far as practicable, by competitive tests. In order to permit the adoption and use of a modern merit system which is efficient and fair to officials, employees and the public, Chapter 23296, Acts of 1945, and all acts amendatory thereto are hereby repealed and a merit system is hereby created which shall conform to the provisions hereinafter set forth.

**Sec. 79. - Classified and unclassified service.**

The following shall constitute the unclassified service of the city and shall be exempt from the provisions of this chapter [article]:

(a)

Members of the city commission and all elected officials.

(b)

The city manager, city clerk, city auditor, city attorney, personnel officer, director of finance, chief of police, department heads, and all members of any board or commission or any individual in a specialized field appointed by the city commission.

(c)

Part-time or temporary employee[s].

The classified service shall include all other positions now existing or hereafter created, and the provisions of this act shall apply thereto except as hereinabove set out.

(Laws of Fla., Ch. 65-1556, § 4; Laws of Fla., Ch. 65-1557, § 2; Ord. No. G-356, § 6, 8-1-77)

**Amendment note**— Ch. 65-1556, § 4, amended § 79(c) by deleting the words "day laborer." Ch. 65-1557, § 2, amended § 79(a) by including all elected officials and § 79(b) by adding the prosecuting attorney and department heads to the unclassified service.

**Sec. 80. - Status of present employees.**

Any person holding a position in the classified service when this act takes effect, who shall have served in such position for a period of at least six (6) months, shall be retained without preliminary or performance tests and shall thereafter be subject in all other respects to the provisions of this act. Any other persons in the classified service at the time this act takes effect shall be considered as having been given probationary appointments at the time this act takes effect.

**Sec. 81. - Personnel officer.**

There shall be a personnel officer, who shall be appointed or removed by the city manager with the approval of the commission. The personnel officer shall administer the merit system of the city in accordance with this charter and the personnel rules adopted thereunder. To this end, his powers and duties shall be:

(a)
To prepare competitive examinations and tests of various types for all appointments in the classified service, restricted to persons reasonably qualified to perform duties of the position;

(b)
To give wide publicity through appropriate channels in each case to all announcements of competitive examinations to the end of encouraging qualified persons to take such examinations;

(c)
To prepare and recommend to the city manager such rules as he may consider necessary, appropriate or desirable to carry out the provisions of this chapter [article] except rules, regulations and procedure pertaining to suspension, removal or demotion of any person in [the] classified service;

(d)
To prepare, install, and maintain a classification plan based on the duties, authority and responsibility of positions in the city service;

(e)
To prepare and submit to the city manager and the city commission for its consideration a pay plan for the city service;

(f)
To establish and maintain a roster of all persons in the municipal service in which there shall be set forth, as to each officer and employee, (1) the class title of the position held, (2) salary or pay, (3) any changes in class title, pay or status, and (4) such other data as may be deemed desirable or useful to produce significant facts pertaining to personnel administration;

(g)
To certify all payrolls for persons in the classified service. No payment for personal service to any person in the classified service of the city shall be made unless the payroll vouchers bear the certification of the personnel officer or his authorized agent that the persons mentioned therein have been appointed and employed in accordance with the provisions of this act;

(h)
To assist the city manager in developing and establishing training and educational programs for persons in the municipal service, so that wherever possible vacancies may be filled within the service;

(i)To perform such acts, consistent with this charter and the personnel rules adopted thereunder, as he may deem desirable to administer the provisions of this chapter [article].

**Sec. 82. - Civil service appeals board created.**

(a)

Upon the taking effect of this act, the board of civil service created by Chapter 23296, Acts of 1945, shall be abolished and shall be superseded by a civil service appeals board consisting of five (5) members. Two (2) members shall be appointed by the city commission of said city, and two (2) members shall be elected by the members of the civil service of said city. The fifth member shall be named by the other four (4) members. In the event said four (4) members shall not agree upon the fifth member within fifteen (15) days after said four (4) members take office, the county judge of St. Lucie County, Florida, shall designate such fifth member. The said board shall elect one of their members to be chairman. The two (2) members named by the city commission and the two (2) members of the board named by the employees shall serve for a term or a period of two (2) years except the first member appointed by the city and the first member appointed by the employees shall serve for a term of only one year, but thereafter all terms of members of the board shall be for two (2) years. The fifth member of the board named by the other members of the civil service [sic] shall hold office for a period of one year. All members of the appeals board shall hold office until their successors are duly elected or named and qualified.

(b)

The city commission of said city shall elect two (2) alternate members of the civil service appeals board and the members of civil service of said city shall elect two (2) alternate members of the civil service appeals board. The five (5) members of the said board shall elect two (2) alternate members of the civil service appeals board to serve in the event of disqualification or absence of the five (5) members of the said board.

(c)

If there exists any ground which under the laws of the State of Florida would disqualify the judge of any court, or which is a ground of challenge for cause to disqualify any juror then such procedure shall apply to members of the civil service appeals board and any member who shall be disqualified shall not be permitted to hear and determine any cause wherein he is disqualified.

(d)

Whenever a person [sic] to any charge or proceeding, shall make and file an affidavit that he fears a fair trial cannot be had before said board, where charges are pending, on account of the prejudice of any member or members of said board against the applicant or in favor of the adverse, and thereupon, such member or members shall proceed no further therein, but an alternate or alternates for such member or members shall be designated in the manner prescribed for the substitution of members for the trial of any case when any member is disqualified.

The member or members may, however, examine the affidavit supporting the motion to disqualify any of them for prejudice, to determine its legal sufficiency but shall not pass on the truth of the facts alleged nor [ad]judicate the question of disqualification.

Every such affidavit shall state the facts and the reasons for the belief that any such bias or prejudice exists, and such affidavit shall be filed not less than forty-eight (48) hours before the time the case is called for hearing or good cause shown for the failure to so file the same within such time.

Any such affidavit so filed, shall be accompanied by a certificate of counsel representing the applicant stating that such affidavit and application are made in good faith and the facts stated as a basis for making the said affidavit shall be supported in substance by affidavits of at least two (2) reputable citizens of St. Lucie County, not kin to the applicant or of the counsel for the applicant. Provided, however, that when a suggestion of disqualification of any member or members has been made and the disqualification of such member or members shall have been admitted and an alternate member acting in lieu of the member so held to be disqualified [is designated], the said alternate member shall not be disqualified on account of alleged prejudice against the party making the suggestion in the first instance, or in favor of the adverse party unless such alternate member shall admit that it is then a fact that he, the said alternate member does not stand fair and impartial between the parties and if the alternate member shall state and hold that he does stand fair and impartial between the parties and their respective interests, he shall cause such statement or holding to be entered on the minutes of the said board and shall proceed to serve as member of said board in the pending case. The foregoing holding or ruling may be reviewed by the appellate court, as are other rulings of the said board.

(e)

In event a member of the civil service appeals board shall refuse to qualify as such member, or if said office shall become vacant by reason of death, resignation or otherwise, the proper alternate shall become a member of the civil service appeals board for the unexpired term of the member vacating said office, and a first alternate shall be elected as herein provided for the election of a second alternate.

(As amended by Laws of Fla., Ch. 59-1290, § 1)

**Sec. 83. - Qualifications of board members.**

Each member of the civil service appeals board shall be a resident of St. Lucie County, shall be known to be in sympathy with the merit principle as applied to the civil service, shall neither hold nor be a candidate for any other public office or position, and shall not be a member of any local, state or national committee of a political party or an officer in any partisan political club or organization. No person who has been convicted of a crime involving moral turpitude, or who is an officer or employee of said city shall be eligible to hold said office.

(Ord. No. J-17, §§ 1, 2, 5-4-92)

**Sec. 84. - Term of office; employees; meetings and compensation.**

Members of the civil service appeals board elected as herein provided shall take office within ten (10) days after their election or appointment. The oath of office shall be administered to each member of the civil service appeals board by the city clerk.

The personnel officer shall act as secretary to the appeals board of civil service. The city commission may employ such additional personnel for said board as said city commission shall deem necessary.

The civil service appeals board shall hold not less than one regular meeting each month and may hold special meetings when required for the transaction of business by said board. Such members may be called by the chairman or any three (3) members of the board, upon

giving each member written notice thereof served personally, or left at the members usual place of residence. A majority of the board shall constitute a quorum for all meetings; except, however, for all hearings there shall be a full board.

Members of the civil service appeals board shall each receive compensation in the amount of ten dollars ($10.00) per meeting, contingent upon attendance at the meeting, payable on a quarterly basis. Responsibility for reporting attendance to receive compensation shall be placed with the board's staff coordinator.

(Ord. No. I-12, § 1, 6-6-83; Ord. No. K-288, § 1, 10-4-04)

**Sec. 85. - Duties of board.**

It shall be the duty of the civil service appeals board:

(a)
To make any investigation which it may deem desirable concerning personnel administration in the classified service and to that end, any member of the board shall have the power to administer oaths.

(b)
To report to the city commission and expose publicly any abuses or improper practices which it may find in the classified service of the city.

(c)
To provide rules for the procedures and grounds for suspension, demotion and dismissal of employees, said rules being subject to the approval of the city commission, and for the filing of appeals with the civil service appeals board herein created.

(d)
To sit as a body to hear appeals of any person in the classified service who is dismissed, demoted, suspended or transferred.

(e)
To supervise the holding and grading of all competitive examinations held under the merit system.

(Laws of Fla., Ch. 65-1557, § 2)

Amendment note—Ch. 65-1557, § 2, amended § 85 to provide for approval of the rules by the commission in paragraph (c).

**Sec. 86. - Existing rules and regulations stand until superseded.**

The rules and regulations of the board of civil service which are in effect upon the taking effect of this chapter [article] shall remain in full force and effect until superseded by the rules adopted under this chapter [article].

**Sec. 87. - Personnel rules.**

Immediately after the taking effect of this act, the personnel officer shall prepare personnel rules to govern the merit system and carry out the provisions of this chapter [article]. The city manager shall approve them with or without modification. When approved by him they shall be submitted to the city commission and shall become effective thirty (30) days after the commission by resolution adopts them, with or without amendment. Thereupon, the rules and regulations of the board of civil service passed on June 19, 1944, and amended as of July 15, 1954, shall be automatically repealed and superseded by the rules herein provided, except rules promulgated by the civil service appeals board under subsection (c) of section 85 of this act.

The personnel rules shall provide for:

(1) The classification of city positions which classification shall be based on the duties, authority and responsibility of each position;

(2) A pay plan for all city positions embodying the principle [of] equal pay for equal work which plan shall become effective when the commission by resolution adopts it with or without amendment;

(3) The method of holding competitive tests for fairly determining the merit and fitness of candidates for appointment and promotion;

(4) The establishment, maintenance and certification of eligible lists for filling vacancies;

(5) The order and manner in which layoffs may be effected;

(6) Hours of work, attendance, regulations and provisions for sick and vacation leave;

(7) The procedure governing provisional or probationary appointments;

(8) Other practices and procedures necessary for effective administration of the merit system under the provisions of this charter;

(9) To make rules and regulations for the selection of a grievance committee by members in the classified service.

**Sec. 88. - Rules to incorporate principle of merit and fitness.**

The rules required by section 87 shall be so prepared that all decisions on personnel matters shall be made solely on the basis of merit and fitness of the individual, and the various practices and procedures established thereunder which are to govern these decisions shall incorporate established professional standards and techniques which will serve to further that end.

**Sec. 89. - Causes for suspension and dismissal.**

Any member of the civil service under this act who shall be incompetent, neglect his duty, be guilty of insubordination, immorality, drunkenness, any felony or crime involving moral turpitude or for the violation of any rules and regulations adopted by the civil service appeals board pursuant to subsection (c) of section 85 of this act shall be subject to reduction, suspension, fine or dismissal; provided, however, that no officer or employee shall be fined a sum in excess of one month's compensation.

**Annotations**— Grounds for discharge interpreted generally, see *Bloodworth v. Suggs,* 60 So.2d 768(1952); *City of St. Petersburg v. Pfeiffer,* 52 So.2d 796(1951); *Becker v. Merrill,* 20 So.2d 912(1944); *Barron v. Vailles,* 26 So.2d 449(1944); *Nelson v. State ex rel Quigg,* 23 So.2d 136, 90 L. Ed. 1016(1945).

**Sec. 90. - Removals, fine and appeals.**

(a)

The city manager may at any time fine or suspend or dismiss or demote or transfer any employee of the classified service for any cause which will promote the efficiency of the service but only in accordance with the rules and regulations of the merit system and the civil service appeals board.

(b)

The members of the civil service appeals board shall not discuss the facts or merits of any case which may be tried before them with any person or persons whomsoever, except to receive the list of witnesses by any person or which the said city desires to subpoena before the board.

(c)

Violations of the foregoing provisions of this section by any member of the board shall be grounds for disqualifications.

(d)

In investigation of charges each member of the civil service appeals board shall have the power to administer oaths, and said board is hereby authorized to compel by subpoena the attendance of witnesses, [and] the production of books and papers relevant to such investigation, said subpoena to be served by a member of the police department.

(e)

It shall be unlawful for any person to fail or refuse to respond to any subpoena duly issued by the civil service appeals board, without a legitimate excuse therefor, and such failure or refusal to respond is hereby declared to be a misdemeanor and shall be punishable as is now provided by [the] criminal code of the city for violation of misdemeanors.

(f)

All witnesses demanding witness fees for attendance shall be entitled to a per diem of one dollar ($1.00) to be paid by the city, but no employee of the city summoned before said civil service appeals board to testify shall be entitled to any compensation.

(g)

Upon dismissal, suspension or demotion, the city manager shall within twenty-four (24) hours give the employee a written statement of the reasons for his dismissal, suspension

or demotion and shall immediately file a copy thereof with the civil service appeals board. If the employee desires, he may within seven (7) days file with the board a request for a hearing upon the dismissal or suspension or demotion. Any employee under the classified service of the city transferred within the classified service shall also have the right of appeal to the civil service appeals board within seven (7) days after such transfer upon written request to the board. The board upon receiving such notice of appeal, shall within five (5) days set a date for a hearing. Notice of the time and place of such hearing shall be served upon the city manager and the employee either personally or by registered mail at least five (5) days before the date of hearing.

(h)

The board shall conduct the hearing at the time set, which hearing shall be public and may adjourn the hearing from time to time upon cause shown, or upon its own motion, provided that such adjournment in all shall not extend beyond thirty (30) days from the date of dismissal or fine or demotion or transfer, except for good cause shown. Both the affected employees and the city manager shall be given full opportunity to be heard in person or with counsel. The personnel officer shall spread on the official minutes of the board the facts contained in the appeal, the board's findings and its decision which shall be final. Such decisions shall be transmitted to the city manager and executed by him.

(Laws of Fla., Ch. 65-1557, § 2)

**Amendment note—** Ch. 65-1557, § 2, amended § 90(h) by providing that a hearing may be extended beyond thirty days for good cause shown.

**Annotation—** Appeals, procedure. See *City of Miami v. Huttoe,* 38 So.2d 819(1949).

# CIVIL SERVICE APPEALS BOARD RULES AND REGULATIONS
# PART I GENERAL PROVISIONS

## RULE 1 RULES AND PURPOSE

The rules established in this Policy are to be followed by the City in its personnel program so that City employees are treated fairly and equitably in their Employment.

SECTION 1: EFFECT OF RULES ON APPOINTING AUTHORITY

These rules shall have the force and effect of law insofar as they apply to positions, offices and personnel coming within the provisions of the Civil Service System of the City of Fort Pierce, Florida. Nothing in these rules shall be construed to limit, abrogate, or repeal the provisions of the appointing authority governing the removal, suspension, transfer, lay-off or reduction in grade of employees in the classified service.

SECTION 2: POSITIONS COVERED BY THESE RULES

These rules shall apply to all positions and offices in the classified service, except as excluded by the City of Fort Pierce, Florida Charter Article VII § 79.
(FPUA and St. Lucie Fire District employees included):
per **City of Fort Pierce, Florida Charter Article XII § 180. - City employees to continue under city's pension plans, civil service merit system**.
All employees of the City of Fort Pierce on the effective date of this article who shall be under the supervision of the authority shall continue without any loss of rights or benefits as employees under the pension plans and civil service merit system of the city existing on the effective date of this article or hereafter.

## RULE 2 DEFINITIONS

SECTION 1: CLASSIFICATION

Classification shall mean a position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

SECTION 2: CLASSIFIED SERVICE

Classified Service shall mean all permanent employees as specified in Article VII Section 79 of the Fort Pierce City Charter.

SECTION 3: CONTINUOUS SERVICE

Continuous Service shall mean employment in the classified service which is uninterrupted except for authorized leave of absence.

SECTION 4: DAY OR CALENDAR DAY

Day or Calendar Day shall mean an un-interrupted 24 hour period of time between 12:01 a.m. to 12:00 midnight Sunday through Saturday, including, unless otherwise provided; weekends, and holidays observed by the City of Fort Pierce as designated by the City's Holiday schedule, designated by the City Manager or pursuant to the City's Emergency Plan. (Adopted 2017) Time periods under this section shall not include the day of the act or event from which the designated period of time begins to run.

SECTION 5: DEMOTIONS

Demotion shall mean the transfer of any employee to a position in one classification to a position in another classification for which a lower maximum rate of compensation is prescribed whether such transfer does or does not involve an immediate reduction in pay.

SECTION 6: ELIGIBLE

Eligible shall mean a person listed on an active eligible list.

SECTION 7: ELIGIBLE LISTS

Eligible List shall mean an employment list, promotional list, re-employment list or reinstatement list comprised of names of persons who have been found qualified through suitable tests, arranged in the order of merit.

SECTION 8: HEARINGS

(a) Appeal Hearing

Appeal hearings shall mean a public hearing conducted in accordance with the provisions of City Of Fort Pierce Charter Article VII § 90.

(b) Other Hearings

Other hearing shall mean a public hearing, other than an appeal hearing, provided for by State Law, or arising under the provisions of the City of Fort Pierce City Charter for which any person may have the opportunity to be heard.

SECTION 9: POSITION

(a) Permanent Position

Permanent Position shall mean any position in the classified service to which an employee has been appointed after completing a probationary period as defined in the employee personnel handbook.

(b) Temporary Position

Temporary Position shall mean any position which is not designated as permanent.

SECTION 10: PROBATIONARY EMPLOYEE

Probationary Employee shall mean any employee who is serving a trial period to determine fitness to perform the specified position prior to being regularly appointed in the classified service as outlined in the Personnel Handbook.

## RULE 3 CHANGE IN CLASSIFICATION, REMOVAL, DISCHARGE, DEMOTION, SUSPENSION OR REDUCTION

SECTION 1: TRANSFER HIGHER CLASSIFICATION

The transfer of an employee involving a change from a position in one classification to a position in another classification for which a higher maximum rate of compensation is prescribed shall be considered a promotion.

SECTION 2: ADVERSE ACTION IN GENERAL

(a) By Appointing Authority

The Appointing authority may at any time suspend , dismiss, demote, layoff or transfer any employee of the classified service for any cause which will promote the efficiency of the service but only in accordance with the rules and regulations of the various appointing authorities, and as specified in Article VII Section 89 of the City Charter for the City of Fort Pierce. Such action shall be forthwith reported in writing to the Human Resources Department together with the cause therefore.

(b) Citizen Complaint

Any citizen may file a written complaint alleging misconduct by an employee in the classified service. Such Complaints are to be filed with the Appointing Authority and maybe filed with the Board, with a copy provided to the department head in the department to which the Employee is assigned

(c) Written Charges Required

Cause for removal, discharge or other discipline must be made in writing. No employee who is a member of the Civil Service and who is appointed, employed, promoted, or confirmed under the terms and provisions of the Appointing Authority shall be removed, suspended, demoted, reduced or discharged, except for cause shown on written charges preferred by the Appointing Authority. Such charges may be preferred for incompetency misfeasance, malfeasance, nonfeasance, misconduct, or a violation of the law or rules.

(d) Immediate Suspension of the Employee

Upon charges being preferred in accordance with these rules the employee may be immediately suspended with or without pay, until such time as the complaint is sustained or overruled by a hearing before the Civil Service Appeals Board . If the employee is suspended without pay and the complaint is overruled then the employee shall be eligible to receive back pay for the period of time between the effective date of the employee's suspension and the final determination by the Board. If the complaint is sustained then the employee shall not be reimbursed and shall have no claims against the Appointing Authority for back wages under these rules.

(e) Investigation of Charges

Whenever any allegation of misconduct or other rule violation is filed against a member of the classified service in accordance with the provisions of this rule, by any person other than the appointing authority the allegations forwarded shall be thoroughly investigated by said appointing authority and such shall be investigated as outlined in Article VII Section 85 of the City Charter for the City of Fort Pierce. Within twenty (20) days receipt of an allegation of misconduct arising under these rules the appointing authority shall make a determination as to how to proceed, based on the rules of the appointing authority.

(f) Effect of Rules on Authority of Department Heads to File Charges

Nothing contained in these rules shall interfere with the authority and the duty of a Department Head to file allegations of misconduct on any grounds which are justified under these rules.

(g) Notice to Departments

A copy of these rules shall be available in each department and institution of the Appointing Authority.

## SECTION 3: SUSPENSION

The Appointing Authority or the head of a department shall have the authority to suspend employees for cause and without pay; and for a reasonable period of time, in accordance with the Rules of the Appointing Authority. Such suspension requires the Authority or Department Head to provide the employee with notice and the rationale for the suspension.

## SECTION 4: REDUCTION IN GRADE

(a) Misconduct

The Appointing Authority shall have the authority to reduce employees to a lower grade; if the employee is found to have committed an infraction of institutional rules, conduct unbecoming to an employee, inefficiency, or other similar justifiable cause.

(b) Reduction due to other circumstances

The Appointing Authority shall be notified when it becomes necessary to reduce in grade any employee due to insufficient funds or workload to support the position.

## PART II CIVIL SERVICE APPEALS BOARD

### RULE 4 ORGANIZATION AND DUTIES OF CIVIL SERVICE APPEALS BOARD

SECTION 1: ADMINISTRATION AND ENFORCEMENT

The Civil Service Appeals Board (the "Board) shall direct the administration and enforcement of the Civil Service Ordinance and rules promulgated as authorized pursuant to Article VII §85 of the Charter of the City of Fort Pierce.

SECTION 2: ELECTION OF CHAIR PERSON:

At the First regular meeting of the Civil Service Appeals Board (" The Board"), the Board shall elect one of its members as Chair Person and one member as Vice- Chairperson. The Chair shall be the presiding officer at all meetings of the Board, shall maintain order in the proceedings and shall sign the Minutes of the Board.

The vice chair shall assist the Chair and shall succeed to the duties of the Chair in his/her absence or during the Chair's inability to serve, or as requested by the Chair.

SECTION 3: ADOPTION OF CODE RULES AND PROCEDURES

It shall be the duty of the Board to adopt, amend and enforce a code of rules and procedures for the suspension, demotion and dismissal of employees. The Board shall also hear civil service appeals including those from dismissal, demotion and transfer. The Board shall have authority to amend these rules as authorized by Article VII §85 of the City Charter.

SECTION 4: QUORUM AND MAJORITY VOTE

A quorum consists of a majority of members of the board members. No official business shall occur, nor official act adopted in the absence of a quorum. In all matters coming before the Board, a majority vote shall control. For All Hearings, a full Board is required as provided in Article VII section 84.

SECTION 5: PERSONNEL OFFICER

The personnel officer or his designee shall act as secretary to the appeals board of civil service, and shall maintain a record of proceedings before the Board, and shall when requested under these provisions transcribe or cause to be transcribed audio recordings of proceedings before the Board As outlined in Article VII section 84 of the City Charter for the City of Fort Pierce.

SECTION 6: COMPENSATION OF THE BOARD -REPORT TO THE CITY COMMISSION

The employees of the Board shall receive such compensation if authorized under the city charter. It shall be the duty of the Board to make an annual report to the City Commission as soon as possible after the close of each calendar year. The report shall outline the Boards activities during the year and shall make such recommendations, as it may deem in the best interest of the Civil Service.

SECTION 7: MAINTENANCE OF CIVIL SERVICE OFFICE

A Civil Service place to meet will be maintained in City Hall where the Board will meet, as called for the purpose of conducting hearings and handling routine business. Hearings will be held in Fort Pierce City Hall unless otherwise arranged.

SECTION 8: ALTERNATES

In the event of the absence or disqualification of a member of the Board, an alternate shall serve on the Board and shall participate in the same manner as other members of the Board for the meeting during which the employee is absent or otherwise unable to participate.

SECTION 9: AGENDA

Items which are requested to appear on the agenda for any scheduled meeting must submitted no fewer than 7 calendar days before a scheduled meeting.. Items must be submitted to the secretary for the board in writing prior to the deadline.

## PART III APPEAL PROCESS AND HEARING PROCEDURES

### RULE 5. PROCEDURE ON APPEAL AND CONDUCT OF HEARING

SECTION 1: NOTICE OF APPEAL

Whenever any Employee in the classified service of the Appointing Authority has been suspended, demoted, reduced in rank, laid off or dismissed from the Civil Service, the employee has the right to appeal to the Civil Service Appeals Board. Appeals to the Civil Service Appeals Board under this section must be filed within 7 days, except for good cause of the effective date of the adverse action as described above. The appeal shall be commenced by the filing of a written notice of appeal filed with the Board the notice shall specify that the proponent is requesting a hearing before the Board. The notice must be signed personally by the employee or his legal counsel.

FAILURE TO PROSECUTE AN APPEAL

Following the filing of a request for a hearing where it appears on the face of the record that no activity, has occurred for a period of thirty (30) days shall cause the Appeal to be subject to dismissal by the Civil Service Appeals Board; on its own motion, or on the motion of any interested person, whether a party to the appeal or not, after reasonable notice to the parties, unless a stipulation staying the action is approved by the Chairman of the Civil Service Appeals Board or a stay order has been filed or a party shows good cause in writing why the appeal should remain pending. Mere inaction for a period of less than thirty (30) days shall not be sufficient cause for dismissal for failure to prosecute.

SECTION 2: NOTICE OF HEARING COMMENCEMENT OF ACTION

(a) Notice of Hearing

Within 5 days receipt of the notice of appeal under this section, the Board shall set a date for a hearing. A notice of hearing shall be provided to the Parties which

shall specify the date, time and place of the hearing. The petitioner shall also be provided with a copy of the allegations and specifics of the alleged misconduct.

(b) Hearing

The Board shall hear the appeal within 30 days' receipt of the notice of appeal, unless a timely written request for continuance is received by the Board Secretary. . The Secretary shall contact the opposing party and determine whether the party has any objection to the Continuance. If there is no objection the matter shall be rescheduled by the Secretary on the next available calendar for the Board. If there is an objection the matter shall be submitted to the board chair for determination of whether the matter shall be rescheduled to a later date.

SECTION 3: FLORIDA SUNSHINE LAW AND DISCLOSURE OF COMMUNICATIONS

(a) Open Meetings and Communication between Board Members

Any hearing conducted pursuant to these rules shall be open to the public, and shall be noticed in conformity with §286.011 Florida Statutes No member of the Board shall discuss any matter pending before the Board with any other member outside of the confines of a scheduled public meeting in conformity with the provisions relating to §286.011 Florida Statutes (2016). Any violation of this rule shall constitute cause for the imposition of sanctions up to and including imprisonment for willful violations as outlined in FS §286.0111.

(b) Disclosures

Any communication between staff and any member of the Board or a member of the public and any member of the Board shall be disclosed in the public meeting, prior to commence of the hearing.

SECTION 4: CONDUCT OF HEARING

(a) The Board shall hear the evidence upon which the allegations have been made. Evidence shall include testimonial, demonstrative and documentary materials which are produced during the hearing. Stenographic notes and/or a mechanical recording shall be kept of all hearings, and may be transcribed at the

request of either party. Requesting party shall pay cost of transcription. Standard transcription fees will apply. Either party may furnish their own court reporter, however if a transcript is ordered the opposing party must be notified and be given an opportunity to order an additional copy

(b) A Joint Pre-trial Stipulation of facts and issues to be considered relating to the Appeal shall be submitted in writing to the Board Secretary no fewer than 5 (five) days prior to the date of the hearing. If the parties are unable to agree as to the facts they shall submit individual Pre-trial statements, however the parties so submitting shall include a statement attesting that a good faith attempt to confer with the opposing party has been made and the parties are unable to agree to the facts and/or issues.

(c) All Board hearings will begin at 6:00 o'clock p.m. and conclude no later than 11:00 o'clock p.m. If the parties have not concluded the presentation of evidence within that time, the hearing will be continued no longer that 30 (thirty) days and written notice of hearing there for will issue from the Secretary for the Board within 24 hours and will be forwarded via us regular mail and/or email to all parties.

(d) The Appointing Authority shall require employees to be present to appear as a witness upon reasonable request by the Petitioner in writing. The Board has authority through its attorney, to issue subpoenas to any witness upon the request of any party, in accordance with §120 Florida Statutes (2017).

(e) Each party shall have the right to be represented by Counsel. The parties are encouraged to confer prior to the hearing to attempt to resolve any administrative issues regarding the evidence and or objections thereto, in order to avoid spending excessive time on these issues during the hearing.

(f) Following the recitation of procedural posture by the Appointing Authority, each party shall have the opportunity to make a brief opening statement. Opening statements shall elicit the facts that the party will prove in his

case and shall be restricted solely to the evidence which the party expects to prove.

(g) The Board's Attorney shall advise on a ruling on all motions and objections. The Florida Rules of Evidence shall be used as a guideline in ruling on all motions and objections. Hearsay shall be admissible, however no decision by the Board may be based solely on extrajudicial evidence or hearsay, unless introduced and supported by evidence produced during the hearing. The parties shall maintain proper decorum and civility during the hearing; and Attorneys shall conduct themselves in accordance with the rules of professional conduct promulgated by the Florida Bar. Failure to do so may subject the non-compliant party to the following sanctions:

(1) An order to prohibit the party from being physically present during the presentation of evidence.

(2) An Order requiring the parties questions to be written and read into evidence by the secretary of the Board.

(3) An order striking pleadings or portions thereof.

(4) An order staying further proceedings until a Board order is complied with.

(5) Notwithstanding any other sanction, the Board may order the non-complaint party to pay of costs and attorney fees.

(h) Petitioner shall present his case first. The Appointing Authority shall have the right to cross examine the Petitioner's witnesses, and the Petitioner may ask rebuttal questions. The Board has discretion to permit further examination by parties. Cross examination and rebuttal examination shall address matters which arose in the context of the previous examination and is limited in scope to matters raised in the immediate preceding examination.

(i) The Board or any member thereof may direct questions to any witness during his testimony. The scope of questions must be reasonably related to the issues of fact which have been alleged by the parties.

(j) At the conclusion of the Petitioner's case, the Appointing Authority has the right to put on rebuttal evidence. During Authority's the rebuttal case in chief the Petitioner may cross-examine the Authority's witnesses in accordance with Subsection (e) above. The Board shall have discretion to permit the introduction of such additional evidence by the parties but solely for the purpose of rebuttal of preceding evidence.

(k) All documentary or demonstrative evidence introduced shall be marked as entered and indicate the party introducing the item (e.g. "Petitioner's Exhibit 1"). Copies shall be provided to the Board as well as to the opposing party. Either party may interpose a legal objection to the item sought to be admitted prior to its admission. The Board may sustain or overrule the objection to the introduction of the evidence, and should be guided to appropriate legal grounds for such action by the Board Attorney; who shall state the legal rational for the Boards action on the objection.

(l) After both sides have rested The Board may render its decision to affirm, modify or reverse the decision of the Appointing Authority. The Board may elect to;

(1) Reinstate the employee, with or without back pay.

(2) Modify the imposed penalty or references of charges in the employees' personnel file.

(m) The burden of proof shall be by preponderance of the evidence.

The Board shall issue a written order within 10 (ten) days of the oral pronouncement. Said order will contain findings of fact, applicable rules, and conclusions of law. Copies of the final order shall be forwarded via US mail and/or e-mail to the parties to the Appeal.

## RULE 6. DISCRIMINATION EXCLUDED

The Civil service Appeals Board does not have jurisdiction to hear cases of Discrimination.

## PART IV SEVERABILITY CLAUSE AND EFFECTIVE DATE

### SEVERABILITY CLAUSE

If any rule or part of these rules should be declared unconstitutional or is preempted by state law or rule or ordinance, the same shall not affect the remaining rules, which shall remain in full force and effect.

### EFFECTIVE DATE

These rules and regulations are hereby promulgated by the Civil Service Appeals Board and shall take effect upon approval by the City Commission.

For the Board,

J.W. Gaines
Chairman, Civil Service Appeals Board

6/1/18
Date

Kevin E. Browning
HR Manager, Secretary-Civil Service Appeals Board

6/1/2018
Date

**City Commission Regular Meeting** **11.b.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award of Bid #2018-027 - SHIP Home Rehab Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Close Construction, LLC as the lowest responsive bidder to Bid #2018-027 for an amount not to exceed $32,450 for rehabilitation of 811 South 15th Street through the State Housing Initiatives Partnership (SHIP) program.

**SUMMARY:**

According to the SHIP Local Housing Assistance Plan (LHAP) the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come first qualified, first served basis.

**RECOMMENDATION:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid #2018-027 in an amount not to exceed $32,450.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-027.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 32,450.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Bid Tabulation - 2018-027

Winning Bid - Close Const

Aburi Inc Bid

Const Mgmt of FL Bid
DeLaHoz Builders Bid

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 05/25/2018 09:45 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 03:08 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 811 SOUTH 15TH STREET** |
| **BID NO.** | **2018-027** |
| **OPEN / DUE DATE:** | 05/15/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 4 of 10 = 40 % |
| 0 "No Bids" |
| Total = 40 % |

| VENDOR | TOTAL |
|---|---|
| **Close Construction, LLC** *Okeechobee, FL* | **$32,450.00** |
| **Aburi, LLC.** *Lauderhill, FL* | **$34,305.00** |
| **De La Hoz Builders, Inc.** *Sebastian, FL* | **$40,973.00** |
| **Construction Management of Florida, Inc.** *Vero Beach, FL* | **$41,004.98** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

WINNING BID

# REVISED BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 811 SOUTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-027 | Due Date & Time | 3:00 PM, TUESDAY, MAY 15, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent Home for Termite Infestation | $1,700.00 |
| Replace Roof | $10,500.00 |
| Add Gutter system | $1,400.00 |
| Add Accordion Hurricane Shutters – 10 window openings. | $3,800.00 |
| Add hurricane impact sliding glass doors with sliding screen doors at rear entrance ***(Addendum # 1)*** | $2,700.00 |
| Prep and paint home exterior | $3,000.00 |
| Add mini-split HVAC system in Living Room ***(Addendum # 1)*** | $3,000.00 |
| Upgrade electrical to 150 amps ***( Addendum #1 )*** | $3,200.00 |
| Replace ceiling in den | $1,400.00 |
| Replace ceiling in laundry room | $800.00 |
| Remove Clam Shell Awnings ***( Addendum # 1)*** | $350.00 |
| Add pre-made concrete steps to bedroom entrance at front of home. ***(Addendum # 1)*** | $600.00 |
| ***TOTAL*** | $32,450.00 |

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 811 SOUTH 15th STREET** | | |
| **Bid Number** | **2018-027** | **Due Date & Time** | **3:00 PM, TUESDAY, MAY 15, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent Home for Termite Infestation | $ 2500.00 |
| Replace Roof | $ 10000.00 |
| Add Gutter system | $ 2500.00 |
| Add Accordion Hurricane Shutters – 10 window openings. | $ 5275.00 |
| Add hurricane impact sliding glass doors with sliding screen doors at rear entrance ***(Addendum # 1)*** | $ 4430.00 |
| Prep and paint home exterior | $ 1950.00 |
| Add mini-split HVAC system in Living Room ***(Addendum # 1)*** | $ 3200.00 |
| Upgrade electrical to 150 amps ***( Addendum #1 )*** | $ 1200.00 |
| Replace ceiling in den | $ 1000.00 |
| Replace ceiling in laundry room | $ 750.00 |
| Remove Clam Shell Awnings ***( Addendum # 1)*** | $ 1250.00 |
| Add pre-made concrete steps to bedroom entrance at front of home. ***(Addendum # 1)*** | $ 250.00 |
| ***TOTAL*** | $ 34305.00 |

REVISED

# BID RESPONSE FORM

Construction Mgmt of FL, Inc

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 811 SOUTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-027 | Due Date & Time | 3:00 PM, TUESDAY, MAY 15, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent Home for Termite Infestation | $ 1,620.50 |
| Replace Roof | $ 13,711.96 |
| Add Gutter system | $ 2,119.12 |
| Add Accordion Hurricane Shutters – 10 window openings. | $ 6,232.71 |
| Add hurricane impact sliding glass doors with sliding screen doors at rear entrance ***(Addendum # 1)*** | $ 2,368.43 |
| Prep and paint home exterior | $ 3,365.66 |
| Add mini-split HVAC system in Living Room ***(Addendum # 1)*** | $ 7,473.02 |
| Upgrade electrical to 150 amps ***( Addendum #1 )*** | $ 560.94 |
| Replace ceiling in den | $ 1,246.54 |
| Replace ceiling in laundry room | $ 934.91 |
| Remove Clam Shell Awnings ***( Addendum # 1)*** | $ 910.25 |
| Add pre-made concrete steps to bedroom entrance at front of home. ***(Addendum # 1)*** | $ 560.94 |
| ***TOTAL*** | $ 41,005.00 |

# REVISED
# BID RESPONSE FORM

DE LA HOZ BUILDERS

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 811 SOUTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-027 | Due Date & Time | 3:00 PM, TUESDAY, MAY 15, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent Home for Termite Infestation | $ 2,385.00 |
| Replace Roof | $ 18,387.00 |
| Add Gutter system | $ 1,491.00 |
| Add Accordion Hurricane Shutters – 10 window openings. | $ 4,39700 |
| Add hurricane impact sliding glass doors with sliding screen doors at rear entrance ***(Addendum # 1)*** | $ 3,555.00 |
| Prep and paint home exterior | $ 2,000.00 |
| Add mini-split HVAC system in Living Room ***(Addendum # 1)*** | $ 3,603.00 |
| Upgrade electrical to 150 amps ***( Addendum #1 )*** | $ 2,671.00 |
| Replace ceiling in den | $ 1,186.00 |
| Replace ceiling in laundry room | $ 851.00 |
| Remove Clam Shell Awnings ***( Addendum # 1)*** | $ 99.00 |
| Add pre-made concrete steps to bedroom entrance at front of home. ***(Addendum # 1)*** | $ 348.00 |
| ***TOTAL*** | $ 40,973.00 |

**City Commission Regular Meeting** **11.c.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-022 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Gentile Corporation as the lowest responsive bidder to Bid # 2018-022 for an amount not to exceed $32,550 for rehabilitation of 1908 Barcelona Avenue, funded through the State Housing Initiatives Partnership (SHIP) program.

**SUMMARY:**

According to the SHIP Local Housing Assistance Plan (LHAP), the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come, first-qualified, first served basis.

**RECOMMENDATION:**

Approve Gentile Corporation as the lowest responsive bidder for Bid # 2018-022 in an amount not to exceed $32,550.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-022.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 32550.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Bid Tabulation 2018-022

Winning Bid - 1908 Barcelona

Close Const Bid

Const Mgmt of FL - Bid
De La Hoz Builders - Bid

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 05/25/2018 09:45 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 03:17 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 1908 BARCELONA AVENUE** |
| **BID NO.** | **2018-022** |
| **OPEN / DUE DATE:** | 05/07/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 4 of 8 = 50 % |
| 0 "No Bids" |
| Total = 50 % |

| VENDOR | TOTAL |
|---|---|
| **Gentile Corporation, LLC.** *West Palm Beach, FL* | **$32,550.00** |
| **Construction Management of Florida Inc.** *Vero Beach, FL* | **$34,515.00** |
| **Close Construction, LLC** *Okeechobee, FL* | **$34,900.00** |
| **De La Hoz Builders, Inc.** *Sebastian, FL* | **$37,971.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

WINNING BID - GENTILE, CORP. LLC

REVISED

# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 1908 BARCELONA AVENUE** | | |
| **Bid Number** | **2018-022** | **Due Date & Time** | **3:00PM, MONDAY, MAY 7, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on main house *(Addendum #1)* | $16,000.00 |
| Aluminum seamless gutters to main roof only. *(Addendum #1)* | $ 1,000.00 |
| Replace all windows with hurricane impact windows (15 openings) *(Addendum #1)* | $ 11,000.00 |
| Motion/security lighting at front and back of home. *(Addendum #1)* | $ 800.00 |
| Weather stripping on inside of front entrance double doors, as needed (*Addendum #1*) | $ 250.00 |
| Repair 6'X3' portion of damaged stucco under carport. *(Addendum 1)* | $ 500.00 |
| Prep and paint home exterior. | $ 3,000.00 |
| ***Total*** | $32,550.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 04.30.2018 |
| | |
| | |
| | |

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1908 BARCELONA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-022 | Due Date & Time | 3:00PM, MONDAY, MAY 7, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on main house *(Addendum #1)* | $ 12,500.00 |
| Aluminum seamless gutters to main roof only. *(Addendum #1)* | $ 2,000.00 |
| Replace all windows with hurricane impact windows (15 openings) *(Addendum #1)* | $ 15,000.00 |
| Motion/security lighting at front and back of home. *(Addendum #1)* | $ 400.00 |
| Weather stripping on inside of front entrance double doors, as needed (*Addendum #1*) | $ 200.00 |
| Repair 6'X3' portion of damaged stucco under carport. *(Addendum 1)* | $ 800.00 |
| Prep and paint home exterior. | $ 4,000.00 |
| ***Total*** | $ 34,900.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 4.30.2018 |
| | |
| | |
| | |

REVISED

# BID RESPONSE FORM

CONSTRUCTION MGMT of FLORIDA, INC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1908 BARCELONA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-022 | Due Date & Time | 3:00PM, MONDAY, MAY 7, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on main house *(Addendum #1)* | $ 13,744.63 |
| Aluminum seamless gutters to main roof only. *(Addendum #1)* | $ 2,167.18 |
| Replace all windows with hurricane impact windows (15 openings) *(Addendum #1)* | $ 12,146.44 |
| Motion/security lighting at front and back of home. *(Addendum #1)* | $ 1,278.57 |
| Weather stripping on inside of front entrance double doors, as needed (*Addendum #1*) | $ 191.79 |
| Repair 6'X3' portion of damaged stucco under carport. *(Addendum 1)* | $ 1,278.57 |
| Prep and paint home exterior. | $ 3,707.85 |
| ***Total*** | $ 34,515.02 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1. | 30/APR/2018. |
| | |
| | |
| | |

# REVISED
# BID RESPONSE FORM

DE LA HOZ BUILDERS, INC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1908 BARCELONA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-022 | Due Date & Time | 3:00PM, MONDAY, MAY 7, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on main house *(Addendum #1)* | $ 16,916.00 |
| Aluminum seamless gutters to main roof only. *(Addendum #1)* | $ 1,976.00 |
| Replace all windows with hurricane impact windows (15 openings) *(Addendum #1)* | $ 15,913.00 |
| Motion/security lighting at front and back of home. *(Addendum #1)* | $ 748.00 |
| Weather stripping on inside of front entrance double doors, as needed *(Addendum #1)* | $ 67.00 |
| Repair 6'X3' portion of damaged stucco under carport. *(Addendum 1)* | $ 201.00 |
| Prep and paint home exterior. | $ 2,150.00 |
| ***Total*** | $ 37,971.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 01 | 04-30-18 |
| | |
| | |
| | |

**City Commission Regular Meeting** **11.d.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-021 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Close Construction, LLC as the lowest responsive bidder to Bid # 2018-021 for an amount not to exceed $31,350 for rehabilitation of 435 N 14th Street, funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come, first-qualified, first-served basis.

**RECOMMENDATION:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid # 2018-021 for an amount not to exceed $31,350.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-021

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 31350.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

---

**Attachments**

Tabulation of Bids - 435 14th
Winning Bid - 435 N 14th
Const Mgmt of FL - Bid
Aburi Inc - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:45 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 03:53 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 435 NORTH 14TH STREET** |
| **BID NO.** | **2018-021** |
| **OPEN / DUE DATE:** | 05/03/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 3 of 11 = 27.27 % |
| 0 "No Bids" |
| Total = 27.27 % |

| | | ROOF REPLACEMENT | |
|---|---|---|---|
| **VENDOR** | **TOTAL** | **OPTION 1** | **OPTION 2** |
| **Close Construction, LLC** *Okeechobee, FL* | **$23,850.00** | **$7500.00** $31,350 | **NO BID** |
| **Construction Management of Florida Inc.** *Vero Beach, FL* | **$28,231.04** | **$15,600.00** | **$11,500.00** |
| **Aburi, LLC.** *Lauderhill, FL* | **$49,990.00** | **$22,500.00** | **$29,250.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED BID RESPONSE FORM

WINNING BID

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 435 NORTH 14th STREET | | |
|---|---|---|---|
| Bid Number | 2018-021 | Due Date & Time | 3:00PM, THURSDAY, MAY 3, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Aluminum seamless gutters all around house (for pitch roof bid only, **Option 1 ~ *Addendum #1)*** | $ 2,000 |
| Motion/security lighting at front and rear of home. ***(Addendum #1)*** | $ 400 |
| Remove A/C unit in front exterior wall; rebuild concreate where A/C was located. | $ 800 |
| Replace entire breaker box; include same amperage. ***(Addendum #1)*** | $ 2,000 |
| Replace three (3) exterior doors | $ 3,200 |
| New security screen doors with double key locks at all three (3) entrances. | $ 1,400 |
| Replace three (3) interior doors (1-bathroom; 2-in front room). | $ 1,000 |
| Seal Split in 2 different wall sections between main home and breakfast room. | $ 500 |
| One (1) mini-split A/C unit with two (2) blowers. ***(Addendum #1)*** | $ 6,200 |
| Replace interior electrical outlets (20) with 3-prong outlets throughout home. ***(Addendum #1)*** | $ 1,800 |
| Trim and remove limbs from tree hanging over front of home. ***(Addendum #1)*** | $ 750 |
| Prep and paint home exterior, including carport ceiling. | $ 3,800 |
| ***Total*** | $ 23,850 |

+ Roof 7,500.00

$ 31,350

Close Construction, LLC

## ROOF REPLACEMENT

WINNING BID

| | |
|---|---|
| **Option 1**- Bid to replace entire roof by removing existing roof to asphalt. Re-roof, creating pitch to prevent pudding at center of roof; evaluate whether to leave existing pipe to assist with drainage; add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $ 7,500 |
| **Option 2**- Bid to replace entire roof using modified bitumin 2 ply-layered roof, leaving existing pipe; Add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $ No Bid |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 4.30.2018 |
| | |
| | |
| | |

**Vendor:** Close Construction, LLC

**Address:** 301 NW 4th Avenue

**City, State, Zip Code:** Okeechobee, FL 34972

**Email Address:** danny@closeconstruction.us

**Typed Name, Title:** Thomas C. Close, President/Managing Member

**Signature** _____ **Date** 5.3.2018

**Telephone #** 863.467.0831 **Fax #** 863.763.6337

**(*Please include Remit to address if different than address stated above)**

**Remit To:** Same as above.

**Check block below for applicable minority indicator:** N/A

**Asian Indian** ☐ **Black** ☐ **Asian Pacific** ☐ **Hispanic** ☐ **Native American** ☐

**Small Business** ☐ **Women Owned** ☐ **Small Disadvantage Business** ☐

# REVISED
# BID RESPONSE FORM

Construction Mgmt. of Florida, Inc.

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 435 NORTH 14th STREET | | |
|---|---|---|---|
| Bid Number | 2018-021 | Due Date & Time | 3:00PM, THURSDAY, MAY 3, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Aluminum seamless gutters all around house (for pitch roof bid only, **Option 1 ~ *Addendum #1)*** | $ 5,298.98 |
| Motion/security lighting at front and rear of home. ***(Addendum #1)*** | $ 1,394.47 |
| Remove A/C unit in front exterior wall; rebuild concreate where A/C was located. | $ 1,045.85 |
| Replace entire breaker box; include same amperage. ***(Addendum #1)*** | $ 348.62 |
| Replace three (3) exterior doors | $ 1,533.92 |
| New security screen doors with double key locks at all three (3) entrances. | $ 1,533.92 |
| Replace three (3) interior doors (1-bathroom; 2-in front room). | $ 1,743.09 |
| Seal Split in 2 different wall sections between main home and breakfast room. | $ 488.06 |
| One (1) mini-split A/C unit with two (2) blowers. ***(Addendum #1)*** | $ 9,057.08 |
| Replace interior electrical outlets (20) with 3-prong outlets throughout home. ***(Addendum #1)*** | $ 976.13 |
| Trim and remove limbs from tree hanging over front of home. ***(Addendum #1)*** | $ 1,324.75 |
| Prep and paint home exterior, including carport ceiling. | $ 3,486.17 |
| ***Total*** | $ 28,231.02 |
| + | 11,500.00 Roof |
| | $ 39,731.02 |

*Note: 2 sheets of plywood included if new sheathing is required.

Construction Mgmt of Florida, Inc

# ROOF REPLACEMENT

| | |
|---|---|
| **Option 1**- Bid to replace entire roof by removing existing roof to asphalt. Re-roof, creating pitch to prevent pudding at center of roof; evaluate whether to leave existing pipe to assist with drainage; add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $ 15,600.00 |
| **Option 2**- Bid to replace entire roof using modified bitumin 2 ply-layered roof, leaving existing pipe; Add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $ 11,500.00 IFL |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1. | 30/APR/2018. |
| | |
| | |
| | |

**Vendor:** Construction Management of Florida, Inc.

**Address:** 2655 40th Street, Suite 1.

**City, State, Zip Code:** Vero Beach, FL 32967

**Email Address:** ile@cmfloridainc.com

**Typed Name, Title:** Ignacio F. Lizama, Vice President/co-owner.

**Signature** _____ **Date** 3/MAY/2018.

**Telephone #** 772.770.2120 **Fax #** 772.226.5996.

**(*Please include Remit to address if different than address stated above)**

**Remit To:** _____

**Check block below for applicable minority indicator:**

**Asian Indian** ☐ **Black** ☐ **Asian Pacific** ☐ **Hispanic** ☑ **Native American** ☐

**Small Business** ☑ **Women Owned** ☑ **Small Disadvantage Business** ☑

ABURI, LLC

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 435 NORTH 14th STREET | | |
|---|---|---|---|
| Bid Number | 2018-021 | Due Date & Time | 3:00PM, THURSDAY, MAY 3, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Aluminum seamless gutters all around house (for pitch roof bid only, **Option 1 ~ *Addendum #1)*** | $ 22500.00 |
| Motion/security lighting at front and rear of home. ***(Addendum #1)*** | $ 1500.00 |
| Remove A/C unit in front exterior wall; rebuild concreate where A/C was located. | $ 1000.00 |
| Replace entire breaker box; include same amperage. ***(Addendum #1)*** | $ 1000.00 |
| Replace three (3) exterior doors | $ 1500.00 |
| New security screen doors with double key locks at all three (3) entrances. | $ 1750.00 |
| Replace three (3) interior doors (1-bathroom; 2-in front room). | $ 1500.00 |
| Seal Split in 2 different wall sections between main home and breakfast room. | $ 3900.00 |
| One (1) mini-split A/C unit with two (2) blowers. ***(Addendum #1)*** | $ 8000.00 |
| Replace interior electrical outlets (20) with 3-prong outlets throughout home. ***(Addendum #1)*** | $ 2000.00 |
| Trim and remove limbs from tree hanging over front of home. ***(Addendum #1)*** | $ 750.00 |
| Prep and paint home exterior, including carport ceiling. | $ 4590.00 |
| ***Total*** | $ 49,990.00 |

+ 22,500 – Roof



$ 72,490.00

ABURI, LLC

## ROOF REPLACEMENT

| | |
|---|---|
| **Option 1**- Bid to replace entire roof by removing existing roof to asphalt. Re-roof, creating pitch to prevent pudding at center of roof; evaluate whether to leave existing pipe to assist with drainage; add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $22,500.00 |
| **Option 2**- Bid to replace entire roof using modified bitumin 2 ply-layered roof, leaving existing pipe; Add extra seal and flashing where main roof meets breakfast room roof. *(Addendum #1).* | $ 29,250.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 04-30-2018 |
| | |
| | |
| | |

**Vendor:** ABURI, LLC

**Address:** 2331 N State Rd 7, # 203

**City, State, Zip Code:** Lauderhill FL 33313

**Email Address:** kac@irfirrigationllc.com

**Typed Name, Title:** Kaleel Coher, Vice President

**Signature** _____ **Date** 5/2/2018

**Telephone #** 954-410-5505 **Fax #** _____

**(*Please include Remit to address if different than address stated above)**

**Remit To:** _____

**Check block below for applicable minority indicator:**

**Asian Indian** ☐ **Black** ☑ **Asian Pacific** ☐ **Hispanic** ☐ **Native American** ☐

**Small Business** ☐ **Women Owned** ☐ **Small Disadvantage Business** ☐

**City Commission Regular Meeting** **11.e.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-032 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Gentile Corporation as the lowest responsive bidder to Bid #2018-032 for an amount not to exceed $26,700 for rehabilitation of 903 N 24th Street, funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Gentile Corporation as the lowest responsive bidder to bid # 2018-032.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-032.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 26700.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Tabulation of Bids - 903 N 24th
Winning Bid - 903 N 24th
Const Mgmt of FL - Bid
Aburi Inc - Bid - 903 N 24th
Close Const - Bid - 903 N 24th

# Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:44 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 04:02 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 903 NORTH 24TH STREET** |
| **BID NO.** | **2018-032** |
| **OPEN / DUE DATE:** | 05/17/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 4 of 6 = 66.67 % |
| 0 "No Bids" |
| Total = 66.67 % |

| VENDOR | TOTAL |
|---|---|
| **Gentille LLC.** *West Palm Beach, FL* | **$26,700.00** |
| **Close Construction, LLC.** *Okeechobee, FL* | **$31,150.00** |
| **Aburi, LLC.** *Lauderhill, FL* | **$33,358.00** |
| **Construction Management of Florida, Inc.** *Vero Beach, FL* | **$33,888.02** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

WINNING BID

REVISED

# BID RESPONSE FORM

GENTLE, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 903 NORTH 24th STREET | | |
|---|---|---|---|
| Bid Number | 2018-032 | Due Date & Time | 3:30 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent home for termites ***( ADDENDUM # 1)*** | $1,300.00 |
| Replace termite-damaged beams under carport, as needed ***( ADDENDUM # 1)*** | $1,000.00 |
| Replace and paint carport ceiling ***( ADDENDUM # 1)*** | $1,000.00 |
| Replace light fixture under carport ***( ADDENDUM # 1)*** | $ 200.00 |
| Replace entire roof, including fascia, soffits and vents, as needed | $9,000.00 |
| Add new gutter system | $ 800.00 |
| Add accordion hurricane shutters on all windows – total window count – 10 | $6,000.00 |
| Add security motion lighting at front and rear of home | $ 700.00 |
| Replace 2 exterior doors. | $2,200.00 |
| Replace electrical riser boot | $1,200.00 |
| Replace dead front at A/C electrical box | $ 300.00 |
| Prep and paint home exterior | $3,000.00 |
| ***TOTAL*** | $26,700.00 |

REVISED

# BID RESPONSE FORM

Construction Mgmt of Florida, Inc

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 903 NORTH 24th STREET | | |
|---|---|---|---|
| Bid Number | 2018-032 | Due Date & Time | 3:30 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent home for termites ***(Addendum #1)*** | $ 1,667.15 |
| Replace termite-damaged beams under carport, as needed ***(Addendum #1)*** | $ 769.45 |
| Replace and paint carport ceiling ***(Addendum #1)*** | $ 1,410.66 |
| Replace light fixture under carport ***(Addendum #1)*** | $ 96.18 |
| Replace entire roof, including fascia, soffits and vents, as needed | $ 17,953.91 |
| Add new gutter system | $ 1,474.79 |
| Add accordion hurricane shutters on all windows – total window count – 10 | $ 4,488.48 |
| Add security motion lighting at front and rear of home | $ 1,090.06 |
| Replace two (2) exterior doors. | $ 961.92 |
| Replace electrical riser boot | $ 320.61 |
| Replace dead front at A/C electrical box | $ 320.61 |
| Prep and paint home exterior | $ 3,334.30 |
| ***TOTAL*** | $ 33,888.00 |

Note: 2 sheets of plywood included if new sheathing is required, any additional wood replacement will be billed.

ABURI, LLC

# REVISED
# BID RESPONSE FORM

Construction Magnetego Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 903 NORTH 24th STREET | | |
|---|---|---|---|
| Bid Number | 2018-032 | Due Date & Time | 3:30 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent home for termites ***(Addendum #1)*** | $ 2500.00 |
| Replace termite-damaged beams under carport, as needed ***(Addendum #1)*** | $ 700.00 |
| Replace and paint carport ceiling ***(Addendum #1)*** | $ 1275.00 |
| Replace light fixture under carport ***(Addendum #1)*** | $ 320.00 |
| Replace entire roof, including fascia, soffits and vents, as needed | $ 14500.00 |
| Add new gutter system | $ 2750.00 |
| Add accordion hurricane shutters on all windows – total window count – 10 | $ 7468.00 |
| Add security motion lighting at front and rear of home | $ 525.00 |
| Replace two (2) exterior doors. | $ 850.00 |
| Replace electrical riser boot | $ 195.00 |
| Replace dead front at A/C electrical box | $ 125.00 |
| Prep and paint home exterior | $ 2150.00 |
| ***TOTAL*** | $ 33358.00 |

# REVISED
# BID RESPONSE FORM

close Construction

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 903 NORTH 24th STREET | | |
|---|---|---|---|
| Bid Number | 2018-032 | Due Date & Time | 3:30 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Tent home for termites ***( ADDENDUM # 1)*** | $ 1,700.00 |
| Replace termite-damaged beams under carport, as needed ***( ADDENDUM # 1)*** | $ 2,800.00 |
| Replace and paint carport ceiling ***( ADDENDUM # 1)*** | $ 2,900.00 |
| Replace light fixture under carport ***( ADDENDUM # 1)*** | $ 150.00 |
| Replace entire roof, including fascia, soffits and vents, as needed | $ 11,000.00 |
| Add new gutter system | $ 1,500.00 |
| Add accordion hurricane shutters on all windows – total window count – 10 | $4,200.00 |
| Add security motion lighting at front and rear of home | $ 600.00 |
| Replace 2 exterior doors. | $2,000.00 |
| Replace electrical riser boot | $ 100.00 |
| Replace dead front at A/C electrical box | $ 200.00 |
| Prep and paint home exterior | $ 4,000.00 |
| ***TOTAL*** | $31,150.00 |

**City Commission Regular Meeting** **11.f.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-028 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Aburi, LLC as the lowest responsive bidder to Bid # 2018-028 for an amount not to exceed $24,200 for rehabilitation of 2001 Sunrise Blvd. funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses SHIP assistance is provided on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Aburi, LLC as the lowest responsive bidder to Bid # 2018-028 for an amount not to exceed $24,200.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-028 to Aburi, LLC.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Finance Director

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 24200.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

---

**Attachments**

Tabulation of Bids - 2001 Sunrise Blvd
Winning Bid - 2001 Sunrise Blvd
Const Mgmt of FL - Bid
Close Const - Bid

---

# Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:44 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 04:12 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 2001 SUNRISE BLVD** |
| **BID NO.** | **2018-028** |
| **OPEN / DUE DATE:** | 05/15/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 4 of 9 = 33.33 % |
| 0 "No Bids" |
| Total = 33.33 % |

| VENDOR | TOTAL |
|---|---|
| **Aburi, LLC**<br>*Lauderhill, FL* | **$24,200.00** |
| **Close Construction, LLC**<br>*Okeechobee, FL* | **$25,175.00** |
| **Construction Management of Florida, Inc.**<br>*Vero Beach, FL* | **$27,887.52** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

WINNING BID

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2001 SUNRISE BLVD. | | |
|---|---|---|---|
| Bid Number | 2018-028 | Due Date & Time | 3:00 PM, TUESDAY, MAY 15, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Add Gutter System | $ 1800.00 |
| Add Accordion Hurricane Shutters and/or other Hurricane Shutters, as possible – Total Window Openings – 14 | $ 7385.00 |
| Replace storm door at front porch entrance | $ 425.00 |
| Add Security Lighting at front and rear of home | $ 1000.00 |
| Add large mini-split A/C system with 2 blowers ***(Addendum # 1)*** | $ 3950.00 |
| Upgrade electrical to 150 amps ***(Addendum # 1)*** | $ 1200.00 |
| Rescreen front porch | $ 750.00 |
| Repair, patch, and/or seal window frames as much as possible; rescreen all windows ***(Addendum # 1)*** | $ 2200.00 |
| Repair broken concrete landing/porch at rear entrance; paint to match home ***(Addendum # 1)*** | $ 1000.00 |
| Replace hose bib | $ 250.00 |
| Replace broken panels on back and sides of home ***(Addendum # 1)*** | $ 1990.00 |
| Prep and paint home exterior | $ 2250.00 |
| ***TOTAL*** | $ 24200.00 |

# REVISED
# BID RESPONSE FORM

Construction Mgmt of FL, Inc

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2001 SUNRISE BLVD. | | |
|---|---|---|---|
| Bid Number | 2018-028 | Due Date & Time | 3:00 PM, TUESDAY, MAY 15, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Add Gutter System | $ 1,994.81 |
| Add Accordion Hurricane Shutters and/or other Hurricane Shutters, as possible – Total Window Openings – 14 | $ 7,979.26 |
| Replace storm door at front porch entrance | $ 664.94 |
| Add Security Lighting at front and rear of home | $ 1,329.88 |
| Add large mini-split A/C system with 2 blowers ***(Addendum # 1)*** | $ 8,637.55 |
| Upgrade electrical to 150 amps ***(Addendum # 1)*** | $ 598.44 |
| Rescreen front porch | $ 997.41 |
| Repair, patch, and/or seal window frames as much as possible; rescreen all windows ***(Addendum # 1)*** | $ 664.94 |
| Repair broken concrete landing/porch at rear entrance; paint to match home ***(Addendum # 1)*** | $ 664.94 |
| Replace hose bib | $ 99.74 |
| Replace broken panels on back and sides of home ***(Addendum # 1)*** | $ 797.93 |
| Prep and paint home exterior | $ 3,457.68 |
| ***TOTAL*** | $ 27,887.50 |

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 2001 SUNRISE BLVD.** | | |
| **Bid Number** | **2018-028** | **Due Date & Time** | **3:00 PM, TUESDAY, MAY 15, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Add Gutter System | $ 2,400.00 |
| Add Accordion Hurricane Shutters and/or other Hurricane Shutters, as possible – Total Window Openings – 14 | $ 4,600.00 |
| Replace storm door at front porch entrance | $ 500.00 |
| Add Security Lighting at front and rear of home | $ 350.00 |
| Add large mini-split A/C system with 2 blowers ***(Addendum # 1)*** | $ 4,500.00 |
| Upgrade electrical to 150 amps ***(Addendum # 1)*** | $ 3,200.00 |
| Rescreen front porch | $ 1,200.00 |
| Repair, patch, and/or seal window frames as much as possible; rescreen all windows ***(Addendum # 1)*** | $ 1,800.00 |
| Repair broken concrete landing/porch at rear entrance; paint to match home ***(Addendum # 1)*** | $ 500.00 |
| Replace hose bib | $ 125.00 |
| Replace broken panels on back and sides of home ***(Addendum # 1)*** | $ 1,600.00 |
| Prep and paint home exterior | $ 4,400.00 |
| ***TOTAL*** | $ 25,175.00 |

**City Commission Regular Meeting** **11.g.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-031 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve DeLaHoz Builders, INc. as the lowest responsive bidder to Bid # 2018-031 for an amount not to exceed $32,996 for rehabilitation of 1515 Edgewood Terrace, funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible, owner occupied households on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve DeLaHoz Builders, Inc. as the lowest responsive bidder for Bid #2018-031 in an amount not to exceed $32,996.

**ALTERNATIVES:**

Do not approve the award of Bid # 2018-031 to DeLaHoz Builders, Inc.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 32996.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP.

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**Attachments**

Tabulation - Bid 2018-031

Winning Bid - 1515 Edgewood Terr

Const Mgmt of FL - Bid

Close Const - Bid

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 06/08/2018 12:09 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/24/2018 04:20 PM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 1515 EDGEWOOD TERRACE** |
| **BID NO.** | **2018-031** |
| **OPEN / DUE DATE:** | 05/15/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| **RESPONSE** |
|---|
| 4 of 6 = 66.67% |
| 0 "No Bids" |
| Total = 66.67 % |

| **VENDOR** | **TOTAL** |
|---|---|
| **De La Hoz Builders, Inc.** *Sebastian, FL* | **$32,996.00** |
| **Close Construction, LLC.** *Okeechobee, FL* | **$38,325.00** |
| **Construction Management of Florida, Inc.** *Vero Beach, FL* | **$43,485.00** |
| **Aburi, LLC.** *Lauderhill, FL* | **$46,520.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

WINNING BID

# REVISED
# BID RESPONSE FORM

DE LA HOZ BUILDERS

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 1515 EDGEWOOD TERRACE** | | |
| **Bid Number** | **2018-031** | **Due Date & Time** | **3:00 PM,THURSDAY, MAY 17, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace entire roof, including fascia, soffits and vents, as needed | $ 8,969.00 |
| Add new gutter system | $ 1,555.00 |
| Remove existing clamshell window covers | $ 117.00 |
| Add accordion hurricane shutters on all windows – total window count – 20 | $ 8,975.00 |
| Seal and tighten windows, as possible; rescreen as needed (***ADDENDUM # 2***) | $ 1,502.00 |
| Add security motion lighting at front and rear of home | $ 726.00 |
| Replace 1 exterior door at rear of home. (***ADDENDUM # 2***) | $ 957.00 |
| Replace front porch storm door with same type of new storm door (***ADDENDUM # 2***) | $ 441.00 |
| Add Security screen door at side entrance | $ 441.00 |
| Add small mini-split HVAC system in rear bedroom. (***ADDENDUM # 2***) | $ 3,500.00 |
| Add 20x20 Transfer Grills to three (3) bedroom doors and one (1) bathroom door located in front section of home to increase air flow. (***ADDENDUM # 2***) | $ 272.00 |
| Replace light fixture in living room with new ceiling fan. | 337.00 |
| Replace ceiling in front bedroom (***ADDENDUM # 2***) | $ 907.00 |

OVER

| | |
|---|---|
| .epair and paint ceilings in all other rooms, as needed (***ADDENDUM # 2)*** | $ 1,620.00 |
| Rehang existing ceiling fan in small bedroom. | $ 104.00 |
| Replace sliding closet doors in 3 bedrooms located in front section of home (***ADDENDUM # 2)*** | $ 492.00 |
| Prep and paint home exterior | $ 2,081.00 |
| ***TOTAL*** | $ 32,996.00 |

REVISED

# BID RESPONSE FORM

Construction Mgmt of Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1515 EDGEWOOD TERRACE | | |
|---|---|---|---|
| Bid Number | 2018-031 | Due Date & Time | 3:00 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace entire roof, including fascia, soffits and vents, as needed | $ 16,082.83 |
| Add new gutter system | $ 1,484.57 |
| Remove existing clamshell window covers | $ 618.57 |
| Add accordion hurricane shutters on all windows – total window count – 20 | $ 8,041.42 |
| Seal and tighten windows, as possible; rescreen as needed ***(Addendum #2)*** | $ 309.29 |
| Add security motion lighting at front and rear of home | $ 1,113.43 |
| Replace 1 exterior door at rear of home. ***(Addendum #2)*** | $ 556.71 |
| Replace front porch storm door with same type of new storm door ***(Addendum #2)*** | $ 433.00 |
| Add Security screen door at side entrance | $ 371.14 |
| Add small mini-split HVAC system in rear bedroom.***(Addendum #2)*** | $ 5,567.13 |
| Add 20x20 Transfer Grills to three (3) bedroom doors and one (1) bathroom door located in front section of home to increase air flow. ***(Addendum #2)*** | $ 989.71 |
| Replace light fixture in living room with new ceiling fan. | $ 309.29 |
| Replace ceiling in front bedroom ***(Addendum #2)*** | $ 1,237.14 |
| Repair and paint ceilings in all other rooms, as needed ***(Addendum #2)*** | $ 1,855.71 |
| Rehang existing ceiling fan in small bedroom. | $ 123.71 |
| Replace sliding closet doors in 3 bedrooms located in front section of home ***(Addendum #2)*** | $ 1,051.57 |
| Prep and paint home exterior | $ 3,340.28 |
| Note: 2 sheets of plywood included if new sheathing is required, any additional wood replacement will be billed. **TOTAL** | $ 43,485.50 |

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1515 EDGEWOOD TERRACE | | |
|---|---|---|---|
| Bid Number | 2018-031 | Due Date & Time | 3:00 PM,THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace entire roof, including fascia, soffits and vents, as needed | $ 12,000.00 |
| Add new gutter system | $ 1,400.00 |
| Remove existing clamshell window covers | $ 1,000.00 |
| Add accordion hurricane shutters on all windows – total window count – 20 | $ 7,000.00 |
| Seal and tighten windows, as possible; rescreen as needed ***(Addendum #2)*** | $ 1,800.00 |
| Add security motion lighting at front and rear of home | $ 600.00 |
| Replace 1 exterior door at rear of home. ***(Addendum #2)*** | $ 1,000.00 |
| Replace front porch storm door with same type of new storm door ***(Addendum #2)*** | $ 500.00 |
| Add Security screen door at side entrance | $ 600.00 |
| Add small mini-split HVAC system in rear bedroom.***(Addendum #2)*** | $ 1,900.00 |
| Add 20x20 Transfer Grills to three (3) bedroom doors and one (1) bathroom door located in front section of home to increase air flow. ***(Addendum #2)*** | $ 800.00 |
| Replace light fixture in living room with new ceiling fan. | $ 200.00 |
| Replace ceiling in front bedroom ***(Addendum #2)*** | $ 2,000.00 |
| Repair and paint ceilings in all other rooms, as needed ***(Addendum #2)*** | $ 1,800.00 |
| Rehang existing ceiling fan in small bedroom. | $ 125.00 |
| Replace sliding closet doors in 3 bedrooms located in front section of home ***(Addendum #2)*** | $ 1,400.00 |
| Prep and paint home exterior | $ 4,200.00 |
| ***TOTAL*** | $ 38,325.00 |

ABURI, LLC

# REVISED
# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1515 EDGEWOOD TERRACE | | |
|---|---|---|---|
| Bid Number | 2018-031 | Due Date & Time | 3:00 PM, THURSDAY, MAY 17, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace entire roof, including fascia, soffits and vents, as needed | $ 18875.00 |
| Add new gutter system | $ 2275.00 |
| Remove existing clamshell window covers | $ 1250.00 |
| Add accordion hurricane shutters on all windows – total window count – 20 | $ 11880.00 |
| Seal and tighten windows, as possible; rescreen as needed ***(Addendum #2)*** | $ 995.00 |
| Add security motion lighting at front and rear of home | $ 495.00 |
| Replace 1 exterior door at rear of home. ***(Addendum #2)*** | $ 425.00 |
| Replace front porch storm door with same type of new storm door ***(Addendum #2)*** | $ 395.00 |
| Add Security screen door at side entrance | $ 355.00 |
| Add small mini-split HVAC system in rear bedroom.***(Addendum #2)*** | $ 3250.00 |
| Add 20x20 Transfer Grills to three (3) bedroom doors and one (1) bathroom door located in front section of home to increase air flow. ***(Addendum #2)*** | $ 525.00 |
| Replace light fixture in living room with new ceiling fan. | $ 300.00 |
| Replace ceiling in front bedroom ***(Addendum #2)*** | $ 500.00 |
| Repair and paint ceilings in all other rooms, as needed ***(Addendum #2)*** | $ 975.00 |
| Rehang existing ceiling fan in small bedroom. | $ 195.00 |
| Replace sliding closet doors in 3 bedrooms located in front section of home ***(Addendum #2)*** | $ 1580.00 |
| Prep and paint home exterior | $ 2250.00 |
| ***TOTAL*** | $ 46520.00 |

**City Commission Regular Meeting** **11.h.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-023 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Close Construction, LLC as the lowest responsive bidder to RFP #2018-023 for an amount not to exceed $28,850 for the rehabilitation of 304 S 21st Street funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come, first-qualified, first-served basis.

**RECOMMENDATION:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid #2018-023 in an amount not to exceed $28,850.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-023.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 28850.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Tabulation - Bid 2018-0236

Winning Bid - 304 S 21st

Aburi Inc - Bid

De La Hoz Builders - Bid
Const Mgmt of FL - Bid

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 05/25/2018 09:44 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/25/2018 07:29 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| BID ON: | HOUSING REHABILATION PROJECT<br>304 SOUTH 21TH STREET |
| BID NO. | 2018-023 |
| OPEN / DUE DATE: | 04/18/18 @ 11:00 AM |
| RECOMMENDED AWARD: | Pending |

| RESPONSE |
|---|
| 4 of 10 = 40% |
| 0 "No Bids" |
| Total = 40% |

| VENDOR | TOTAL |
|---|---|
| Construction Management of Florida Inc.<br>Vero Beach, FL | $30,945.50 |
| Close Construction, LLC<br>Okeechobee, FL | $28,850.00 |
| Aburi LLC<br>Lauderhill, FL | $31,361.75 |
| De La Hoz Builders Inc.<br>Sebastian, FL | $33,678.00 |

**PLEASE NOTE:**

- COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.

WINNING BID

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 304 SOUTH 21th STREET | | |
|---|---|---|---|
| Bid Number | 2018-023 | Due Date & Time | 11:00AM,FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof to home and carport; replace plywood, as needed. Correct soft spots along electrical riser. Repair fascia, as needed. ~ (***Addendum #2).*** | $ 13,000.00 |
| Add gutters to home and carport. **(*Addendum #2).*** | $ 1,500.00 |
| Repair water damaged ceiling in dining room. | $ 1,500.00 |
| Replace damaged drywall in kitchen behind refrigerator. Repaint wall. (***Addendum #2).*** | $ 1,800.00 |
| Replace existing 3-ton HVAC with new 3-ton unit. | $ 4,500.00 |
| Replace air handler stand. ***(Addendum #2).*** | $ 150.00 |
| Replace hurricane pad. ***(Addendum #2).*** | $ 400.00 |
| Replace existing gas water heater with 40 gallon gas water heater. | $ 1,400.00 |
| Add motion lights to all 4 corners of home. | $ 600.00 |
| Prep and paint home exterior, including carport ceiling. | $ 4,000.00 |
| ***Total*** | $ 28,850.00 |

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 304 SOUTH 21th STREET | | |
|---|---|---|---|
| Bid Number | 2018-023 | Due Date & Time | 11:00AM,FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof to home and carport; replace plywood, as needed. Correct soft spots along electrical riser. Repair fascia, as needed. ~ ***(Addendum #2).*** | $ 1885.00 |
| Add gutters to home and carport. ***(Addendum #2).*** | $ 1800.00 |
| Repair water damaged ceiling in dining room. | $ 575.00 |
| Replace damaged drywall in kitchen behind refrigerator. Repaint wall. ***(Addendum #2).*** | $ 515.00 |
| Replace existing 3-ton HVAC with new 3-ton unit. | $ 3950.00 |
| Replace air handler stand. ***(Addendum #2).*** | $ 300.00 |
| Replace hurricane pad. ***(Addendum #2).*** | $ 225.00 |
| Replace existing gas water heater with 40 gallon gas water heater. | $ 1136.75 |
| Add motion lights to all 4 corners of home. | $ 1000.00 |
| Prep and paint home exterior, including carport ceiling. | $ 2975.00 |
| ***Total*** | $ 31,361.75 |

# REVISED
# BID RESPONSE FORM

DE LA HOZ BUILDERS

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 304 SOUTH 21th STREET | | |
|---|---|---|---|
| Bid Number | 2018-023 | Due Date & Time | 11:00AM,FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof to home and carport; replace plywood, as needed. Correct soft spots along electrical riser. Repair fascia, as needed. ~ ***(Addendum #2).*** | $ 19,703.00 |
| Add gutters to home and carport. ***(Addendum #2).*** | $ 1,821.00 |
| Repair water damaged ceiling in dining room. | $ 1,456.00 |
| Replace damaged drywall in kitchen behind refrigerator. Repaint wall. ***(Addendum #2).*** | $ 957.00 |
| Replace existing 3-ton HVAC with new 3-ton unit. | $ 4,422.00 |
| Replace air handler stand. ***(Addendum #2).*** | $ 195.00 |
| Replace hurricane pad. ***(Addendum #2).*** | $ 325.00 |
| Replace existing gas water heater with 40 gallon gas water heater. | $ 1,419.00 |
| Add motion lights to all 4 corners of home. | $ 962.00 |
| Prep and paint home exterior, including carport ceiling. | $ 2,418.00 |
| ***Total*** | $ 33,678.00 |

REVISED

# BID RESPONSE FORM

Construction Management, Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 304 SOUTH 21th STREET | | |
|---|---|---|---|
| Bid Number | 2018-023 | Due Date & Time | 11:00AM,FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof to home and carport; replace plywood, as needed. Correct soft spots along electrical riser. Repair fascia, as needed. ~ ***(Addendum #2).*** | $ 15,635.62 |
| Add gutters to home and carport. ***(Addendum #2).*** | $ 2,084.75 |
| Repair water damaged ceiling in dining room. | $ 1,042.37 |
| Replace damaged drywall in kitchen behind refrigerator. Repaint wall. ***(Addendum #2).*** | $ 912.08 |
| Replace existing 3-ton HVAC with new 3-ton unit. | $ 5,211.87 |
| Replace air handler stand. ***(Addendum #2).*** | $ 195.45 |
| Replace hurricane pad. ***(Addendum #2).*** | $ 130.30 |
| Replace existing gas water heater with 40 gallon gas water heater. | $ 1,107.52 |
| Add motion lights to all 4 corners of home. | $ 977.23 |
| Prep and paint home exterior, including carport ceiling. | $ 3,648.31 |
| ***Total*** | $ 30,945.50 |

**City Commission Regular Meeting** **11.i.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-029 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder to Bid #2018-029 for an amount not to exceed $28,718.02 for rehabilitation of 2004 Avenue N funded thorough the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is available to income-eligible owner-occupied households on a first-come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid #2018-029 for an amount not to exceed #28,718.02.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-029

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager ,Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 28718.02 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Tabulation - Bid 2018-029
Winning Bid - 2004 Ave N
Gentile - Bid
Close Const - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:45 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/25/2018 07:36 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 2004 AVENUE N** |
| **BID NO.** | **2018-029** |
| **OPEN / DUE DATE:** | 05/16/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| **RESPONSE** |
|---|
| 4 of 6 = 66.67% |
| 0 "No Bids" |
| Total = 66.67% |

| **VENDOR** | **TOTAL** |
|---|---|
| **Construction Management of Florida Inc.**<br>Vero Beach, FL | **$28,718.02** |
| **Close Construction, LLC**<br>Okeechobee, FL | **$30,150.00** |
| **Aburi /IRF Construction Group LLC.**<br>Lauderhill , FL | **$37,215.00** |
| **Gentile Corp.**<br>West Palm Beach , FL | **$37,700.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

WINNING BID – Construction Mgmt & Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2004 AVENUE N | | |
|---|---|---|---|
| Bid Number | 2018-029 | Due Date & Time | 3:00 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof | $ 7,931.32 |
| Add Gutter System | $ 1,189.70 |
| Add Accordion Hurricane Shutters-Total Window Opening -10 | $ 4,626.61 |
| Add Security Lighting at front and rear of home. | $ 1,189.70 |
| Replace two (2) exterior doors | $ 1,189.70 |
| Repair one (1) broken window | $ 264.38 |
| Replace existing HVAC with new 2.5 ton HVAC. (***Addendum 2***) | $ 4,626.61 |
| Upgrade existing electrical service to 150 amp service. Verify FPUA requirements that all service upgrades should be placed underground. (***Addendum 2***) | $ 1,520.17 |
| Repair and paint Kitchen ceiling ***(Addendum 2)*** | $ 727.04 |
| Replace interior ceiling in Den. | $ 1,321.89 |
| Replace disconnect switch box | $ 198.28 |
| Rewire clothes dryer to junction box | $ 264.38 |
| Replace electrical outlet for washing machine ***(Addendum 2).*** | $ 198.28 |
| Replace clean-out cap in backyard | $ 33.05 |
| Prep and paint home exterior | $ 3,436.91 |
| ***Total*** | $ 28,718.00 |

REVISED

# BID RESPONSE FORM

GENTILE, Corp.

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2004 AVENUE N | | |
|---|---|---|---|
| Bid Number | 2018-029 | Due Date & Time | 3:00 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof | $ 9,500.00 |
| Add Gutter System | $ 800.00 |
| Add Accordion Hurricane Shutters-Total Window Opening -10 | $ 6,800.00 |
| Add Security Lighting at front and rear of home. | $ 500.00 |
| Replace two (2) exterior doors | $ 2,300.00 |
| Repair one (1) broken window | $ 300.00 |
| Replace existing HVAC with new 2.5 ton HVAC. (***Addendum 2)*** | $ 8,000.00 |
| Upgrade existing electrical service to 150 amp service. Verify FPUA requirements that all service upgrades should be placed underground. ***(Addendum 2)*** | $ 4,000.00 |
| Repair and paint Kitchen ceiling ***(Addendum 2)*** | $ 800.00 |
| Replace interior ceiling in Den. | $ 400.00 |
| Replace disconnect switch box | $ 200.00 |
| Rewire clothes dryer to junction box | $ 600.00 |
| Replace electrical outlet for washing machine ***(Addendum 2).*** | $ 300.00 |
| Replace clean-out cap in backyard | $ 400.00 |
| Prep and paint home exterior | $ 2,800.00 |
| ***Total*** | $ 37,700.00 |

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2004 AVENUE N | | |
|---|---|---|---|
| Bid Number | 2018-029 | Due Date & Time | 3:00 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof | $7,000.00 |
| Add Gutter System | $ 1,100.00 |
| Add Accordion Hurricane Shutters-Total Window Opening -10 | $ 4,000.00 |
| Add Security Lighting at front and rear of home. | $ 500.00 |
| Replace two (2) exterior doors | $ 1,700.00 |
| Repair one (1) broken window | $ 200.00 |
| Replace existing HVAC with new 2.5 ton HVAC. ***(Addendum 2)*** | $ 4,200.00 |
| Upgrade existing electrical service to 150 amp service. Verify FPUA requirements that all service upgrades should be placed underground. ***(Addendum 2)*** | $4,500.00 |
| Repair and paint Kitchen ceiling ***(Addendum 2)*** | $ 900.00 |
| Replace interior ceiling in Den. | $ 1,800.00 |
| Replace disconnect switch box | $ 500.00 |
| Rewire clothes dryer to junction box | $ 300.00 |
| Replace electrical outlet for washing machine ***(Addendum 2).*** | $ 150.00 |
| Replace clean-out cap in backyard | $ 100.00 |
| Prep and paint home exterior | $ 3,200.00 |
| ***Total*** | $30,150.00 |

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 2004 AVENUE N | | |
|---|---|---|---|
| Bid Number | 2018-029 | Due Date & Time | 3:00 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof | $ 9500.00 |
| Add Gutter System | $ 2500.00 |
| Add Accordion Hurricane Shutters-Total Window Opening -10 | $ 8980.00 |
| Add Security Lighting at front and rear of home. | $ 750.00 |
| Replace two (2) exterior doors | $ 800.00 |
| Repair one (1) broken window | $ 225.00 |
| Replace existing HVAC with new 2.5 ton HVAC. ***(Addendum 2)*** | $ 3910.00 |
| Upgrade existing electrical service to 150 amp service. Verify FPUA requirements that all service upgrades should be placed underground. ***(Addendum 2)*** | $ 5900.00 |
| Repair and paint Kitchen ceiling ***(Addendum 2)*** | $ 900.00 |
| Replace interior ceiling in Den. | $ 825.00 |
| Replace disconnect switch box | $ 410.00 |
| Rewire clothes dryer to junction box | $ 210.00 |
| Replace electrical outlet for washing machine ***(Addendum 2).*** | $ 110.00 |
| Replace clean-out cap in backyard | $ 45.00 |
| Prep and paint home exterior | $ 2150.00 |
| ***Total*** | $ 37,215.00 |

**City Commission Regular Meeting** **11.j.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-025 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve DeLaHoz Builders, Inc. as the lowest responsive bidder to Bid # 2018-025 for an amount not to exceed $26,391.00 for the rehabilitation of 513 N 15th Street, funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come first-qualified, first-served basis.

**RECOMMENDATION:**

Approve DeLaHoz Builders, Inc. as the lowest responsive bidder for Bid #2018-025.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-025.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division.

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 26391.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

---

**Attachments**

Tabulation - Bid 2018-025
Winning Bid - 513 N 15th
Const Mgmt of FL - Bid
Close Const - Bid
Aburi Inc - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:44 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/25/2018 07:43 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 513 NORTH 15TH STREET** |
| **BID NO.** | **2018-025** |
| **OPEN / DUE DATE:** | 05/14/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| **RESPONSE** |
|---|
| 4 of 7 = 57.14 % |
| 0 "No Bids" |
| Total = 57.14% |

| **VENDOR** | **TOTAL** |
|---|---|
| **Construction Management of Florida Inc.**<br>Vero Beach, FL | **$26,541.50** |
| **Close Construction, LLC**<br>Okeechobee, FL | **$27,150.00** |
| **De La Hoz Builders, Inc.**<br>Sebastian, FL | **$26,391.00** |
| **Aburi, LLC**<br>Lauderhill, FL | **$34,925.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

WINNING BID - DE LA HOZ BUILDERS

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 513 NORTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-025 | Due Date & Time | 11:30 AM, FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Remove security bars from windows | $ 158.00 |
| Add Accordion Hurricane Shutters – Total Window Openings – 16 | $ 7,996.00 |
| Relocate security lighting at front of home to accommodate accordion shutter installation ***( Addendum # 1 )*** | $ 132.00 |
| Replace storm door at front porch entrance | $ 447.00 |
| Remove window A/C units in living room and rear bedroom. ***( Addendum # 1 )*** | $ $105.00 |
| Add HVAC mini split system in living room ***( Addendum # 1 )*** | $ 3,746.00 |
| Add HVAC mini-split system in rear bedroom ***( Addendum # 1 )*** | $ 3,614.00 |
| Upgrade electrical box to 150 amps; replace mast ***( Addendum # 1 )*** | $ 4,009.00 |
| Request Utility Company (FPUA) address very tight electric line and poor drip loop coming into home ***( Addendum # 1 )*** | $ 302.00 |
| Address leakage where front porch roof connects to main roof with sealant and flashing ***( Addendum # 1 )*** | $ 986.00 |
| Replace all rotted T-111 around home exterior | $ 1,819.00 |
| Add approximately 170' lattice underpinning to create skirt around bottom of home ***( Addendum # 1 )*** | $ 960.00 |
| Prep and paint home exterior including new lattice underpinning ***( Addendum # 1 )*** | $ 2,117.00 |
| ***TOTAL*** | $ 26,391.00 |

# REVISED
# BID RESPONSE FORM

Construction Mgmt of Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 513 NORTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-025 | Due Date & Time | 11:30 AM, FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Remove security bars from windows | $ 659.79 |
| Add Accordion Hurricane Shutters – Total Window Openings – 16 | $ 7,125.71 |
| Relocate security lighting at front of home to accommodate accordion shutter installation ***( Addendum # 1 )*** | $ 131.96 |
| Replace storm door at front porch entrance | $ 461.85 |
| Remove window A/C units in living room and rear bedroom. ***( Addendum # 1 )*** | $ 65.98 |
| Add HVAC mini split system in living room ***( Addendum # 1 )*** | $ 4,222.64 |
| Add HVAC mini-split system in rear bedroom ***( Addendum # 1 )*** | $ 4,222.64 |
| Upgrade electrical box to 150 amps; replace mast ***( Addendum # 1 )*** | $ 2,969.04 |
| Request Utility Company (FPUA) address very tight electric line and poor drip loop coming into home ***( Addendum # 1 )*** | $ 163.20 |
| Address leakage where front porch roof connects to main roof with sealant and flashing ***( Addendum # 1 )*** | $ 857.72 |
| Replace all rotted T-111 around home exterior | $ 1,174.42 |
| Add approximately 170' lattice underpinning to create skirt around bottom of home ***( Addendum # 1 )*** | $ 923.70 |
| Prep and paint home exterior including new lattice underpinning ***( Addendum # 1 )*** | $ 3,562.85 |
| ***TOTAL*** | $ 26,541.50 |

# REVISED
# BID RESPONSE FORM

Close Construction, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 513 NORTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-025 | Due Date & Time | 11:30 AM, FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Remove security bars from windows | $ 1,200.00 |
| Add Accordion Hurricane Shutters – Total Window Openings – 16 | $ 5,000.00 |
| Relocate security lighting at front of home to accommodate accordion shutter installation ***( Addendum # 1 )*** | $ 350.00 |
| Replace storm door at front porch entrance | $ 500.00 |
| Remove window A/C units in living room and rear bedroom. ***( Addendum # 1 )*** | $ 200.00 |
| Add HVAC mini split system in living room ***( Addendum # 1 )*** | $ 2,500.00 |
| Add HVAC mini-split system in rear bedroom ***( Addendum # 1 )*** | $ 2,500.00 |
| Upgrade electrical box to 150 amps; replace mast ***( Addendum # 1 )*** | $ 4,200.00 |
| Request Utility Company (FPUA) address very tight electric line and poor drip loop coming into home ***( Addendum # 1 )*** | $ 800.00 |
| Address leakage where front porch roof connects to main roof with sealant and flashing ***( Addendum # 1 )*** | $ 1,000.00 |
| Replace all rotted T-111 around home exterior | $ 3,000.00 |
| Add approximately 170' lattice underpinning to create skirt around bottom of home ***( Addendum # 1 )*** | $ 2,700.00 |
| Prep and paint home exterior including new lattice underpinning ***( Addendum # 1 )*** | $ 3,200.00 |
| ***TOTAL*** | $27,150.00 |

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 513 NORTH 15th STREET | | |
|---|---|---|---|
| Bid Number | 2018-025 | Due Date & Time | 11:30 AM, FRIDAY, MAY 18, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Remove security bars from windows | $ 1400.00 |
| Add Accordion Hurricane Shutters – Total Window Openings – 16 | $ 10800.00 |
| Relocate security lighting at front of home to accommodate accordion shutter installation ***( Addendum # 1 )*** | $ 225.00 |
| Replace storm door at front porch entrance | $ 395.00 |
| Remove window A/C units in living room and rear bedroom. ***( Addendum # 1 )*** | $ 655.00 |
| Add HVAC mini split system in living room ***( Addendum # 1 )*** | $ 3200.00 |
| Add HVAC mini-split system in rear bedroom ***( Addendum # 1 )*** | $ 2650.00 |
| Upgrade electrical box to 150 amps; replace mast ***( Addendum # 1 )*** | $ 2100.00 |
| Request Utility Company (FPUA) address very tight electric line and poor drip loop coming into home ***( Addendum # 1 )*** | $ 3000.00 |
| Address leakage where front porch roof connects to main roof with sealant and flashing ***( Addendum # 1 )*** | $ 2500.00 |
| Replace all rotted T-111 around home exterior | $ 2000.00 |
| Add approximately 170' lattice underpinning to create skirt around bottom of home ***( Addendum # 1 )*** | $ 2850.00 |
| Prep and paint home exterior including new lattice underpinning ***( Addendum # 1 )*** | $ 2950.00 |
| ***TOTAL*** | $ 34925.00 |

**City Commission Regular Meeting** **11.k.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-030 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid # 2018-030 in an amount not to exceed $16,800 for rehabilitation of 1230 Avenue I funded thorough the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations using SHIP funds to upgrade the exteriors of substandard houses. SHIP assistance is provided to income-eligible owner-occupied households on a first-come, first-qualified, first-served basis.

**RECOMMENDATION:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid # 2018-030 for an amount not to exceed $16,800.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-030.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 16800.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP funds.

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**Attachments**

Tabulation - Bid 2018-030
Winning Bid - 1230 Ave I
Const Mgmt of FL - Bid
Aburi Inc - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 05/25/2018 09:44 AM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 05/25/2018 07:49 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 1230 AVENUE I** |
| **BID NO.** | **2018-030** |
| **OPEN / DUE DATE:** | 05/16/18 @ 3:30 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 3 of 6 = 50% |
| 0 "No Bids" |
| Total = 50% |

| VENDOR | TOTAL |
|---|---|
| **Construction Management of Florida Inc.** Vero Beach, FL | **$19,725.50** |
| **Close Construction, LLC** Okeechobee, FL | **$16,800.00** |
| **Aburi / IRF Construction Group LLC.** Lauderhill , FL | **$25,875.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

WINNING BID - Close Construction LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1230 AVENUE I | | |
|---|---|---|---|
| Bid Number | 2018-030 | Due Date & Time | 3:30 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace building main and vent stacks per Code requirements. Repair/Replace exterior plumbing, as needed to meet code requirements ***( Addendum # 1 )*** | $ 5,300.00 |
| Add security motion lighting at front and rear of home | $ 500.00 |
| Add concrete ADA ramp at west-side walkway from driveway to front entrance. ***( Addendum # 1)*** | $ 1,400.00 |
| Paint both exterior doors black | $ 400.00 |
| Replace HVAC with 2.5-ton HVAC system ***( Addendum # 1 )*** | $ 4,500.00 |
| Replace missing shingles on roof. ***( Addendum# 1 )*** | $ 1,500.00 |
| Prep and paint home exterior. | $ 3,200.00 |
| ***TOTAL*** | $ 16,800.00 |

REVISED

# BID RESPONSE FORM

Construction Mgmt of Florida

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1230 AVENUE I | | |
|---|---|---|---|
| Bid Number | 2018-030 | Due Date & Time | 3:30 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace building main and vent stacks per Code requirements. Repair/Replace exterior plumbing, as needed to meet code requirements ***( Addendum # 1 )*** | $ 2,911.51 |
| Add security motion lighting at front and rear of home | $ 1,310.18 |
| Add concrete ADA ramp at west-side walkway from driveway to front entrance. ***( Addendum # 1)*** | $ 5,095.15 |
| Paint both exterior doors black | $ 72.79 |
| Replace HVAC with 2.5-ton HVAC system ***( Addendum # 1 )*** | $ 5,823.03 |
| Replace missing shingles on roof. ***( Addendum# 1 )*** | $ 727.88 |
| Prep and paint home exterior. | $ 3,784.97 |
| ***TOTAL*** | $ 19,725.50 |

# REVISED
# BID RESPONSE FORM

ABURI, LLC

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1230 AVENUE I | | |
|---|---|---|---|
| Bid Number | 2018-030 | Due Date & Time | 3:30 PM, WEDNESDAY, MAY 16, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace building main and vent stacks per Code requirements. Repair/Replace exterior plumbing, as needed to meet code requirements ***( Addendum # 1 )*** | $ 8000.00 |
| Add security motion lighting at front and rear of home | $ 775.00 |
| Add concrete ADA ramp at west-side walkway from driveway to front entrance. ***( Addendum # 1)*** | $ 8500.00 |
| Paint both exterior doors black | $ 475.00 |
| Replace HVAC with 2.5-ton HVAC system ***( Addendum # 1 )*** | $ 4550.00 |
| Replace missing shingles on roof. ***( Addendum# 1 )*** | $ 1000.00 |
| Prep and paint home exterior. | $ 2575.00 |
| ***TOTAL*** | $ 25,875.00 |

**City Commission Regular Meeting** **11.I.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-040 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Gentile, LLC as the lowest responsive bidder for Bid #2018-040 for an amount not to exceed $21,600 for rehabilitation of 702 South 7th Street, funded through the State Housing Initiatives Partnership (SHIP) program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide Owner-Occupied Housing rehabilitations with SHIP funds to upgrade the exteriors of substandard homes. SHIP assistance is provided to income-eligible owner-occupied households on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Gentile, LLC as the lowest responsive bidder for Bid # 2018-040.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-040.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 21600.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP program funds.

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**Attachments**

Tabulation - Bid 2018-040
Winning Bid - 702 S 7th Street
Aburi Inc - Bid
Brego Construction - Bid

Close Const - Bid
Const Mgmt of FL - Bid
Daycoven Const - Bid
De La Hoz Builders - Bid

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 06/08/2018 12:09 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 06/04/2018 08:43 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 702 SOUTH 7TH STREET** |
| **BID NO.** | **2018-040** |
| **OPEN / DUE DATE:** | 05/29/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 7 of 8 = 87.50% |
| 0 "No Bids" |
| Total = 87.50% |

| VENDOR | TOTAL |
|---|---|
| **Gentile Corporation**<br>West Palm Beach, FL | **$21,600.00** |
| **Aburi LLC**<br>Lauderhill, FL | **$24,485.00** |
| **Close Construction, LLC**<br>Okeechobee, FL | **$26,200.00** |
| **De La Hoz Builders**<br>Sebastian, FL | **$28,491.00** |
| **Construction Management of Florida**<br>Vero Beach, FL | **$28,497.99** |
| **Daycoven Construction LLC**<br>Miami, FL | **$32,939.00** |
| **Brego Construction**<br>Fort Pierce, FL | **$33,871.50** |

**PLEASE NOTE:** COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.

**WINNING BID - GENTILE, LLC- 702 SOUTH 7th**

REVISED

# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET** | | |
| **Bid Number** | **2018-040** | **Due Date & Time** | **3:30 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 6,000.00 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 400.00 |
| Replace windows with hurricane impact windows | $ 11,000.00 |
| Prep and paint home exterior | $ 3,800.00 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 400.00 |
| ***TOTAL*** | $ 21,600.00 |

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET** | | |
| **Bid Number** | **2018-040** | **Due Date & Time** | **3:30 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 5560.00 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 1000.00 |
| Replace windows with hurricane impact windows | $ 14795.00 |
| Prep and paint home exterior | $ 2350.00 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 780.00 |
| ***TOTAL*** | $ 24485.00 |

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET | | |
|---|---|---|---|
| Bid Number | 2018-040 | Due Date & Time | 3:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 5,011.50 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 650.- |
| Replace windows with hurricane impact windows | $ 22,360.- |
| Prep and paint home exterior | $ 5,200.- |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 650.- |
| ***TOTAL*** | $ 33,871.50 |

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET** | | |
| **Bid Number** | **2018-040** | **Due Date & Time** | **3:30 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 5,000.00 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 500.00 |
| Replace windows with hurricane impact windows | $ 15,000.00 |
| Prep and paint home exterior | $ 4,500.00 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 1,200.00 |
| ***TOTAL*** | $ 26,200.00 |

# REVISED
# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET | | |
|---|---|---|---|
| Bid Number | 2018-040 | Due Date & Time | 3:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 3,111.28 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 198.59 |
| Replace windows with hurricane impact windows | $ 21,183.18 |
| Prep and paint home exterior | $ 3,574.66 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 430.28 |
| ***TOTAL*** | $ 28,498.00 |

REVISED

# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET** | | |
| **Bid Number** | **2018-040** | **Due Date & Time** | **3:30 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 7,645.00 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 640.00 |
| Replace windows with hurricane impact windows | $ 18,158.00 |
| Prep and paint home exterior | $ 5,881.00 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 615.00 |
| ***TOTAL*** | $ **32,939.00** |

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 702 SOUTH 7th STREET | | |
|---|---|---|---|
| Bid Number | 2018-040 | Due Date & Time | 3:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace two (2) exterior single doors and one 12' sliding glass door at rear of home | $ 7,958.00 |
| Remove metal security gate in front of sliding glass doors at rear of home | $ 151.00 |
| Replace windows with hurricane impact windows | $ 16,838.00 |
| Prep and paint home exterior | $ 509.00 |
| Replace storm door at front entrance ***( Addendum # 1)*** | $ 3,035.00 |
| ***TOTAL*** | $ 28,491.00 |

**City Commission Regular Meeting** **11.m.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-033 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Construction Management of Florida as the lowest responsive bidder for Bid #2018-033 for an amount not to exceed $31,946.53 for rehabilitation of 1011 Pennsylvania Avenue, funded through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide owner-occupied housing rehabilitations, with SHIP funds to upgrade the exteriors or substandard homes. SHIP assistance is provided to income-eligible owner-occupied households on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Construction Management of Florida, Inc. as the lowest bidder for Bid #2018-033.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-033

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 31946.53 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP program funds.

---

**Attachments**

Tabulation - Bid 2018-033
Winning Bid - 2011 Penn Ave
Close Const - Bid
De La Hoz Builders - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 06/08/2018 12:09 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 06/04/2018 08:52 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

| |
|---|
| **"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."** |

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 1011 PENNSYLVANIA AVENUE** |
| **BID NO.** | **2018-033** |
| **OPEN / DUE DATE:** | 05/29/18 @ 2:30 PM |
| **RECOMMENDED AWARD:** | Pending |

| **RESPONSE** |
|---|
| 3 of 6 = 50% |
| 0 "No Bids" |
| Total = 50% |

| VENDOR | TOTAL |
|---|---|
| **Construction Management of Florida Inc.** Vero Beach, FL | **$31,946.53** |
| **Close Construction, LLC** Okeechobee, FL | **$39,900.00** |
| **De La Hoz Builders LLC** Sebastian, FL | **$41,981.00** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

REVISED

# BID RESPONSE FORM

WINNING BID - CONSTRUTION MGMT - 1011 PENN AVE

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1011 PENNSYLVANIA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-033 | Due Date & Time | 2:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace house roof and main carport flat roof ***(Addendum#1)*** | $ 9,068.35 |
| Add flashing, as needed from main roof to both carports ***(Addendum#1)*** | $ 6.48 |
| Repair shingle damage to roof over rear bedroom. | $ 6.48 |
| Repair fascia and soffit damage, as needed ***(Addendum#1)*** | $ 971.61 |
| Add new gutter system around home | $ 1,943.22 |
| Repair damaged ceilings in living room, 2 bedrooms and utility room | $ 4,793.27 |
| Add accordion hurricane shutters to all windows except front window ***(Addendum#1)*** | $ 5,181.91 |
| Add Aluminum panel hurricane shutter to front window – 106"x51" ***(Addendum#1)*** | $ 453.42 |
| Remove Clam Shell shutters ***(Addendum#1)*** | $ 259.10 |
| Replace all vent boots on roof ***(Addendum#1)*** | $ 129.55 |
| Add motion/security lighting to front and rear exterior of home. | $ 906.84 |
| Widen one (1) exterior door entrance under carport for wheelchair accessibility to 4'. ***(Addendum#1)*** | $ 647.74 |
| Replace all three (3) exterior doors | $ 2,267.09 |
| Add new security screen doors w/double key locks at 2 exterior doors (not 4' door). ***(Addendum#1)*** | $ 842.06 |
| Replace rotted wood panel at front of home and under carport. ***(Addendum#1)*** | $ 906.84 |
| Replace missing screens with new dark screens ***(ADDENDUM )*** | $ 323.87 |
| Prep and paint home exterior. | $ 3,238.70 |
| **TOTAL** | $ 31,946.50 |

# REVISED
# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1011 PENNSYLVANIA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-033 | Due Date & Time | 2:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace house roof and main carport flat roof ***(Addendum#1)*** | $ 12,000.00 |
| Add flashing, as needed from main roof to both carports ***(Addendum#1)*** | $ 800.00 |
| Repair shingle damage to roof over rear bedroom. | $ 1,000.00 |
| Repair fascia and soffit damage, as needed ***(Addendum#1)*** | $ 1,500.00 |
| Add new gutter system around home | $ 1,200.00 |
| Repair damaged ceilings in living room, 2 bedrooms and utility room | $ 2,000.00 |
| Add accordion hurricane shutters to all windows except front window ***(Addendum#1)*** | $ 5,500.00 |
| Add Aluminum panel hurricane shutter to front window – 106"x51" ***(Addendum#1)*** | $ 1,500.00 |
| Remove Clam Shell shutters ***(Addendum#1)*** | $ 1,000.00 |
| Replace all vent boots on roof ***(Addendum#1)*** | $ 500.00 |
| Add motion/security lighting to front and rear exterior of home. | $ 600.00 |
| Widen one (1) exterior door entrance under carport for wheelchair accessibility to 4'. ***(Addendum#1)*** | $ 1,000.00 |
| Replace all three (3) exterior doors | $ 3,000.00 |
| Add new security screen doors w/double key locks at 2 exterior doors (not 4' door). ***(Addendum#1)*** | $ 2,200.00 |
| Replace rotted wood panel at front of home and under carport. ***(Addendum#1)*** | $ 1,500.00 |
| Replace missing screens with new dark screens ***(ADDENDUM )*** | $ 600.00 |
| Prep and paint home exterior. | $ 4,000.00 |
| **TOTAL** | $ 39,900.00 |

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 1011 PENNSYLVANIA AVENUE | | |
|---|---|---|---|
| Bid Number | 2018-033 | Due Date & Time | 2:30 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace house roof and main carport flat roof ***(Addendum#1)*** | $ 13,203.00 |
| Add flashing, as needed from main roof to both carports ***(Addendum#1)*** | $ 1,688.00 |
| Repair shingle damage to roof over rear bedroom. | $ 1,000.00 |
| Repair fascia and soffit damage, as needed ***(Addendum#1)*** | $ 650.00 |
| Add new gutter system around home Text | $ 2,402.00 |
| Repair damaged ceilings in living room, 2 bedrooms and utility room | $ 1,950.00 |
| Add accordion hurricane shutters to all windows except front window ***(Addendum#1)*** | $ 5,457.00 |
| Add Aluminum panel hurricane shutter to front window – 106"x51" ***(Addendum#1)*** | $ 750.00 |
| Remove Clam Shell shutters ***(Addendum#1)*** | $ 127.00 |
| Replace all vent boots on roof ***(Addendum#1)*** | $ 182.00 |
| Add motion/security lighting to front and rear exterior of home. | $ 961.00 |
| Widen one (1) exterior door entrance under carport for wheelchair accessibility to 4'. ***(Addendum#1)*** | $ 3,835.00 |
| Replace all three (3) exterior doors | $ 4,851.00 |
| Add new security screen doors w/double key locks at 2 exterior doors (not 4' door). ***(Addendum#1)*** | $ 1,262.00 |
| Replace rotted wood panel at front of home and under carport. ***(Addendum#1)*** | $ 481.00 |
| Replace missing screens with new dark screens ***(ADDENDUM )*** | $ 637.00 |
| Prep and paint home exterior. | $ 2,545.00 |
| **TOTAL** | $ 41,981.00 |

**City Commission Regular Meeting** **11.n.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-034 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid # 2018-034 for an amount not to exceed $26,105.49 for rehabilitation of 202 South 23rd Street through the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide owner-occupied housing rehabilitations with SHIP funds to upgrade the exteriors of substandard homes. SHIP assistance is provided to income-eligible owner-occupied households on a first come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid #2018-033.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-033.

**RESPONSIBLE STAFF:**

Libby Woodruff - Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 26105.49 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP program funds.

---

**Attachments**

Tabulation - Bid 2018-033
Winning Bid - 202 S 23rd
Aburi Inc - Bid
Brego Construction - Bid

Close Const - Bid
De La Hoz Builders - Bid

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 06/08/2018 12:09 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 06/04/2018 08:59 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 202 SOUTH 23rd STREET** |
| **BID NO.** | **2018-034** |
| **OPEN / DUE DATE:** | 05/29/18 @ 2:45 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 6 of 6 = 100% |
| 0 "No Bids" |
| Total = 100% |

| VENDOR | TOTAL |
|---|---|
| **Construction Management of Florida Inc.** Vero Beach, FL | **$26,105.49** |
| **Aburi LLC** Lauderhill, FL | **$31,424.16** |
| **Gentile Corporation** West Palm Beach | **$33,800.00** |
| **Brego Construction Corporation** Fort Pierce, FL | **$35,255.50** |
| **Close Construction, LLC** Okeechobee, FL | **$37,300.00** |
| **De La Hoz Builders LLC** Sebastian, FL | **$37,781.00** |

## PLEASE NOTE:

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 202 SOUTH 23rd STREET | | |
|---|---|---|---|
| Bid Number | 2018-034 | Due Date & Time | 2:45 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on home and carport, including soffit and fascia, and flashing, as needed ***(Addendum #1)*** | $ 10,792.97 |
| Replace existing gutters with aluminum seamless gutters (front section of home only) ***(Addendum #1)*** | $ 607.10 |
| Replace windows with hurricane impact windows | $ 10,118.41 |
| Cover exterior vents along bottom and on top side of home to allow ventilation and keep critters out of home. | $ 674.56 |
| Fill-in cracked concrete on side of home | $ 134.91 |
| Prep and paint home exterior, including concrete porch and railing ***(Addendum # 1)*** | $ 3,777.54 |
| ***TOTAL*** | $ 26,105.50 |

Note: 2 sheets of plywood included if new sheathing is required, any additional wood replacement will be billed.

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1. | 22/MAY/2018. |
| | |
| | |
| | |

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 202 SOUTH 23rd STREET** | | |
| **Bid Number** | **2018-034** | **Due Date & Time** | **2:45 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on home and carport, including soffit and fascia, and flashing, as needed ***(Addendum #1)*** | $ 10500.00 |
| Replace existing gutters with aluminum seamless gutters (front section of home only) ***(Addendum #1)*** | $ 600.00 |
| Replace windows with hurricane impact windows | $ 13824.16 |
| Cover exterior vents along bottom and on top side of home to allow ventilation and keep critters out of home. | $ 2950.00 |
| Fill-in cracked concrete on side of home | $ 1200.00 |
| Prep and paint home exterior, including concrete porch and railing ***(Addendum # 1)*** | $ 2350.00 |
| ***TOTAL*** | $ 31424.16 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| | |
| | |
| | |
| | |

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 202 SOUTH 23rd STREET** | | |
| **Bid Number** | **2018-034** | **Due Date & Time** | **2:45 PM, TUESDAY, MAY 29, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on home and carport, including soffit and fascia, and flashing, as needed ***(Addendum #1)*** | $ 13,520.00 |
| Replace existing gutters with aluminum seamless gutters (front section of home only) ***(Addendum #1)*** | $ 416.00 |
| Replace windows with hurricane impact windows | $ 16,797.30 |
| Cover exterior vents along bottom and on top side of home to allow ventilation and keep critters out of home. | $ 325.00 |
| Fill-in cracked concrete on side of home | $ 500.- |
| Prep and paint home exterior, including concrete porch and railing ***(Addendum # 1)*** | $ 3,697.20 |
| ***TOTAL*** | $ 35,255.50 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | May 22, 2018 |
| | |
| | |
| | |

# REVISED
# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 202 SOUTH 23rd STREET | | |
|---|---|---|---|
| Bid Number | 2018-034 | Due Date & Time | 2:45 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on home and carport, including soffit and fascia, and flashing, as needed ***(Addendum #1)*** | $ 12,500.00 |
| Replace existing gutters with aluminum seamless gutters (front section of home only) ***(Addendum #1)*** | $ 2,000.00 |
| Replace windows with hurricane impact windows | $ 15,000.00 |
| Cover exterior vents along bottom and on top side of home to allow ventilation and keep critters out of home. | $ 2,000.00 |
| Fill-in cracked concrete on side of home | $ 1,800.00 |
| Prep and paint home exterior, including concrete porch and railing ***(Addendum # 1)*** | $ 4,000.00 |
| ***TOTAL*** | $ 37,300.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 5.22.2018 |
| | |
| | |
| | |

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 202 SOUTH 23rd STREET | | |
|---|---|---|---|
| Bid Number | 2018-034 | Due Date & Time | 2:45 PM, TUESDAY, MAY 29, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace roof on home and carport, including soffit and fascia, and flashing, as needed ***(Addendum #1)*** | $ 16,565.00 |
| Replace existing gutters with aluminum seamless gutters (front section of home only) ***(Addendum #1)*** | $ 1,159.00 |
| Replace windows with hurricane impact windows | $ 16,722.00 |
| Cover exterior vents along bottom and on top side of home to allow ventilation and keep critters out of home. | $ 348.00 |
| Fill-in cracked concrete on side of home | $ 270.00 |
| Prep and paint home exterior, including concrete porch and railing ***(Addendum # 1)*** | $ 2,717.00 |
| ***TOTAL*** | $ 37,781.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 01 | 05-22-18 |
| | |
| | |
| | |

**City Commission Regular Meeting** **11.o.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-036 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

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**SUBJECT:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder for Bid #2018-036 for an amount not to exceed $27,920.49 for the exterior rehabilitation of 314 North 21st Street, funded thorough the SHIP program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide owner-occupied housing rehabilitations with SHIP funds to upgrade the exteriors of substandard homes. SHIP assistance is provided to income-eligible owner-occupied households on a first-come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Construction Management of Florida, Inc. as the lowest responsive bidder of Bid #2018-036.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-036 to Construction Management of Florida, Inc.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 27920.49 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP program funds.

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**Attachments**

Tabulation - Bid 2018-036
Winning Bid - 314 N 21st Street
De La Hoz Builders - Bid
Cason Construction - Bid

## Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 06/08/2018 12:08 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 06/06/2018 11:09 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 314 NORTH 21st STREET** |
| **BID NO.** | **2018-036** |
| **OPEN / DUE DATE:** | 05/30/18 @ 2:30 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 5 of 6 = 83.33% |
| 0 "No Bids" |
| Total = 83.33% |

| VENDOR | TOTAL |
|---|---|
| **Construction Management of Florida Inc.** Vero Beach, FL | **$27,920.49** |
| **Close Construction, LLC** Okeechobee, FL | **$ 28,200.00** |
| **De La Hoz Builders** Sebastian, FL | **$ 29,736.00** |
| **Cason Construction** Orlando, FL | **$ 33,825.00** |
| **Aburi LLC** Lauderhill, FL | **$ 36,176.55** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 314 NORTH 21st STREET** | | |
| **Bid Number** | **2018-036** | **Due Date & Time** | **2:30 PM, WEDNESDAY, MAY 30, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roofs, including carport and front porch. Replace rotted fascia, as needed ***(Addendum #1)*** | $ 9,971.61 |
| Add seamless aluminum gutter system | $ 1,130.12 |
| Add new motion security lighting around home | $ 797.73 |
| Add new accordion hurricane shutters | $ 5,982.96 |
| Replace HVAC with new 2.5 ton HVAC | $ 5,982.96 |
| Replace light fixture under carport | $ 132.95 |
| Trim tree limbs from house | $ 465.34 |
| Prep and paint home exterior ***(Addendum #1)*** | $ 3,456.82 |
| ***TOTAL*** | $ 27,920.50 |

Note: 2 sheets of plywood included if new sheathing is required. any additional wood replacement will be billed.

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 314 NORTH 21st STREET | | |
|---|---|---|---|
| Bid Number | 2018-036 | Due Date & Time | 2:30 PM, WEDNESDAY, MAY 30, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roofs, including carport and front porch. Replace rotted fascia, as needed ***(Addendum #1)*** | $ 13,234.00 |
| Add seamless aluminum gutter system | $ 1,765.00 |
| Add new motion security lighting around home | $ 932.00 |
| Add new accordion hurricane shutters | $ 6,987.00 |
| Replace HVAC with new 2.5 ton HVAC | $ 3,970.00 |
| Replace light fixture under carport | $ 202.00 |
| Trim tree limbs from house | $ 176.00 |
| Prep and paint home exterior ***(Addendum #1)*** | $ 2,470.00 |
| ***TOTAL*** | $ 29,736.00 |

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 314 NORTH 21st STREET | | |
|---|---|---|---|
| Bid Number | 2018-036 | Due Date & Time | 2:30 PM, WEDNESDAY, MAY 30, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roofs, including carport and front porch. Replace rotted fascia, as needed ***(Addendum #1)*** | $ 12,895.00 |
| Add seamless aluminum gutter system | $ 650.00 |
| Add new motion security lighting around home | $ 1,350.00 |
| Add new accordion hurricane shutters | $ 8,450.00 |
| Replace HVAC with new 2.5 ton HVAC | $ 4,680.00 |
| Replace light fixture under carport | $ 600.00 |
| Trim tree limbs from house | $ 650.00 |
| Prep and paint home exterior ***(Addendum #1)*** | $ 4,550.00 |
| ***TOTAL*** | $ 33,825.00 |



COPY

**City Commission Regular Meeting** **11.p.**

**Meeting Date:** 06/18/2018

**Re:** Recommendation of Award for Bid #2018-037 - SHIP Home Rehabilitation Project

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Approve Close Construction, LLC as the lowest responsive bidder for Bid #2018-037 for an amount not to exceed $32,190 for the exterior rehabilitation of 813 Avenue M, funded through the State Housing Initiatives Partnership Program.

**SUMMARY:**

According to the SHIP LHAP, the City may provide owner-occupied housing rehabilitations with SHIP funds to upgrade the exteriors of substandard homes. SHIP assistance is provided on a first-come, first qualified, first served basis.

**RECOMMENDATION:**

Approve Close construction, LLC as the lowest responsive bidder for Bid #2018-037.

**ALTERNATIVES:**

Do not approve the award of Bid #2018-037 to Close Construction, Inc.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | Y |
| **Fiscal Year:** | 2017-2018 |
| **Account:** | 10595025548310 |
| **Amount:** | 32190.00 |

**OTHER INFORMATION:**

This expenditure will be reimbursed to the City via SHIP program funds.

---

**Attachments**

Tabulation - Bid 2018-037
Winning Bid - 813 Ave M
De La Hoz Builders - Bid
Aburi Inc - Bid

---

# Form Review

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| Finance Department | Johnna Morris | 06/08/2018 12:08 PM |
| City Manager | Nick Mimms | 06/08/2018 04:56 PM |
| Form Started By: Libby Woodruff | | Started On: 06/06/2018 11:15 AM |
| Final Approval Date: 06/08/2018 | | |

# CITY OF FORT PIERCE
# TABULATION OF BIDS

"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."

| | |
|---|---|
| **BID ON:** | **HOUSING REHABILATION PROJECT 813 AVENUE M** |
| **BID NO.** | **2018-037** |
| **OPEN / DUE DATE:** | 05/30/18 @ 3:00 PM |
| **RECOMMENDED AWARD:** | Pending |

| RESPONSE |
|---|
| 3 of 7 = 42.85% |
| 0 "No Bids" |
| Total = 42.85% |

| VENDOR | TOTAL |
|---|---|
| **Close Construction, LLC**<br>Okeechobee, FL | **$32,190.00** |
| **De La Hoz Builders**<br>Sebastian, FL | **$33,444.00** |
| **Aburi LLC**<br>Lauderhill, FL | **$49,401.05** |

**PLEASE NOTE:**

- **COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 813 AVENUE M** | | |
| **Bid Number** | **2018-037** | **Due Date & Time** | **3:00 PM, THURSDAY, MAY 24, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof, including soffit and fascia, as needed | $ 6,500.00 |
| Add seamless aluminum gutter system | $ 1,500.00 |
| Add new motion security lighting around home | $ 800.00 |
| Remove bars from windows then add new accordion hurricane shutters on all windows except 2 large windows at back porch ***(ADDENDUM # 1)*** | $ 6,200.00 |
| Add galvanized hurricane shutters to 2 large windows on back porch ***(ADDENDUM # 1)*** | $ 1,200.00 |
| Replace back porch security screen door with like security screen door and new lock ***(ADDENDUM # 1)*** | $ 750.00 |
| Replace rear exterior door | 1,200.00 |
| Improve ADA accessibility at rear entrance by constructing wooden ramp with handrails; paint ramp with deck-type paint to match house paint color ***(ADDENDUM # 1)*** | $ 1,800.00 |
| Replace bathroom ceiling with moisture resistant ½" drywall ***(ADDENDUM # 1)*** | $ 900.00 |
| Add ventilation fan in bathroom | $ 800.00 |
| Replace living room and den ceilings with no sag ½" drywall. Remove and reuse trim as possible ***(ADDENDUM # 1)*** | $ 2,200.00 |
| Add smoke detectors throughout home | $ 750.00 |
| Remove metal panel affixed to side of home; repair wood as needed | $ 1,900.00 |

| | |
|---|---|
| Add 2 electrical receptacles at rear exterior of home ***( ADDENDUM # 1 )*** | $ 300.00 |
| Remove existing floodlights at rear entrance ***( ADDENDUM # 1 )*** | $ 100.00 |
| Add Pull Bars in Bathroom ***( ADDENDUM # 1 )*** | $ 290.00 |
| Remove clamshell window covers ***( ADDENDUM # 1 )*** | $ 1,000.00 |
| Prep and paint home exterior | $ 4,000.00 |
| ***TOTAL*** | $ 32,190.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 1 | 5.22.2018 |
| | |
| | |
| | |

**Vendor:** Close Construction, LLC

**Address:** 301 NW 4th Avenue

**City, State, Zip Code:** Okeechobee, FL 34972

**Email Address:** danny@closeconstruction.us

**Typed Name, Title:** Thomas C. Close, President/Managing Member

**Signature** _____ **Date** 5.30.2018

**Telephone #** 863.467.0831 **Fax #** 863.763.6337

**(*Please include Remit to address if different than address stated above)**

**Remit To:** Same as above

**Check block below for applicable minority indicator:** N/A

**Asian Indian** ☐ **Black** ☐ **Asian Pacific** ☐ **Hispanic** ☐ **Native American** ☐

**Small Business** ☐ **Women Owned** ☐ **Small Disadvantage Business** ☐

REVISED

# BID RESPONSE FORM

| Bid Item | SHIP HOUSING REHABILITATION PROJECT FOR 813 AVENUE M | | |
|---|---|---|---|
| Bid Number | 2018-037 | Due Date & Time | 3:00 PM, THURSDAY, MAY 24, 2018 |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof, including soffit and fascia, as needed | $ 8,230.00 |
| Add seamless aluminum gutter system | $ 1,563.00 |
| Add new motion security lighting around home | $ 964.00 |
| Remove bars from windows then add new accordion hurricane shutters on all windows except 2 large windows at back porch ***( ADDENDUM # 1)*** | $ 4,529.00 |
| Add galvanized hurricane shutters to 2 large windows on back porch ***( ADDENDUM # 1)*** | $ 1,158.00 |
| Replace back porch security screen door with like security screen door and new lock ***( ADDENDUM # 1)*** | $ 697.00 |
| Replace rear exterior door | 1,145.00 |
| Improve ADA accessibility at rear entrance by constructing wooden ramp with handrails; paint ramp with deck-type paint to match house paint color ***( ADDENDUM # 1 )*** | $ 4,232.00 |
| Replace bathroom ceiling with moisture resistant ½" drywall ***( ADDENDUM # 1 )*** | $ 1,280.00 |
| Add ventilation fan in bathroom | $ 630.00 |
| Replace living room and den ceilings with no sag ½" drywall. Remove and reuse trim as possible ***( ADDENDUM # 1 )*** | $ 3,696.00 |
| Add smoke detectors throughout home | $ 1,094.00 |
| Remove metal panel affixed to side of home; repair wood as needed | $ 620.00 |

| | |
|---|---|
| Add 2 electrical receptacles at rear exterior of home ***( ADDENDUM # 1 )*** | $ 651.00 |
| Remove existing floodlights at rear entrance ***( ADDENDUM # 1 )*** | $ 91.00 |
| Add Pull Bars in Bathroom ***( ADDENDUM # 1 )*** | $ 455.00 |
| Remove clamshell window covers ***( ADDENDUM # 1 )*** | $ 182.00 |
| Prep and paint home exterior | $ 2,227.00 |
| ***TOTAL*** | $ 33,444.00 |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 01 | 05-22-18 |
| | |
| | |
| | |

**Vendor:** DE LA HOZ BUILDERS, INC.

**Address:** 258 Del Monte Rd

**City, State, Zip Code:** Sebastian, FL 32958

**Email Address:** hilda@delahozbuilders.com

**Typed Name, Title:** Hilda De La Hoz / Vice-President

**Signature** Hilda R De La Hoz **Date** 05-25-18

**Telephone #** 772-228-9723 **Fax #** 772-589-8127

**(*Please include Remit to address if different than address stated above)**

**Remit To:** _____

**Check block below for applicable minority indicator:**

**Asian Indian** ☐ **Black** ☐ **Asian Pacific** ☐ **Hispanic** ☐ **Native American** ☐

**Small Business** ☐ **Women Owned** ☐ **Small Disadvantage Business** ☐

# REVISED
# BID RESPONSE FORM

| | | | |
|---|---|---|---|
| **Bid Item** | **SHIP HOUSING REHABILITATION PROJECT FOR 813 AVENUE M** | | |
| **Bid Number** | **2018-037** | **Due Date & Time** | **3:00 PM, THURSDAY, MAY 24, 2018** |

The offeror agrees to furnish the following items or services to the City of Fort Pierce at the place specified, in accordance with specifications herein at the prices quoted below:

| ITEM DESCRIPTION | TOTAL |
|---|---|
| Replace Roof, including soffit and fascia, as needed | $ 10,990.50 |
| Add seamless aluminum gutter system | $ 1375.55 |
| Add new motion security lighting around home | $ 1000.00 |
| Remove bars from windows then add new accordion hurricane shutters on all windows except 2 large windows at back porch ***(ADDENDUM # 1)*** | $ 8275.00 |
| Add galvanized hurricane shutters to 2 large windows on back porch ***(ADDENDUM # 1)*** | $ 975.00 |
| Replace back porch security screen door with like security screen door and new lock ***(ADDENDUM # 1)*** | $ 875.00 |
| Replace rear exterior door | 780.00 |
| Improve ADA accessibility at rear entrance by constructing wooden ramp with handrails; paint ramp with deck-type paint to match house paint color ***(ADDENDUM # 1)*** | $ 13230.00 |
| Replace bathroom ceiling with moisture resistant ½" drywall ***(ADDENDUM # 1)*** | $ 950.00 |
| Add ventilation fan in bathroom | $ 265.00 |
| Replace living room and den ceilings with no sag ½" drywall. Remove and reuse trim as possible ***(ADDENDUM # 1)*** | $ 32000.00 |
| Add smoke detectors throughout home | $ 1250.00 |
| Remove metal panel affixed to side of home; repair wood as needed | $ 1100.00 |

| | |
|---|---|
| Add 2 electrical receptacles at rear exterior of home ***(ADDENDUM # 1)*** | $ 675.00 |
| Remove existing floodlights at rear entrance ***(ADDENDUM # 1)*** | $ 385.00 |
| Add Pull Bars in Bathroom ***(ADDENDUM # 1)*** | $ 225.00 |
| Remove clamshell window covers ***(ADDENDUM # 1)*** | $ 1500.00 |
| Prep and paint home exterior | $ 2350.00 |
| ***TOTAL*** | $ 49401.05 ~~48,151.05~~ |

**The Bidder hereby acknowledges receipt of the following addendum:**

| ADDENDUM NO. | ADDENDUM DATE |
|---|---|
| 01 | 5/22/18 |
| | |
| | |
| | |

**Vendor:** Abuni LLC
**Address:** 2331 N. State Rd 7, Suite 203
**City, State, Zip Code:** Lauderhill FL. 33313
**Email Address:** KaC@IRFIRRIGationLLC.Com
**Typed Name, Title:** Kaleel Coken - VP
**Signature** _____ **Date** 5/29/18
**Telephone #** 954-410-5505 **Fax #** None

**(*Please include Remit to address if different than address stated above)**

**Remit To:** _____

**Check block below for applicable minority indicator:**

**Asian Indian** ☐ **Black** ☐ **Asian Pacific** ☐ **Hispanic** ☐ **Native American** ☐
**Small Business** ☐ **Women Owned** ☐ **Small Disadvantage Business** ☒

**City Commission Regular Meeting** **11.q.**

**Meeting Date:** 06/18/2018

**Re:** Approval of Professional Architectural Services Continuing Contract - RFQ #2018-015

**Submitted For:** Libby Woodruff, Manager, Finance Department

---

**SUBJECT:**

Request approval of Professional Architectural Services Continuing Contract with the 3 short-listed professional architectural firms, on a project-by-project basis, as a result of RFQ 2018-015.

**SUMMARY:**

A professional architectural services continuing services contract is needed for projects including, but not limited to the rehabilitation of the historic St. Anastasia building & the Lincoln Theater. RFQ 2018-015 was utilized as well as the City's procurement guidelines for this purpose.

**RECOMMENDATION:**

Approve entering into Professional Architectural Services Continuing Contract with 3 firms: Bender & Associates Architects, Key West; CPZ Architects, Inc., Jensen Beach; Don Bergman Architecture, LLC, Fort Pierce, following our Legal Department approval of the contract for Form and Correctness.

**ALTERNATIVES:**

Do not approve entering into a Continuing Services Contract for Professional Architectural Services.

**RESPONSIBLE STAFF:**

Libby Woodruff, Manager, Grants Administration Division

**COORDINATED WITH:**

Johnna Morris, Director of Finance

---

**Fiscal Impact**

**Budgeted Y/N:** N

**Fiscal Year:** N/A

**Account:** N/A

**Amount:** N/A

**OTHER INFORMATION:**

There will be no fiscal impact from providing a Continuing Services Contract for these three professional architectural firms.

---

## Attachments

Tabulation - RFQ 2018-015
Tabulation - RFQ 2018-015 Pg 2
RFQ 2018-015 Eval Minutes

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 06/08/2018 12:08 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Libby Woodruff | | Started On: 06/04/2018 02:47 PM |
| Final Approval Date: 06/08/2018 | | |

THE SUNRISE CITY
FORT PIERCE
Florida
PURCHASING
DEPARTMENT

TO: Elizabeth Woodruff, Grants Administration Manager

THROUGH: Gelencia Carter, Purchasing Manager

FROM: Georgia Montgomery, Purchasing Specialist

SUBJECT: RFQ No. 2018-015 ~ Professional Architectural Services Continuing Contract

DATE: April 12, 2018

Attached is the tabulation sheet for the above referenced proposal along with copies of all proposals submitted. The file is available for review in the Purchasing Division.

**The invitation was sent to 802 vendors. Twenty Six (26) vendors requested specifications with five (5) responding (19.23 %) 0 "No Bid" (19.23 % total response).**

The next step in this process is to meet with the Purchasing Manager to determine members of the Evaluation Committee (if not previously done) and assign roles to the Evaluation Committee. The following are roles that need to be assigned, if applicable to the project scope of work:

1. **Project Manager** - the person or representative from department involved in service and coordinates strategies, timetables, assigns roles, prepare recommendation to City Manager and City Commission.

2. **Financial Analyst** - this role should be filled by the Director of Finance or designee. This individual shall perform Price and Cost Analyst to compare proposals and check financial data.

3. **Technical Advisor(s)** - References, licensing, background checks, local preference, etc. This person will extract the Reference Check Form from the bid submittals and send to the reference company for completion. As instructed on the form, it shall be faxed or emailed to the Purchasing Division.

4. **Committee Member** - Evaluates the solicitation and will cast a vote.

As the end user department for this proposal, you would assume or assign the role as Team Leader. A representative from Purchasing, will serve as the *Committee Liaison*, and should be present for the meetings, including the initial start-up meeting.

Recommendation of award memo should be forwarded to the Purchasing Division, (copy to Finance Director) prior to submitting an agenda item. Expiration date is June 8, 2018. Commission approval must be completed by this date.

/gm

Attachment
cc: Jack Andrews, City Engineer
Johnna Morris, Director of Finance
Committee Members

THE SUNRISE CITY
FORT PIERCE
Florida
PURCHASING
DEPARTMENT

# CITY OF FORT PIERCE
# TABULATION OF BIDS

**"Offers from the vendors listed herein are the only offers received timely as of the above opening date and time. All other offers submitted in response to this solicitation, if any, are hereby rejected as late."**

| | |
|---|---|
| **RFQ ON:** | **Professional Architectural Services Continuing Contract** |
| **RFQ NUMBER:** | **2018-015** |
| **DATE:** | 04/09/18 |
| **RECOMMENDED AWARD:** | Pending |

| **RESPONSE** |
|---|
| 5 of 26 = 19.23 % |
| 0 "No Bids" |
| Total = 19.23 % |

| **PROPOSER** |
|---|
| Bender & Associates Architects<br>Key West, FL |
| CPZ Architects, Inc.<br>Jensen Beach, FL |
| Don Bergman Architecture, LLC.<br>Fort Pierce, FL |
| Edlund, Dritenbas, Binkley Architects & Associates, P.A.<br>Vero Beach, FL |
| West Architecture & Design, LLC.<br>Lantana, FL |

**PLEASE NOTE: COMMISSION MEETINGS ARE HELD THE FIRST AND THIRD MONDAY OF EVERY MONTH. CALL THE PURCHASING DEPARTMENT WEDNESDAY PRIOR TO THE MEETINGS FOR RECOMMENDATION OF AWARD.**

RFQ NO. 2018-015

Professional Architectural Services Continuing Contract

2:00PM, Thursday, May 17, 2018

Evaluation Committee Meeting

Minutes

1. **Call to Order** - meeting call to order at 2:10pm

2. **Attendees:** Jack Andrews, City Engineer; Paul Thomas, Building Inspector; Tracy Telle, Assistant City Engineer; Gelencia Carter, Purchasing Manager.

3. **Discussion of RFQ submittals:**

   - The Evaluation Committee members independently reviewed and evaluated each submittal.

   - **Bender & Associates** - firm is located in Key West and has no COFP experience but experience with historical projects.

   - **CPZ** - firm is located in Jensen Beach; uses Lucido & Associates and local firms to complete work for SLC; they are familiar with COFP standards.

   - **Don Bergman** - concerns regarding the firm size, see Tab 4 of submittal; small firm but has familiarity with COFP projects and standards.

   - **Edlund Britenbas Binkley** - submittal did not describe key personnel, only provided information for Mr. Binkley; all work described was completed by Mr. Dritenbas who recently passed, which was done in St. Lucie County; familiarity with COFP projects were either new construction or remodels, no historical renovation experience; the proposer submitted six (6) identical references - did adhere to what the RFQ document requested.

   - **West Architecture** - submittal did not indicate any COFP projects, only by the sub-consultant; no specifics regarding familiarity with COFP standards, designs, and approval process; references submitted did not meet the requirements as listed in the RFQ document; no proof provided that the firm is a MBE/WBE firm (no certification included in the submittal).

4. **Recommendation:**

   Evaluation Team made a recommendation to shortlist three (3) of the five (5) firms based on the current described projects, firms expertise and they demonstrated the availability to handle large, midrange, and small projects.

   **Shortlist firms:**
   Bender & Associates Architects, Key West, FL
   CPZ Architects, Inc., Jensen Beach, LLC
   Don Bergman Architecture, LLC., Fort Pierce, FL

**City Commission Regular Meeting** **11.r.**

**Meeting Date:** 06/18/2018

**Re:** Grapple Truck Purchase Solid Waste

**Submitted For:** Mike Reals, Public Works Manager, Public Works

**SUBJECT:**

Approval of sole source purchase to Southern Sewer Equipment Sales of Fort Pierce FL. in an amount not to exceed $100,000.00 for the purchase of one (1) 2017 Peterbilt Brush Hawg Model C Grapple Loader.

**SUMMARY:**

The Public Works Department purchased one (1) 2015 FORD F750 BRUSH HAWG GRAPPLE LOADER for residential waste collection and disposable purposes in August of 2015. This vehicle has proven to be very reliable and requiring only routine maintenance to operate thus far.

The opportunity to purchase one (1) 2017 Peterbilt Brush Hawg Model C Grapple loader has presented itself at a substantially reduced price. This vehicle has been used for demonstration purpose only and will be sold with the full factory warranty still intact. Southern Sewer Equipment Sales is the authorized Brush Hawg dealer for the state of Florida (excluding the Panhandle).

Daily operations and two hurricanes within a 12 month period have taken a toll on our current fleet. This vehicle will be inserted into the weekly route schedule and the oldest grapple truck will be placed in backup/standby status.

**RECOMMENDATION:**

The Public Works Department recommends approving the purchase.

**ALTERNATIVES:**

Staff will proceed as directed by the Commission

**RESPONSIBLE STAFF:**

Public Works Department

**COORDINATED WITH:**

Purchasing and Finance Departments

**Fiscal Impact**

**Budgeted Y/N:** Y

**Fiscal Year:** 2018

**Account:** 40242005346430
**Amount:** 100000.00
**FISCAL IMPACT:**
Funds are available in the FY 2018 budget.

## Attachments

Grapple Quote
Sole Source letter

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| Finance Department | Johnna Morris | 06/08/2018 12:09 PM |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |
| Form Started By: Mike Reals | | Started On: 06/06/2018 07:56 AM |
| Final Approval Date: 06/08/2018 | | |

**Southern Sewer Equipment Sales**

**800-782-4134** • 772-595-6940 • FAX 772-595-9171

www.southernsewer.com "A Certified MBE Woman Owned Business"

Mr. Mike Reals
Public Works Director
City of Fort Pierce
52 Savannah Road
Fort Pierce, FL 34982
Via email: mreals@city-ftpierce.com

May 14, 2018

Dear Mr. Reals,

Southern Sewer Equipment Sales is pleased to offer the City of Fort Pierce a proposal for a Brush Hawg C Model Grapple Loader, *demo unit*. Please review the attached equipment list.

**2017 Brush Hawg Model C Grapple Loader**
**Mounted on a 2017 Peterbilt 337 Chassis**

List Price:……..$140,480.00
Discount for Demo Unit:……...($40,480.00)

**TOTAL PRICE:…….$100,000.00***

**Does **not** include Florida sales tax or tag and registration fees.*

Unit will be available in 30 days. *Subject to prior sale.*
Truck has not been titled, and has full standard warranty.
Delivery and training are included.

Please feel free to contact Joey Westberry at (772) 834-8201, if you have any questions.

Sincerely,

Jenny Mitchem

Jenny Mitchem
Executive Sales Coordinator

# EQUIPMENT LIST

City of Fort Pierce
May 14, 2018

**New Brush Hawg C-Model Grapple Loader**
Heavy Duty 30" Diameter Slewing Ring Bearing
2 Stage Planetary Gear Drive
Hot Shift PTO
Direct Mount Pump
4-Way Adjustable Stabilizers
Stabilizer LED Strobe Lights
Dual Operator Control Stations: P-Style Layout
24" Walk-Thru
Main Boom, Tip Boom and Tip Boom Extension
Hose Retract Box
Municipal 48" x 60" Bucket: Bolt-On, Reversible Bucket Edges; Bucket Cylinder Covers
360 Degree Continuous Rotation
18' Tapered Dump Body (42"-74")
Roll-Rite Aluminum Armed Electric Tarp System
4" Crossmembers on 12" Centers
10GA Sides
10GA Side Posts on 24" Centers
¼" Rear Posts
3 Each Front Posts
Single, Side Hinged Rear Door
Dual Upper Tailgate Brake Lights
Dual Upper Tailgate Amber Strobing Lights
Dual Amber Smart Lamps in Recessed Bumper
Dual Boom Work Lights
Dual Under Body Work Lights on Curbside
15 Ton Scissor Hoist, Single Body Prop
Loader Primed and Painted Yellow
Body Primed and Painted Green
Undercoating on Bottom of Dump Body

Mounted On:
2017 Peterbilt 337 Chassis
33,000 GVW
250 HP PACCAR Diesel Engine
Allison 3500 RDS Automatic Transmission
VIN# 2NP2HM7X9HM409150
Approximate mileage: 7,671
Approximate hours: 838

NU LIFE
ENVIRONMENTAL, INC.
*Refuse Handling and Recycling Equipment • Sales and Service*

To Whom It May Concern:

November 8, 2017

Southern Sewer Equipment located at the following locations is the sole authorized BRUSH HAWG Dealer for sales, parts and service in the state of Florida (excluding the Florida Panhandle).

3409 Industrial 27th Street
Fort Pierce, FL 34946

10575 General Drive
Orlando, FL 32824

8200 NW 58th Street
Doral, FL 33166

Sincerely,

Johnny Bell

Johnny Bell
Production Manager BRUSH HAWG

2266 Powdersville Road • P.O. Box 1527 • Easley, South Carolina 29641
864.295.2183 • FAX 864.295.2707

**City Commission Regular Meeting** **12.a.**

**Meeting Date:** 06/18/2018

**Re:** Ordinance 18-015 - Zoning Atlas Amendment (Rezoning) - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

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**SUBJECT:**

Ordinance 18-015 Rezoning the properties generally located at 411 N. 25th Street (including Parcel ID(s) 2408-507-0133-000-5 and 2408-507-0097-000-0), from R-3, Single-Family Moderate Density Zone TO C-3, General Commercial Zone. SECOND READING

**SUMMARY:**

- The applicant is requesting the review and approval of a Zoning Atlas Amendment (Rezoning) from R-3, Single-Family Moderate Density Zone to C-3, General Commercial Zone.
- One of the subject parcels has split zoning and is currently zoned R-3, Single-Family Moderate Density Zone and C-3, General Commercial Zone.
- The applicant would like to eliminate the split through the approval of Zoning Atlas Amendment.

**RECOMMENDATION:**

Approval

**ALTERNATIVES:**

Denial

**RESPONSIBLE STAFF:**

Vennis Gilmore, Planning Analyst

**COORDINATED WITH:**

Technical Review Committee
James M. Messer, Esq.; City Attorney

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**Fiscal Impact**

**OTHER INFORMATION:**

N/A

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**Attachments**

Staff Report
Ordinance 18-015
Aerial Map

Application
Existing Zoning Map
Proposed Zoning Map
Property Cards
Deeds
Survey
TRC Comments
Public Notification Certification
Proof of Publication

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 05/25/2018 02:16 PM |

Form Started By: Vennis Gilmore
Started On: 05/22/2018 06:20 PM
Final Approval Date: 06/05/2018

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Ordinance 18-015, Application for a Zoning Atlas Amendment (Rezoning)**
**Fresh Wind Fresh Fire Church**
**411 N. 25th Street**

**DATE:** May 23, 2018

## STAFF REPORT

**Owner:** Fresh Wind Fresh Fire Church of God Inc.
P.O. Box 853
Fort Pierce, FL. 34947

**Applicant:** Abraham Chabab, P.E. Civil Engineer
5428 NW Edgewater Avenue
Port St. Lucie, FL. 34983

**Requested Action:** Approval to rezone the subject property from R-3, Single-Family Moderate Density Zone to C-3, General Commercial Zone

**Site Location:** 411 N. 25th Street

**Parcel ID:** 2408-507-0133-000-5, 2408-507-0097-000-0

**Existing Use:** Vacant – Abandoned Single Family Home

**Parcel(s) Size:** 2.06 acres

**Current Zoning:** R-3, Single-Family Moderate Density Zone

**Future Land-Use:** RL, Low Density Residential

**Proposed Zoning:** C-3, General Commercial Zone

**Surrounding Zoning:**

| North | East | South | West |
|---|---|---|---|
| C-3 | C-3 | C-3 | R-4 |

**Utilities:** Located within the FPUA Retail Service Area

**Staff Analysis:**

***Request***

In accordance with Sections 22-128 & 22-143 of the City Code, the applicant is requesting the review and approval of a Zoning Atlas Amendment (Rezoning) from R-3, Single-Family Moderate Density Zone to C-3, General Commercial Zone. One of the subject parcels has split zoning and is currently zoned R-3, Single-Family Moderate Density Zone and C-3, General Commercial Zone. The applicant would like to eliminate the split through the approval of Zoning Atlas Amendment.

***Background & Project Summary***

The applicant is seeking to develop a 5, 610 sq. ft. church facility with eighty-five (85) parking spaces at the subject site. The church will occupy 1.78 acres of the adjacent properties that the Fresh Wind Fresh Fire Church of God Inc. owns. The existing 2,065 sq. ft. vacant single-family home will be demolished to develop the brand new church facility. The site is situated to the west of North 25th Street and is just south of Moore's Creek. The applicant has also submitted an application for Future Land Amendment to change the future land use of the subject areas from RL, Low Density Residential to GC, General Commercial. Action to amend the future land use of the property from the residential designation to the more appropriate commercial designation is necessary, and sought by the applicant to advance consideration of the subject project.

***Future Land Use Designation & Comprehensive Plan***

The subject site has a future land use designation of RL, Low Density Residential. This designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and
Multi-family residences. Limited commercial uses intended to serve the neighborhood shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RI) categories.

**Standards for Review**

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

(1) The amendment is consistent with the comprehensive plan;
(2) The amendment will not have an adverse effect on the ability of the city to:
    a. Satisfy land and water use needs; and
    b. Meet transportation demands and provide community facilities and services; and
(3) The amendment will promote and protect the public health, safety and general welfare.

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, holding a future land use designation of Heavy Industrial (HI). Furthermore, the amendment should not have adverse an effect on the ability of the city to satisfy land and water use needs, meet transportation demands, and provide community facilities and services. The presented amendment promotes and protects the public health, safety and general welfare through the designation of lands; when location and characteristics are appropriate, to provide manufacturing and processing facilities, distribution facilities, warehousing, and intensive commercial uses to promote the City's position as a major employment center. Specific uses and developments shall comply with established land development regulations, and seek to ensure minimal impacts to neighboring uses or districts.

**Technical Review Committee**

All affected departments have reviewed the proposed Zoning Atlas Amendment for consistency with the requirements of the City Code. Findings and comments from review by affected departments, and the corresponding responses and plan amendments by the applicant are provided for consideration.

**Property Owner Response Summary:**

A total of 46 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

**Planning Board Recommendation:**

The Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend **approval** of the request.

**Staff Recommendation**:

The proposed amendment meets the criteria specified in Section 22-131 of the City Code, and is consistent with the City's Comprehensive Plan, and annexation policies; therefore Staff recommends the City Commission **approve** of the proposed amendment.

**ORDINANCE NO. 18-015**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING** THE PROPERTIES GENERALLY LOCATED AT **411 N. 25th STREET, INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0**, FROM R-3, SINGLE-FAMILY MODERATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the subject properties are generally located at 411 N. 25th Street, within the City of Fort Pierce, Florida, representing approximately 2.55 Acres of land; and

**WHEREAS,** the subject properties are included in a proposed site plan for a 5,610 sq. ft. church facility; and

**WHEREAS,** the subject properties are included in future land amendment and right-of-way abandonment applications for the proposed 5,610 sq. ft. church facility sit plan; and

**WHEREAS,** Parcel ID: 2408-507-0133-000-5 has split zoning designations; and

**WHEREAS,** Within Parcel ID: 2408-507-0133-000-5; Lots 1, 2, 3, and 4 of Block 15 are designated as C-3, General Commercial Zone and Lot 5 of Block 15 is designated as R-3, Single-Family Moderate Density Zone; and

**WHEREAS,** Parcel ID: 2408-507-0097-000-0 is presently designated R-3, Single-Family Moderate Density Zone; and

**WHEREAS,** the applicant seeks rezoning of the subject parcels, Parcel ID(s): 2408-507-0133-000-5 and 2408-507-0097-000-0, from R-3, Single-Family Moderate Density Zone to C-3, General Commercial Zone; and

**WHEREAS,** the proposed zoning atlas amendment (rezoning) is consistent with the comprehensive plan, and will not have an adverse effect on the ability of the city to satisfy land and water use needs, and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety and general welfare as required by City Code 22-131; and

**WHEREAS,** the City of Fort Pierce Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend approval of the proposed Zoning Atlas Amendment for Ordinance 18-0xx.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1**. From and after the effective date hereof, the following properties are shown on Exhibit A and are legally described as:

Generally Located at 411 N. 25th Street, Parcel ID(s): 2408-507-0133-000-5, 2408-507-0097-000-0

LEGAL DESCRIPTION:
LOT 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.
TOGETHER WITH
LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION,

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

Shall be and the same is hereby rezoned from R-3, Single-Family Moderate Density Zone, to C-3, General Commercial Zone; said properties being generally located at 411 N. 25th Street in Fort Pierce, Florida.

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS**:

_____
James M. Messer, Esq.
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-015 was duly advertised by title only in the St. Lucie News Tribune on May 20th, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 2018 by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of June, 2018.

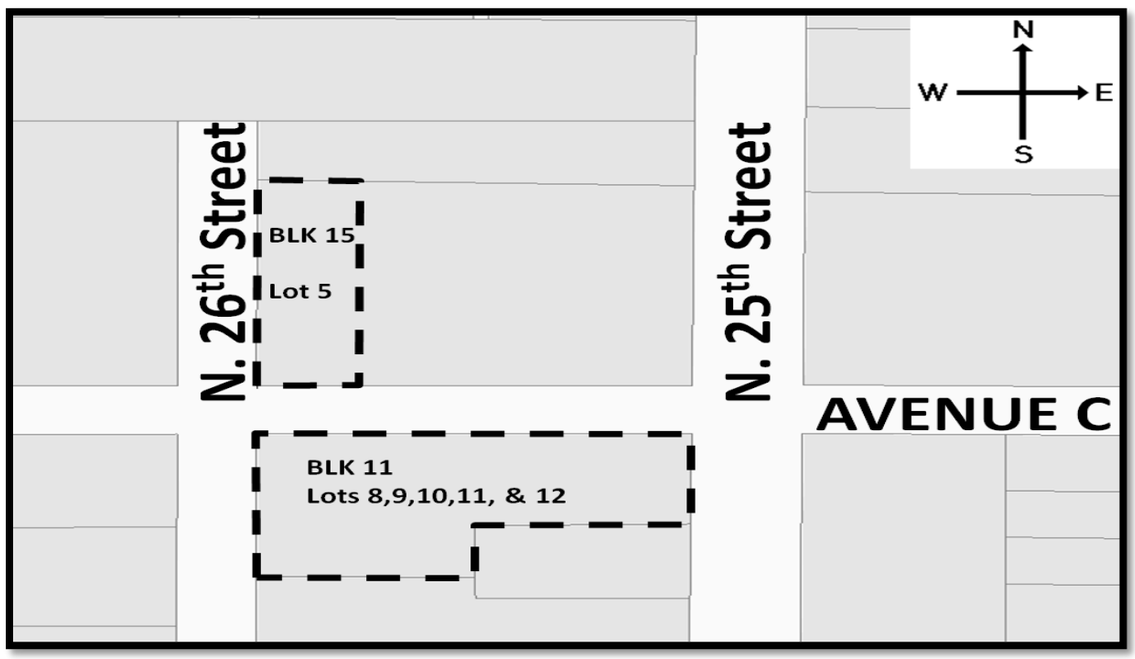
_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

_____
Linda W. Cox
CITY CLERK

**EXHIBIT A**
Sketch & Legal Description of Subject Properties




**Parcel ID: 2408-507-0133-000-5, 2408-507-0097-000-0**
**LEGAL DESCRIPTION:**
LOT 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.
TOGETHER WITH
LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.


Subject Site
N. 26th Street
N. 25th Street
Avenue C
N
W
E
S

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

# Application for Zoning Atlas Map Amendment

**Application submission shall include the following:**

- **TRC** (*Initial Submission): One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **Planning Board**: One (1) original and (13) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.
- **City Commission**: One (1) original and (4) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

**In addition to a complete application, packets shall include:**

- ☒ Warranty Deed & Legal Description
- ☒ St. Lucie County Property Record Card
- ☒ Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.
- ☒ Current Survey
- ☐ Environmental Study
- ☐ Traffic Impact Report
- ☐ *** Capacity Analysis-Separate Form
- ☒ Drainage Analysis
- ☐ Historical Report
- ☒ 1 CD of all documents submitted in PDF
- ☐ Other_____

1. Property Address/Location: 400 N. 26th Street
2. Property Tax ID(s): Lots(1&16) 2408501000300007 Lots(1-5) 2408507013300005 Lots(8-12) 2408507009700000
3. Total Acreage: 2.55 Ac
4. Existing Future Land Use Designation: RL/GC
5. Existing Zoning Classification: R3/C-3
6. Proposed Zoning Classification: C-3
7. Other applications being submitted concurrent with this application, if any: Development Review R.O.W. abandonment and Building Design Review

8. Describe the existing uses, improvements and structures on the amendment lands: Please see attached maps that describe the Existing Split zoning + proposed zoning

9. Are there any identified or possible historical structures on the amendment lands? NO

10. The reason for making this request: Please see attached letter

11. **CAPACITY ANALYSIS**

I. **Site Data:**

| | Existing Use | Future Land Use | Zoning |
|---|---|---|---|
| **North** | Canal #8 City Property | Canal #8 City Property | C-3 |
| **South** | Vacant Property | Fellowship Hall | Currently R-3 To be Rezoned To C-3 |
| **East** | N. 25th St. | N. 25th ST | C-3 |
| **West** | Residential Property Vacant | Residential Activity | R-3 |

| | Future Land Use | Zoning Classification | Maximum Intensity Residential: Dwelling Units per Acre Other: Square Footage | Total Acreage | Flood Zone |
|---|---|---|---|---|---|
| **Current** | GC/RL | R-3/C-3 | 5 Dwelling/Acre | 2.55 | |
| **Proposed** | GC | C-3 | 8000 SF/Ac | 2.55 | N/A |

8000 SF/AC x 2.55 = 20400 SF Max Buildout

II. **Public Facilities Information:**

| **A. Potable Water:** | |
|---|---|
| Average Use | Residential: 100 gallons per day per person (du x 2.6 = persons x 100 gpd = demand)<br>Other: 0.125 gallons per day per square foot |
| Demand Analysis | Maximum |
| Current Zoning | Total gallons per day 260 GPD/du x 12 du = 3120 GPD |
| Proposed Zoning | Total gallons per day (20400 SF x .125 GPD/SF) = = 2550 GPD |
| **Change in Demand** | **Total gallons per day** -570 GPD -Reduction |

| **B. Wastewater:** | |
|---|---|
| Average Use | Residential: 100 gallons per day per person<br>(du x 2.6= persons x 100 gpd = demand)<br>Other: 0.1 gallons per day per square foot |
| Demand Analysis | Maximum Estimated Max. Buildout 8000 SF/AC x 2.55 = 20400 SF |
| Current Zoning | Total gallons per day 260 GPD/DU x 12 DU = 3120 GPD |
| Proposed Zoning | Total gallons per day 20400 SF x 0.1 GPD/SF = 2040 GPD |
| **Change in Demand** | **Total gallons per day** -1080 GPD reduction |

**C. Parks and Recreation (Residential Classifications Only):**
(Du x 2.6 = persons + 44,227 = population /LOS)

| Park Type | LOS | Existing Population Park Demand | Proposed Population Park Demand | Change in Demand |
|---|---|---|---|---|
| **Regional** | 20 acres per 1,000 people | 0.624 AC | 0 | -0.624 AC |
| **Urban District** | 5 acres per 1,000 people | 0.156 AC | 0 | -0.156 AC |
| **Community** | 2.5 acres per 1,000 people | 0.078 AC | 0 | -0.078 AC |
| **Neighborhood** | 1.36 acres per 1,000 people | 0.042 AC | 0 | -0.042 AC |

**D. Public Schools (Residential Classifications Only):**
Single Family: (du x 0.405 = students/70% K-8/30% High)
Multi-family: (du x 0.207 = students/70% K-8/30% High)

| | K-8 | High |
|---|---|---|
| **School Name** | Lincoln Park Academy | Lincoln Park Academy |
| **City** | Fort Pierce | Fort Pierce |
| **Distance** | 1.0 mile | 1.0 mile |
| **Current Zoning Enrollment Demand** | 3.4 | 1.5 |
| **Proposed Zoning Enrollment Demand** | 0 | 0 |
| **Change in Demand** | -3.4 | -1.5 |

**E. Solid Waste:**
2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units

| **Demand Analysis** | Maximum |
|---|---|
| **Current Zoning** | 2.0 C.Y. |
| **Proposed Zoning** | 8.0 C.Y. |
| **Change in Demand** | +6.0 C.Y. |

**F. Stormwater:**
Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event)

| | |
|---|---|
| **Impact** | There will be no impact to city drainage system. Site will be designed to meet city drainage requirements with minimum discharge during 25-year 3-day storm event with post discharge equal or less than the current discharge rate. |

## III. Transportation Analysis

| **G. Traffic** Most recent ITE Code for use; HCM Roadway Capacity | | |
|---|---|---|
| | **AADT** | **AM/PM Peak Hour Trips** |
| **Demand Analysis** | Maximum | Maximum |
| **Current Zoning** | 3.2 Trips/DU x 12 DU = 38.4 | 1.6 Trips/DU x 12 = 19.2 Trips/hr |
| **Proposed Zoning** | 20400 SF x 19.2 Trips/1000SF = 392 | 20400 SF x 2.56 Trips/1000SF = 52.25 Trips/hr |
| **Change in Demand** | Trips +353 Trips/Day | Trips +33 Trips/hr |
| **Impact to Capacity** | +Increase | +Increase |

**12.** Name of Owner(s): Fresh Wind Fresh Fire church of God Inc
Mailing Address: P.O. Box 853
City Fort Pierce State FL Zip 34947
Phone # 772. 713 4879
E-mail: 2kndrea2dempier@gmail.com

**13.** Name of Applicant: Pastor Arndrea Dempier
Mailing Address: P.O. Box 853
City Fort Pierce State FL Zip 34947
Phone # 772. 713. 4879 Fax #
E-mail: 2kndrea2dempier@gmail.com

**14.** Name of Representative: Abraham Chabab PE
Mailing Address: 5428 NW Edgewater Ave
City Port St. Lucie State FL Zip 34983
Phone # 772. 878. 5079 Fax #
E-mail: agchabab1@msn.com

**15. Applicant Acknowledgements** (Owner's signature must be notarized)

I certify that: (Check One)

_____ I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

_____ I (we) are not the owner of the above described property; however, the owners signature below authorizes the applicants the authority to act as agent for the owner(s) of record.

Applicant's Signature Date

Address State Zip

Phone Fax E-mail Address

**16. Property Owners Acknowledgements:** - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application for a change in zoning classification. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Property Owner's Name (Please Print) Phone

Address State Zip

Property Owner's Signature Date

STATE OF FLORIDA)
ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this ___ day of _____, 20_____, by

_____ who is personally known to me or has produced _____as ident

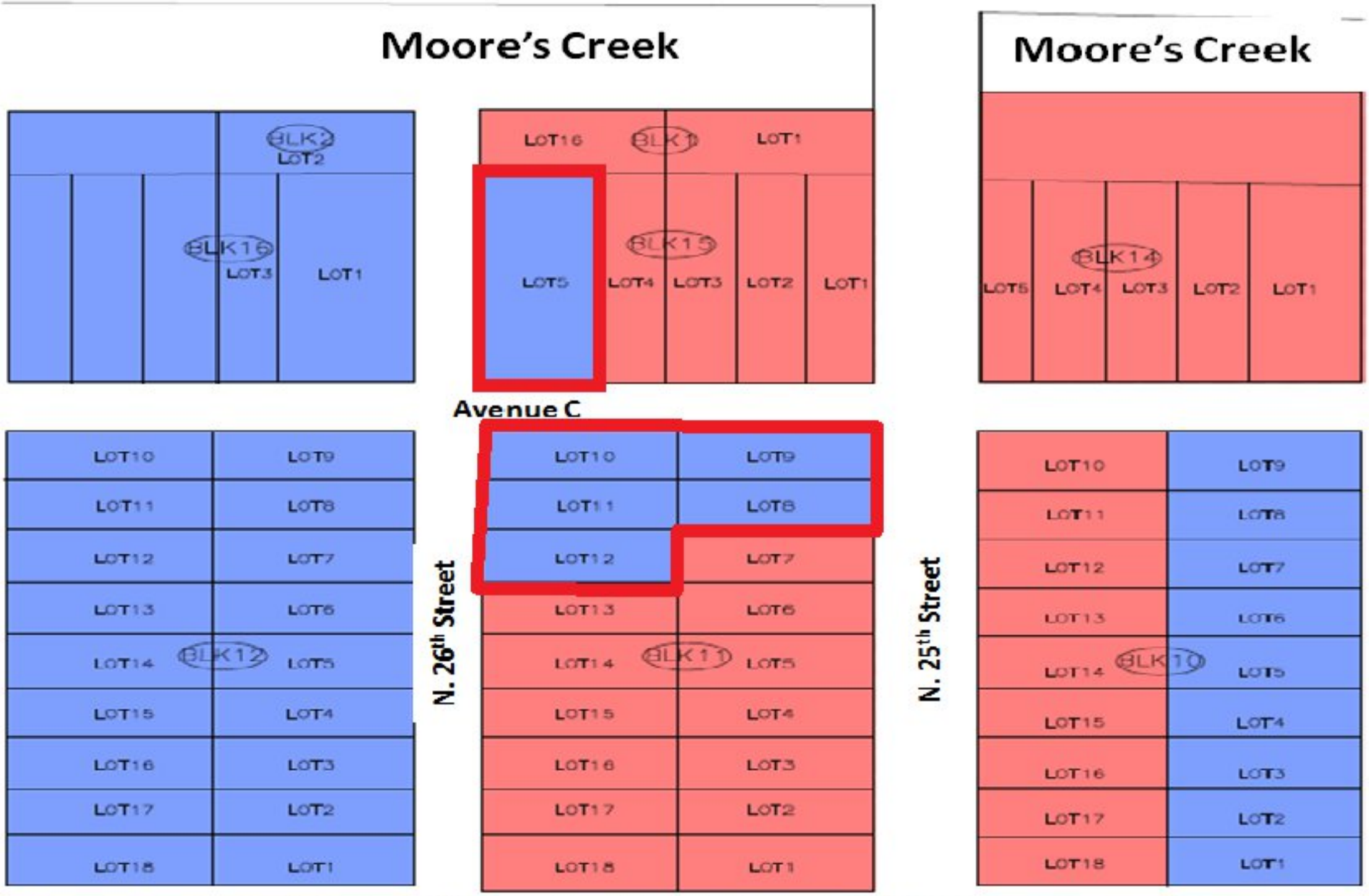
_____
Signature of Notary (seal)

| | | |
|---|---|---|
| **OFFICE USE:** | | |
| **DATE RECEIVED:**_____ | Signed:_____ | |
| File Number:_____ | Check No: _____ | Receipt No: _____ |
| TRC Review:_____ | Planning Board Review: _____ | City Commission: _____ |
| Ordinance No:_____ | Date Approved: _____ | |

# EXISTING ZONING MAP

N
W E
S

R-3: Single-Family Moderate
C-3: General Commercial




**Fresh Wind Fresh Fire Church**

**Existing Zoning**

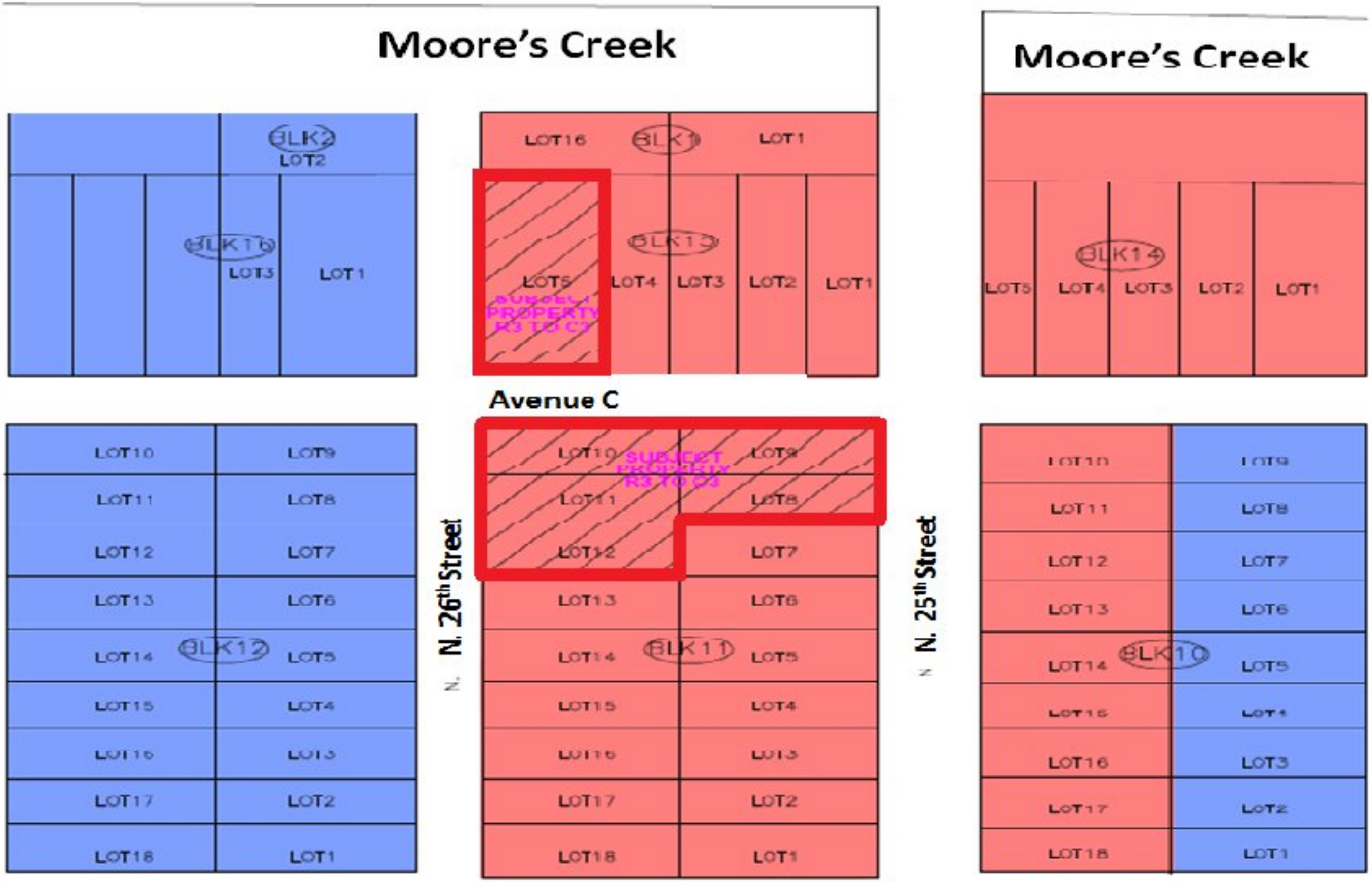
**411 N. 25th Street**

THE SUNRISE CITY
FORT PIERCE
Florida

# PROPOSED ZONING MAP

N
W E
S

R-3: Single-Family Moderate
C-3: General Commercial




**Fresh Wind Fresh Fire Church**
**Proposed Zoning**
**411 N. 25th Street**

THE SUNRISE CITY
FORT PIERCE
Florida

Michelle Franklin, CFA -- Saint Lucie County Property Appraiser -- All rights reserved.

## Property Identification

| | |
|---|---|
| Site Address: | 400 N 26th ST |
| Parcel ID: | 2408-507-0133-000-5 |
| Account #: | 20479 |
| Map ID: | 24/08N |
| Use Type: | 0100 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

## Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Min
PO Box 853
Fort Pierce, FL 34954

## Legal Description

FT PIERCE HTS BLK 15 LOT 1- LESS E 10 FT AND ALL LOTS 2, 3,4 AND 5 (OR 3651-278) (1.28 AC- 55,780 SF)



## Current Values

| | |
|---|---|
| Just/Market Value: | $56,300 |
| Assessed Value: | $53,389 |
| Exemptions: | $53,389 |
| Taxable Value: | **$0** |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF

## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 1,176 |
| Gross Area (SF): | 2,065 |
| Land Size (acres): | 1.28 |
| Land Size (SF): | 55,780 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
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## Property Identification

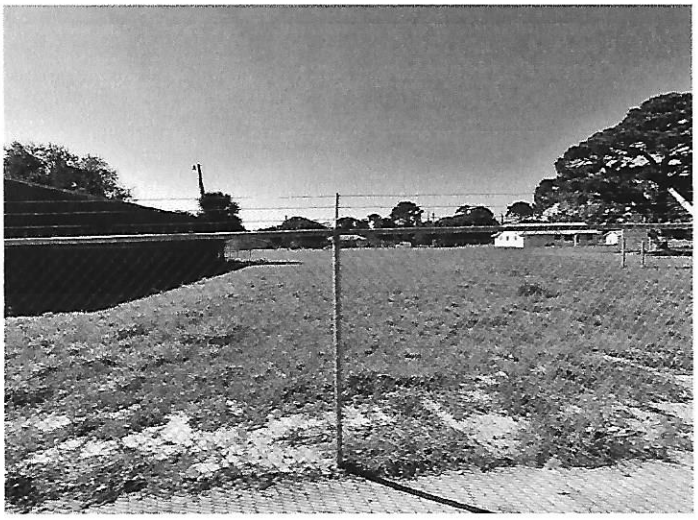
| | |
|---|---|
| Site Address: | N 25th ST |
| Parcel ID: | 2408-507-0097-000-0 |
| Account #: | 20460 |
| Map ID: | 24/08N |
| Use Type: | 1000 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

### Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Min
PO Box 853
Fort Pierce, FL 34954

### Legal Description

FT PIERCE HTS BLK 11 LOT 8 -LESS E 10 FT-AND E 5 FT OF VAC ALLEY ADJ ON W AND LOT 9- LESS E 10 FT AND LOT 10 AND 10 FT VAC ALLEY LYG BETWEEN SD LOTS AND LOTS 11 AND 12 AND W 5 FT OF VAC ALLEY ADJ ON E (OR 3651-278) (0.78 AC- 34,000 SF)



### Current Values

| | |
|---|---|
| Just/Market Value: | $34,000 |
| Assessed Value: | $34,000 |
| Exemptions: | $34,000 |
| Taxable Value: | $0 |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF

### Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 0 |
| Gross Area (SF): | 0 |
| Land Size (acres): | 0.78 |
| Land Size (SF): | 34,000 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
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## Property Identification

| | |
|---|---|
| Site Address: | 411 N 25th ST |
| Parcel ID: | 2408-501-0003-000-7 |
| Account #: | 20141 |
| Map ID: | 24/08N |
| Use Type: | 0000 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

## Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Ministries
PO Box 853
Fort Pierce, FL 34947

## Legal Description

EMANCIPATION PARK BLK 1 LOT 1-LESS E 10 FT- AND ALL LOT 16 AND ALL VAC ALABAMA AV ADJ ON S-LESSE 10 FT- AND VAC 10 FT ALLEY RUNNING N AND S BTWN LOTS 1 AND 16 (OR 3832-1820)

## Current Values

| | |
|---|---|
| Just/Market Value: | $11,600 |
| Assessed Value: | $11,600 |
| Exemptions: | $11,600 |
| Taxable Value: | $0 |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF




## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 0 |
| Gross Area (SF): | 0 |
| Land Size (acres): | 0.5 |
| Land Size (SF): | 21,600 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
© Copyright 2018 Saint Lucie County Property Appraiser. All rights reserved.

FILE # 3973726 OR BOOK 3651 PAGE 278, Recorded 07/09/2014 at 01:13 PM
Doc Tax: $1050.00

Prepared by and return to:
**Edward W. Becht, Esq.**
**Attorney at Law**
**Edward W. Becht, P.A.**
**321 South Second Street**
**Fort Pierce, FL 34950**
**772-465-5500**
File Number: **Fresh24131312**
Purchase Price: $150,000.00

[Space Above This Line For Recording Data]

# Warranty Deed

**This Warranty Deed** made this 8 day of **July, 2014** between **Annette N. McMullian, a married woman** whose post office address is **2320 Atlantic Beach Boulevard, Fort Pierce, FL 34949**, grantor, and **Fresh Wind Fresh Fire Church of God, Inc. Fresh Ministries, a Florida not for profit corporation** whose post office address is **Post Office Box 853, Fort Pierce, FL 34947**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Saint Lucie County, Florida** to-wit:

**Parcel 1: Parcel ID: 2408-501-0018-000/5**

**Lot 1, Block 2, Emancipation Park Subdivision, and the North 15 feet of vacated Alabama Avenue adjacent on the South, according to the Plat thereof, as recorded in Plat Book 1, page 38, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 2: Parcel ID: 2408-507-0134-000/2**

**Lots 1 and 2, Block 16, Fort Pierce Heights Subdivision, and the South 15 feet of vacated Alabama Avenue adjacent on the North, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 3: Parcel ID: 2408-507-0133-000/5**

**Lot 5, Block 15, Fort Pierce Heights Subdivision, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 4: Parcel ID: 2408-507-0132-000/8**

**Lot 1, less the East 10 feet, and all of Lots 2, 3, and 4, Block 15, Fort Pierce Heights Subdivision, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

DoubleTime®

FILE # 4155638 OR BOOK 3832 PAGE 1820, Recorded 02/02/2016 at 08:59 AM
Doc Tax: $350.00

**Prepared by and Return to Kendahl Galego ,**
**an employee of First International Title, Inc.**
107 North 2nd Street
Fort Pierce, FL 34950
File No.: 76700-41

# WARRANTY DEED

This indenture made on January 28, 2016, by **Roosevelt Nelson, as Trustee of the Roosevelt Nelson Revocable Trust dated October 23, 2008,** whose address is: 1502 Avenue O, Fort Pierce, FL 34950 hereinafter called the "grantor",

to **Fresh Wind Fresh Fire Church of God, Inc. Fresh Ministries, a Florida not for profit corporation** whose address is: 2000 North 43rd Street, Fort Pierce, FL 34947 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth,** that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Lucie County, **Florida,** to-wit:

Lots 1 and 16, Block 1, EMANCIPATION PARK, and the vacated Alabama Avenue on the South, less the East 10 feet thereof, together with a 10 foot wide by 50 foot long alley running North to South between said Lots 1 and 16, according to the Plat thereof, recorded in Plat Book 1, Page(s) 38 of the Public Records of St. Lucie County, Florida.

Parcel Identification Number: 2408-501-0003-000/7

**The land** is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

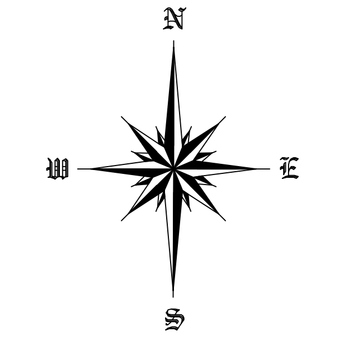
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

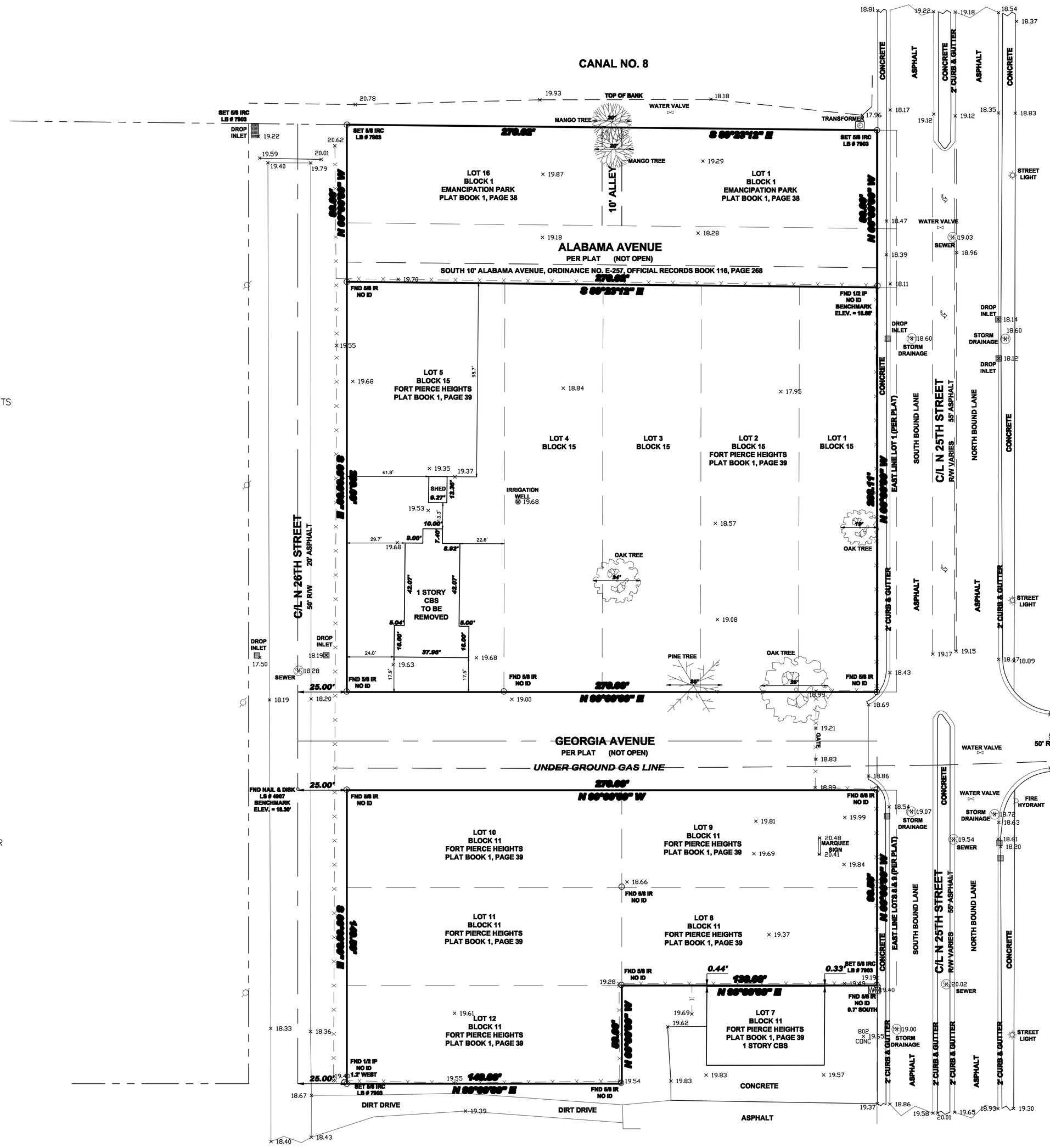
**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims

# BOUNDARY & TOPOGRAPHIC SURVEY

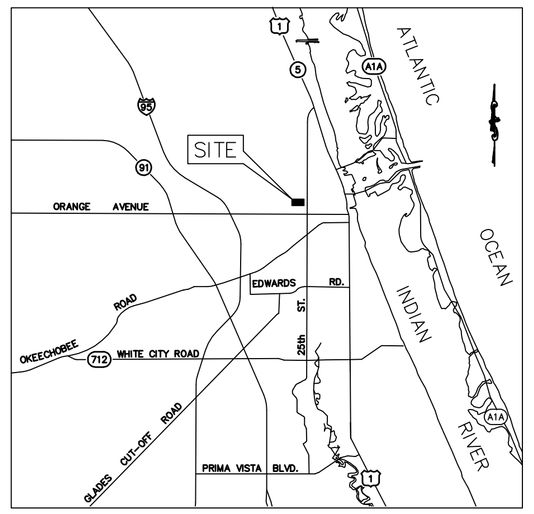
## LYING IN THE CITY OF FORT PIERCE, FLORIDA




## LEGEND & ABBREVIATIONS

| | |
|---|---|
| A | ARC LENGTH |
| A/C | AIR CONDITIONER |
| BM | BENCHMARK |
| C | CALCULATED FROM FIELD MEASUREMENTS |
| C/L | CENTERLINE |
| CM | CONCRETE MONUMENT |
| CONC | CONCRETE |
| DEG OR ° | DEGREE |
| ELEV | ELEVATION |
| FFE | FINISHED FLOOR ELEVATION |
| FND | FOUND |
| ID | IDENTIFICATION NUMBER |
| IP | IRON PIPE |
| IR | IRON ROD |
| IRC | IRON ROD & CAP |
| LB | LICENSED BUSINESS |
| LS | LICENSED SURVEYOR |
| M | MEASURED DATA |
| MON | MONUMENT |
| N&C | NAIL AND CAP |
| NAVD | NORTH AMERICAN VERTICAL DATUM |
| NGVD | NATIONAL GEODETIC VERTICAL DATUM |
| NO OR # | NUMBER |
| NTS | NOT TO SCALE |
| OHP | OVERHEAD UTILITIES |
| ORB | OFFICIAL RECORDS BOOK |
| P | PLAT DATA |
| PB | PLAT BOOK |
| PG(S) | PAGE(S) |
| PLS | PROFESSIONAL LAND SURVEYOR |
| POB | POINT OF BEGINNING |
| POC | POINT OF COMMENCEMENT |
| PRM | PERMANENT REFERENCE MONUMENT |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| R | RADIUS |
| RLS | REGISTERED LAND SURVEYOR |
| R/W | RIGHT-OF-WAY |
| WM | WATER METER |
| △ | DELTA |
| | UTILITY POLE |




## LOCATION MAP

NOT TO SCALE

## STREET ADDRESS

400 N 26TH STREET, FORT PIERCE, FL. 34947

## LEGAL DESCRIPTION

LOTS 1, LESS THE EAST 10, AND ALL OF LOT 16, BLOCK 1, EMANCIPATION PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 38, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 1 LESS THE EAST 10 FEET, AND ALL OF LOTS 2, 3, 4 AND 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

## GENERAL NOTES

1. THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTER LINE OF 26TH STREET, AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS, ST. LUCIE COUNTY, FLORIDA, HAVING A BEARING OF S00°00'00"E (ASSUMED DATUM).

2. FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X", ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12111C 0178 J, EFFECTIVE DATE FEBRUARY 16, 2012. THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.

3. ALL ABOVE GROUND FIXED IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED AND SHOWN HEREON.

4. THE SURVEYOR HAS NO KNOWLEDGE OF UNDERGROUND FOUNDATIONS WHICH MAY OCCUPY LANDS OF OTHERS.

5. UNDERGROUND UTILITIES AND UTILITY SERVICES HAVE NOT BEEN LOCATED ON THIS SURVEY, EXCEPT AS SHOWN.

6. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD, OWNERSHIP, ABANDONMENT'S DEED RESTRICTIONS OR MURPHY ACT DEEDS.

7. REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

8. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

9. INFORMATION SHOWN HEREON IS BASED ON DEED AND FIELD MEASURED DATA.

10. THE LAST DATE OF FIELD WORK WAS AUGUST 17, 2017.

11. ELEVATIONS SHOWN HEREON ARE IN STANDARD U.S. FEET AND DECIMALS THEREOF AND BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988.

## GLOBAL POSITIONING SYSTEM (GPS) NOTES

1. REAL TIME KINEMATIC (RTK) METHOD WAS UTILIZED USING A TWO (2) DUAL FREQUENCY TOPCON HYPER GA II SYSTEM.

2. TYPICALLY, A BASE RECEIVER IS SET UP ON AN ESTABLISHED CONTROL STATION WHILE A ROVING RECEIVER LOCATES EXISTING MONUMENTS, IMPROVEMENTS AND CONTROL ON THE PROJECT.

3. GPS SURVEY MEASUREMENTS WERE PROCESSED AND ADJUSTED USING CARLSON SURVEY 2008.

4. THE HORIZONTAL TARGET ACCURACY FOR THIS SURVEY EXCEEDS MINIMUM STANDARDS OF PRACTICE PER FLORIDA ADMINISTRATIVE CODE (F.A.C.) 5J-17-051.


**ARNOLD SURVEYING, INC.**
PROFESSIONAL SURVEYORS & MAPPERS
FLORIDA LICENSED BUSINESS NUMBER 7903
4888 N. KINGS HIGHWAY #425, FORT PIERCE, FLORIDA 34951
24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 460-8211 SURVEY@ASI-SURVEY.COM


| DATE | BY | REVISIONS |
|---|---|---|
| 03/26/18 | DA | REVISED PER ENGINEERING COMMENTS |
| 03/10/18 | CA | ADDED BLOCK 11. PB 1 PG 39 |

**FRESH WIND FRESH FIRE CHURCH OF GOD**
FORT PIERCE FLORIDA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| | |
|---|---|
| DRAWN BY: | CA |
| CHECKED BY: | CA |
| DATE: | 08/19/2017 |
| HORIZONTAL SCALE: | 1"=30' |

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

SEAL

CHARLES ARNOLD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 4971

PRINTED DATE

SHEET 1 OF 1

PROJECT NO. 17-813

Fresh Wind Fresh Fire Church
411 N. 25th Street
Fort Pierce, FL. 34949

**Re: Site Plan –Fresh Wind Fresh Fire**

Dear Mr. Chabab,

The following are comments from the Planning Department's review of the applications for the Site Plan of Church Facility (Please Provide a Written Response to all responsible Departments):

**1) Per City Code Section 22-62 Sidewalks -**

***Applicability:*** **In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur:**

- **Whenever a permit is issued for the construction of a new duplex, multi-family, commercial, or office structure or use;**
- **When the valuation of a building permit for construction, additions, and renovations to structures or uses are more than thirty-five thousand dollars ($35,000.00);**
- **Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Plans shall reflect all proposed sidewalk improvements.**

**Please add a sidewalk to the western portion of the subject property that aligns N. 26th Street. As an applicant, you also have an option for payment in-lieu to the City's Sidewalk Fund.**

**2) Staff recommends that the applicant re-submit an updated capacity analysis to reflect the intensity of future commercial uses.**

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3741 or by e-mail: vgilmore@city-ftpierce.com.

Sincerely,

Vennis Gilmore
Planning Analyst

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 411 N. 15th St. – Fresh Wind, Fresh Fire Church – Site Plan, RZ, Future Land Use Amd.**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 25th & 26th Streets – Fresh Wind, Fresh Fire Church - Abandonment**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

Good afternoon,

Below are FPUA comments regarding the submissions for the TRC meeting on April 19, 2018.

Future Land Use Map Amendment, Rezoning, Site Plan - Fresh Wind, Fresh Fire Church -411 N. 25th Street - (Vennis Gilmore)

a. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

b. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet.

Abandonment - Fresh Wind, Fresh Fire Church - Section of Avenue C between 25th and 26thStreets - (Vennis Gilmore)

c. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

d. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet:

Thank you

Regards,

Martha Kerr

*Staff Assistant*

*W/WW Engineering Department*

*Fort Pierce Utilities Authority*

*1701 S. 37th Street*

*Fort Pierce, FL 34947*

*Telephone: (772) 466-1600, Ext. 3473*

*Fax: (772) 468-2414* *mkerr@fpua.com*

ST. LUCIE COUNTY FIRE DISTRICT
FIRE PREVENTION BUREAU
Office of the Fire Marshal

Telephone: (772) 621-3322
Fax: (772) 621-3604

Check with Kelly for Payment!

## BUREAU OF FIRE PREVENTION

## SITE PLAN REVIEW

**TO: Site Plan Applicant**

**SITE PLAN: Fresh Wind Fresh Fire Church**

**REVIEW DATE: 2/12/2018**

**PLANNER: KORI BENTON**

**REVIEWED BY: Captain Paul Langel**

---

**Site Plan Approved: _____**

**Site Plan Approved with conditions: ___X___**

**Site Plan Approval withheld pending written acknowledgement of conditions: _____**

**Site Plan Rejected: _____**

---

**The Following Revisions Are Necessary:**

1. **Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line athttp://www.slcfd.com/permits.htm**

2. **Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form.**

3. ~~**Please provide an electronic copy of the Site Plan (pdf format)**~~ **Received 2/12/2018**

4. **A separate review and permit is required for Underground Fire Mains connected to standpipes or sprinkler systems.**

**ST. LUCIE COUNTY FIRE DISTRICT**
FIRE PREVENTION BUREAU
Office of the Fire Marshal

**Telephone:** **(772) 621-3322**
**Fax:** **(772) 621-3604**

5. **Provide fire flow calculations for the building and all hydrants within 1000' of the site used for fire flow calculations.**

The School District does not have any comments or concerns regarding the request.

Please feel free to call me if you have any questions.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County

cell 772.216.5755

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer**

**RE : Fresh Wind, Fresh Fire R/W Abandonment - 411 N 25th Street**
**TRC No. 18-01000001**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- [x] R/W Abandonment
- [ ] P/D Drawings
- [ ] Test Reports & Related Documents
- [ ] Certificate of Completion
- [ ] Record Drawings
- [ ] Permits from applicable Local, State & Federal Agencies
- [ ] Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- [x] Recommend
- [ ] Do Not Recommend

- [x] Approval of Abandonment
- [ ] Building Permit
- [ ] C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- [ ] See attached for engineering comments

JRA/tst/dhr

Q:\ENGINEERING\Site Development Projects\F\Fresh Wind, Fresh Fire Church\RW Abandonment\Submittal No. 2 - 040618\Abandonment Approval- 041818.docx

**Project:** **FRESH WIND, FRESH FIRE CHURCH R/W ABANDONMENT**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

**SKETCH AND LEGAL DESCRIPTION:**

1) Please provide Sketch and Legal Description of the proposed abandonment area prepared by a surveyor licensed in the State of Florida.
2) If there is existing utilities located in the portion of the R/W to be abandoned, a Sketch and Description will need to be prepared.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Abandonment – Fresh Wind, Fresh Fire Church – Section of Avenue C between 25th & 26th Streets** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# 18-01000001.

The applicant is requesting the City's abandonment of a Section of unopened and unimproved right-of-way known as Avenue C between 25th and 26th Streets.

The St. Lucie County Planning & Development Services Department has no comments.

**Project:** **FRESH WIND, FRESH FIRE CHURCH REZONING**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

1) I have no comments.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer** JRA

**RE : Fresh Wind, Fresh Fire Church – 411 N 25th Street – Site Plan**
**TRC No. 18-06000003**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- ☑ Site Plan
- ☐ P/D Drawings
- ☐ Test Reports & Related Documents
- ☐ Certificate of Completion
- ☐ Record Drawings
- ☐ Permits from applicable Local, State & Federal Agencies
- ☐ Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- ☑ Recommend
- ☐ Do Not Recommend

- ☑ Approval of Site Plan
- ☐ Building Permit
- ☐ C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

☑ See attached for engineering comments



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 • CITYOFFORTPIERCE.COM • TEL: 772.467.3000 • FAX: 772.460.6847

ENGINEERING COMMENTS:

1. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a Unity of Title combining the developed parcels shall be recorded and submitted.
2. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a recorded sketch and description along with a recent Owners and Encumbrances search shall be submitted encompassing the proposed 5' sidewalk easement along 26th Street.
3. Advisory Comment: The submitted Grading, Drainage and Utility Plan was reviewed for conceptual compliance only and will be thoroughly reviewed at time of Building Permit submittal.
4. Advisory Comment: This site plan review is contingent on the R/W abandonment of Avenue C between 25th Street and 26th Street.

JRA/tst/dhr



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 ▪ CITYOFFORTPIERCE.COM ▪ TEL: 772.467.3000 ▪ FAX: 772.460.6847

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Site Plan, Rezoning, Future Land Use Map Amendment – Fresh Wind, Fresh Fire Church – 411 N. 25th Street** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECTS #18-06000003 (Site Plan), #18-06000003 (Rezoning & FLUMA)

The request seeks to construct a new church facility at the subject site. Due to split zoning and land use designations of the encompassed lots, the applicant is requesting Rezoning of 1.16 acres of the subject property from R-3, Single-Family Moderate Density Zone to C-3 (General Commercial Zone) and a Future Land Use Amendment from RL, Low Density Residential to GC, General Commercial.

**Review Comments**

1. The TRC Distribution memo notes the subject site has a total of .138 acres, which is seemingly in error.

2. The proposed "Site Plan" was not included in the enclosed distribution packet, therefore the review comments are limited to review of the paving & drainage/landscape plan.

3. The applications for Zoning Atlas Amendment & Future Land Use Map Amendment present analysis of capacity simply upon the proposed site plan, and specific use, whereas the analysis should compare reasonable build-out scenarios for each designation or district to compare potential impacts to public facilities. The City's CG, Commercial General Land Use provides capacity for a FAR of 1.0.

4. The provided site plan package contained the sketch and legal description for the right-of-way proposed for abandonment, whereas it is more appropriately included in the application for abandonment.

5. The subject site has been developed previously, therefore is a disturbed site. Is the City seeking mitigation for the proposed removal of a 30" oak?

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

## PUBLIC NOTIFICATION CERTIFICATION

**PROJECT NAME:** Zoning Atlas Amendment - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**NOTICES PROVIDED PURSUANT TO:** City Code Section 22-143. Public Hearings A, B, C, & D

**NOTICE BY NEWSPAPER:** May 20th, 2018

**NOTICE BY MAIL:** May 9th, 2018

**NOTICE BY SIGNS:** Planning Board - May 3rd, 2018 ; City Commission - May 24th, 2018

**VERIFIED BY:** Vennis Gilmore **TITLE:** Planning Analyst

**SIGNATURE:** **DATE:** May 23rd 2018

# Treasure Coast Newspapers | TCPALM

St. Lucie News-Tribune
1939 SE Federal Highway, Stuart, FL 34994

## AFFIDAVIT OF PUBLICATION

**STATE OF FLORIDA**
**COUNTY OF ST. LUCIE**

**Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.**

| Customer | Ad Number | Copyline | PO # |
|---|---|---|---|
| 463454 - CITY OF FORT PIERCE (LEGALS) | 2019150 | CITY OF FORT PIERCE NOTICE OF PUBLIC | |

**Pub Dates**
May 20, 2018

Sworn to and subscribed before me this day of, May 21, 2018, by

Natalie Zollar, who is

Natalie Zollar

(X) personally known to me or

( ) who has produced _____ as identification.

Karol E Kangas

**Karol Kangas** **Notary Public**

KAROL E KANGAS
Notary Public - State of Florida
Commission # GG 126041
My Comm. Expires Jul 29, 2021
Bonded through National Notary Assn.

## Legals

### Notice Of Sale

**NOTICE OF SHERIFF SALE**

NOTICE IS HERBY given that pursuant to a Writ of Execution issued in the County Court of Martin County, Florida, on the 11th day of July, 2017, in the cause wherein Chase Bank U.S.A, N.A. was Plaintiff and Mary K Morris, was Defendant, being Case No. 062313CC in said court.

I, WILLIAM D. SNYDER, as Sheriff of Martin County, Florida, have levied upon all the right, title, and interest of the defendants, Mary K Morris in and to the following described property, to wit:

2011 Green Subaru Forester
VIN: JF2SHABCXBH776088

and on the 6th day of June, 2018, at Martin County Courthouse Complex located at 100 E. Ocean Blvd., Suite B329 in the City of Stuart, Martin County, Florida, at the hour of 11:00am or as soon thereafter as possible, I will offer for sale all of the said defendant's right, title and interest in aforesaid property at public outcry and will sell the same, as-is, subject to all prior liens, encumbrances and judgments, if any, to the highest and best bidder or bidders for CASH IN HAND, the proceeds to be applied as far as may be to the payment of costs and the satisfaction of the above described execution. Vehicle may be viewed between the hours of 9:00am and 10:00am the day of sale at the Martin County Sheriff's Office 800 SE Monterey Road, Stuart, Florida 34994. Interested buyers should contact the Martin County Sheriff's Civil Process Unit at (772) 220-7030 the morning of sale to confirm status.

IN ACCORDANCE With the Americans with Disabilities Act, Persons with a disability needing special accommodations to participate in this proceeding should contact the Clerk of Circuit Court, Martin County not later than seven days prior to the proceeding at P.O. Box 9016, Stuart, Florida 34995-9016. Telephone: (772) 288-5576; via 1-800-955-8771 (TTY), or 711 (Florida Relay Service).

WILLIAM D. SNYDER
Sheriff of Martin County
By: Sarah Rogers
Civil Process

Sale Date: June 6, 2018
Pubs: May 6, 16, 20, 30, 2018
TCN 2004357

**Wheels/Recreation**
Buy and Sell here!
TCPALM localfieds

## Public Notices

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to Sections 22-22, 22-31, 22-58, 22-59, & 22-76, of the Code of Ordinances of the City of Fort Pierce, will on Monday, June 4th, 2018 hold a Public Hearing, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meetings which begin at 6:30 p.m., to consider review and approval of the following:

1. Review and approval of an application for a Development Review of a Site Plan & Design Review to construct 80,241 square feet of retail, sales, and service facilities along with a Conditional Use for the ability to perform general vehicle repair on site. The subject site consists of 5 parcels of land that are approximately 44.97 acres in total size, and located at approximately 2191 S. Jenkins Road. The properties are currently zoned PD, Planned Development with a separate application filed to rezone all 5 properties to C-3, General Commercial. The Parcel IDs are: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7

2. Review and approval of an application for a Development Review of a Site Plan & Design Review to construct a new 59,823 sqft automobile dealership on the north parcel as well as demolish the old dealership and expand the existing auto body shop by 3,000 square feet for office space. The subject site consists of 2 parcels of land that are approximately 33.40 acres in total size, and located at 3350 S. US Hwy 1. The properties are currently zoned C-3, General Commercial and the total development area will be approximately 13.50 acres. The Parcel IDs are: 2427-801-0001-000-3, 2427-421-0001-000-7

3. Review and approval of an application for a Development Review of a Site Plan & Design Review submitted by Applicant; Abraham Chabab, P.E., Civil Engineer and the Owner; Fresh Wind Fresh Fire Church of God Inc. to construct a church consisting of 5,610 sq. ft. in the C-3, Central Commercial zone (pending a re-zoning from R-3, Single-Family Moderate Density Zone, a future land use amendment from RL, Low Density Residential to GC, General Commercial, and an Abandonment of the Right-of-Way section Georgia Avenue [now Avenue C]; between N. 25th Street and N. 26th Street), located approximately at 411 N. 25th Street, Fort Pierce, FL. (Parcel ID(s) 2408-507-0133-000-5, 2408-507-0097-000-0 ).

4. Review and approval of an application for a Conditional Use with No New Construction submitted by Applicant; Buteau Morestant; to operate a Driving Educational School in the C-2, Neighborhood Commercial Zone, located at 1607 Avenue D, Fort Pierce, FL. (Parcel ID 2409-506-0025-000-5).

All interested parties may appear at the meeting and be heard with respect to the Applications. Said applications will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019143

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to Sections 22-40 & 22-143 of the Code of Ordinances of the City of Fort Pierce, and Section 166.041 (3)(a) of Florida State Statutes, will on Monday, June 4th, 2018 and Monday, June 18th, 2018 hold Public Hearings on the enactment of the proposed ordinance on first and second readings, respectively, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meetings which begin at 6:30 p.m., to consider review and approval of the following:

ORDINANCE 18-020 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE REAR YARD SETBACK FOR LOTS 1 THROUGH 318 FOR THE SUBDIVISION KNOWN AS CELEBRATION POINTE AND RESTATING THE PLANNED DEVELOPMENT AS RECORDED IN PLAT BOOK 57 PAGES 7-14 AND PROPERTY GENERALLY LOCATED AT 5501 PETERSON ROAD AND SHOWN ON EXHIBIT A; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at the meeting and be heard with respect to the Application. Said application will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019146

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to City Charter and Florida Statute 166.041, will hold Public Hearings on Monday, June 4th, 2018 and Monday, June 18th, 2018 in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meeting which begins at 6:30 p.m., to consider review and approval of the following:

ORDINANCE 18-015 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET, INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM R-3, SINGLE-FAMILY MODERATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 18-019 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT 1101 N. US HIGHWAY 1, FROM C-2, NEIGHBORHOOD COMMERCIAL ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at the meeting and be heard with respect to the rezoning. Said Ordinance will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019150

**Notice Under Fictitious Name Law Pursuant to Section 865.09, Florida Statutes**

NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of Carrie's Helping Hands located at 3598 SW Rivera Street, in the County of St. Lucie, City of Port St. Lucie, Florida 34953, intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida. Dated at Port St. Lucie, Florida, this 26th day of January, 2018.
Carrie L. Williamson
Pub: May 20, 2018
TCN 2020327

**PUBLIC NOTICE**

THE PUBLIC is invited by the Martin County School Boards, Exceptional Student Education Department to provide input into the utilization of the Individuals w/Disabilities Education Act (IDEA), Entitlement Grants at the Exceptional Student Education Office at 500 S.E. Ocean Blvd. Stuart, FL in MPLEX-4 on Thursday May 31, 2018 from 5:00 pm to 6:30 pm. For additional information about this meeting please call (772) 219-1200 Ext. 30428 or Email barrenj@martin.k12.fl.us
Pub: May 18-21, 2018
TCN 2018030

## Request for Bids

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

**CALL FOR BIDS**

Sealed bids will be received at the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982, until **3:00 P.M.** local time on Wednesday, **June 20, 2018,** for the following:

**BID No. 18-058
Mowing of Various Nature Preserves and Trails
Environmental Resources Department**

Bid documents may be obtained via download from www.DemandStar.com or contacting the Office of the Purchasing Division at 2300 Virginia Avenue, Fort Pierce, Florida, 34982, (772) 462 1700.

A **mandatory pre Bid conference** will be held in the Environmental Resources Conference Room located at 2300 Virginia Avenue (1st Floor of the 25th Street Entrance), Ft. Pierce, Florida, on **Thursday, May 31, 2018 at 9:00 A.M.** Only Contractors attending this conference will be permitted to bid.

**Bids may be either mailed or hand delivered to the St. Lucie County Purchasing Department, 2300 Virginia Avenue, 2nd Floor, Room 228, Fort Pierce, FL 34982. Any bids received after the above stated time will be returned to the bidder unopened.**

The Board of County Commissioners reserves the right to waive any informalities or minor irregularities; reject any and all bids which are incomplete, conditional, obscure, or which contain additions not allowed for; accept or reject any proposal in whole or in part with or without cause; and accept the proposal which best serves the County.

For Bids, RFP's, Addenda Information, Bid Results and other information visit the St. Lucie County Purchasing Web Site at http://www.co.st-lucie.fl.us

St. Lucie County is an Equal Opportunity/Affirmative Action Employer.

Publish: Sunday, May 20, 2018
TCN 2015247

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

**REQUEST FOR PROPOSALS**

Sealed Proposals will be received at the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982, until 3:30 P.M. local time on Wednesday, June 20, 2018, for the following:

**RFP No. 18-059**

**Processing/Recycling Services for Yard Waste Solid Waste Baling and Recycling Facility**

RFP documents may be obtained via download from www.DemandStar.com or by contacting the Office of the Purchasing Department at 2300 Virginia Avenue, Fort Pierce, Florida, 34982, (772) 462 1700.

RFP's may be either mailed or hand delivered to the Purchasing Department, 2300 Virginia Avenue, 2nd Floor, Room 228, Fort Pierce, FL 34982. Any RFP'S received after the above stated time will be returned to the bidder unopened.

The Board of County Commissioners reserves the right to waive any informalities or minor irregularities; reject any and all bids/proposals which are incomplete, conditional, obscure, or which contain additions not allowed for; accept or reject any bids/proposal in whole or in part with or without cause; and accept the bid/proposal which best serves the County.

St. Lucie County is an Equal Opportunity/Affirmative


# Services Offered

TCPALM localfieds Where local meets classifieds

Place your ad with us. Call 1-877-2472407

### Adult Care/Services

**ADULT CARE/ SERVICES**
GAL FRIDAY
Helper/Assistant
Dependable & honest.
Call Debbie
(772)678-5026

**CNA**
25+ Yrs exp w/the elderly.
Alzheimers - Dementia - Light Housecleaning Hrly/Days/Nights
Call (772) 237-7764

**EXCELLENT CNA!**
To provide personal care, homemaker/companionship services.
M, IR, SL, WPB (561)856-2588

**ARE YOU SEEKING CARE FOR YOUR LOVED ONE?**
Call Top Choice Private Care. We have CNAs/HHAs. Highly skilled, honest & dependable avail. 4 to 24 hrs. Affordable rates. Lic/Ins. 772-878-9000.

### Air Cond/Heating

**AIR SOURCE 1**
**FREE** Estimates
**FREE** Service Call
Check your A/C
**Spring Special $39.95**
772-626-7604 SL MC

### At Your Service

**SEEKING INVENTORY**
Now buying: costume jewelry, coins, gold & silver, sterling flatware.
(772)342-4794

### Carpet/Floor Covering

**HINTON'S CARPET CLEANING**
3 Rooms, $100, 1st floor
Tile & grout cleaning available.
**772-562-7262** IRC

**RAY'S CARPET REPAIRS & INSTALLATION**
Same day service
Free estimate. Lic#1953
**772-571-6353** IR

### Cleaning Services

**DR CLEAN SERVICES**
Lic. 16 00250 Husband & wife do housecleaning, windows, pressure wash & more. Call 772-361-3197 for a free Est. Seb. & V.B.

**HUSBAND/WIFE HOME CLEANING SRVC**
We also do Windows, Pressure, Grout & Carpet Clean, Lic/Ins
**772-766-4174**

### Cleaning Services

**LILLI'S CLEANING SERVICES**
Licensed, Insured and Bonded.
Call for in home price quote.
(772)528-8255

### Cleanup/Hauling

**A-1 DANIEL'S HAULING**
**Haul All:** Trash, Brush, Junk, Anything - Garage/Shed Cleanout, 7 days a week
IR SL MC **(772) 812-2500**

### Clock Repair

**CLOCKS BY HOLLIS**
Repair & Sales
1445 Village Green Dr.
Port St. Lucie (772)335-2507

### Computer Services

**ARON'S DISCOUNT HOME COMPUTER SERVICE**
Microsoft-Cert, 20yrs' local exp.
**(772) 475-7887**

**FIX ALL COMPUTER PROBLEMS FOR LESS**
Call Brian 772-301-8844 to fix *any* computer problem for less. Also will do tutoring at a low rate. (772)301-8844

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**ALL CONCRETE**
**Driveways/Patios/ Brickpavers/Block**
**Odom Construction 473-0046**
**BC018696 IR SL**

**JERRY RIPPLE STUCCO**
Commercial/Residential
Quality work. 40 yrs experience
Lic#3192 IR **(772) 564-0392**

**ROY CLARK CONCRETE**
Patios, Sidewalks & Driveways. Lic #7999 Ins.
www.royclarkconcrete.com
**(772) 633-6057** IR

### Contractors/Builders

**JOHNSON**
**Remodel, Repairs, Carpentry, Room Additions, also Concrete Patios & Driveways**
Lic **772-672-4353** Ins

### Contractors/Builders

**Renovation Remodel**
**Room Additions**
**772-919-2830**
Kitchens, flooring, painting, doors, windows, wood decks bathrooms, pool enclosure re-screens.
**New Construction, Inc.**
CGC 015735 Lic/Ins

### Electric Providers

**TROY GIOVENGO ELECTRICAL SRVCS**
All kinds of electrical. Call (772)201-9855 Lic #EC13006488

### Home Maint./Repair

**ABLE RENOVATION, ADDITIONS & REMODELING**
Kitchen, bath, painting, fencing, carpentry, drainage, Code Violations! Lic/Ins **772-249-6591**

**A NOW HOME REPAIRS**
Sometimes Same Day!
Fence/Deck · Granite Countertops
Cabinets/Doors/Closets
Shelving/Blinds/Drapery Install
Pressure Washing
772-267-3836 · Lic/Ins
Visa/MC/Disc

**AA RESCREENING**
Lowest Prices Guaranteed
$.98 @ SF ✶ 36 Yrs Exp
Licensed & Insured
**Call Bill 772-646-2809**

**B. S. B.**
Home Improvements/Repairs/ Maintenance/Remodel
Lic/Ins #MCNS5897
**Call Carlos (772) 206-5515**

**BRIAN'S RESCREENING**
Storm Repair Specialist. Specializing in pool enclosures, lanais & patios. Free Est! Discount For Seniors & VETS! Call **772-370-4709**

**COASTAL ALUMINUM**
**Pool Enclosures, Rescreen, Repairs, Railings**
**Aluminum Roofs**
**772-468-0288** Tri Counties

**D&R RESCREENING**
Pool & Patio Rescreening
Window screens, Kick plate, Sliding door & Window repair.
Visa/MC/Disc/AMX
Lic./Ins. Call (772) 528-4629

**DRYWALL REPAIR**
Popcorn removal, Smooth ceiling
Knock down texture.
Lic **772-341-5985** Ins
LIC# MCDRY6526 PSL9463

### Home Maint./Repair

**NEED FIXING?**
Master Carpenter - 30 yrs exp. Crown, cabinets, interior trim & misc. repairs. CRC1331468
**772-584-2971** IR

**RESCREENING & REPAIRS**
Pool cages, porches. Free estimates! (772)361-4500

**A1 ERIC'S HOME REPAIR**
All types of home repairs - soffits, drywall, windows, doors, etc. Free est.
Lic/Ins. #CGC1509455
**(772) 460-1116** SL

### Home Services

**MOBILE SMALL ENGINE REPAIR 772-480-8076**
Riding & push mowers, blade sharpening, parts & repair generators, pressure washers.

### Irrigation

**BLUE WATER IRRIGATION**
Sprinklers, Clocks, Pumps & Tune-ups
**Jerry 772-532-7702** IR

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**ALL YOUR LANDSCAPING NEEDS**
Monthly and weekly service
Call Ron (772)834-8289

**DOMINIC LANDSCAPING**
***SALE* SOD/MULCH $49**
**Labor & Bobcat Service**
Palm & Plant Sales
Land Clearing
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**JOSE ROCHA LAWN SERVICE**
Good Quality for Less $$$,
Sr Discounts, Free Est, Lic/Ins
**772-332-3720/772-323-1576 SLC**

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**EZCOURTDOCS.COM**
Divorce $195 · Immigration
(800)400-2705

### Massage/Reflexology

**BLUE MOON SPA**
611 SW Federal Hwy Unit E
Stuart, FL 34994
Open 9:30am-9:00pm
**$10 off Special** (772)291-2057
Additional Parking Available in Back

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**AAA MOVING**
No job too small! First floor special, $75/hr w/2-hr min. in Indian River Co. 772-321-3680

### Painting Services

**A. A. W. PAINTING**
Paper Hanging, Int/Ext/ Pressure Wash #2756,
32 years exp; IR County
**(772) 321-7220**

**DON TIDEY REPAINTS**
Quality Guaranteed
**FREE** Estimates
Lic SPO1831
**772-485-2205** MC SL IR

**QUALITY PAINTING BY KEN INC**
25 years + in area
No job too small
WE DO IT ALL
**Call 772-486-5976**
SP01023 MC SL

***STEVE ALLEN PAINTING***
30 Years Quality Work
Lic # 18-2889 MC/SL
**(772) 878-7866**

### Pressure Washing

**AAAAA AFFORDABLE PRESSURE CLEANING**
Quality work at affordable prices. IR
Lic/Ins **(772) 501-3501**

**PRESSURE WASH!**
GET A CLEAN LOOK!
Sometimes Same Day! Lic/Ins
Home - Business - Schools
Walls/Driveways/Pool Decks/Roofs
A NOW HOME REPAIRS
Visa/MC/Disc (772)267-3836

### Roofing

**KUHNERT ROOFING**
**Indian River's Oldest Roofing Co!**
Repairs, New Roofs, Guaranteed.
Roofing is our ONLY Business
Lic# RC0018471 **(772)562-0883**

**MTW ROOFING dba Thompsons Remodeling & Roofing Division**
Installations and Repairs
Serving IR Co. **772-569-6517**

**ROOF LEAKS & REPAIRS**
Villanova Construction
Same Day Service.
Work Guaranteed.
**Call (772)828-8567**

### Roofing

**Roofing Contractor**
**William J Chalifoux Inc.**
**Reroofing and Repairs**
**Serving Martin and St. Lucie County over 40 years.**
**Best Warranty in the Business!**
**Lic. RC0066239 (772)370-5733**

**THOMPSON'S ROOFING DIVISION**
Provides expert service & warranty's on your repairs.
**772-564-8008 - IR County**
Lic#CCC1327801/Lic#CGC1510956

### Tile Work

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Bathroom Renovations
Backsplash/Flooring
All Phases 20+ Yrs. Exp.
Free Estimate **772-985-7598**

***SPERO TILE SERVICE***
Repair Specialist: Shower Pan Replacement; Dust free tile removal; Loose & Buckling Tile. Lic/Ins **(772) 589-6085** IR

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Service & Lot Clearing
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Lic'd & Ins'd. Free Estimates.
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772-263-3946

**J. KING'S SERVICES, INC.**
Trimming & Removal. Bucket, Grapple trucks. Firewood
**772-567-0245 or**
Lic/Ins **772-473-8076** IR/SL

**John Owens "I Do It All Tree Service"**
Lic./Ins. Tree Trimming, Trash Hauling, Stump Grinding, Weeding, Pressure Cleaning,etc
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General Contracting/Hauling/ Demolition; Free Est, Reasonable; Veteran Owned
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**TREE TRIMMING & REMOVAL LAWN & LANDSCAPE**
No job too small. Lic./Ins. Martin/St. Lucie. 772-985-7794

**City Commission Regular Meeting** **12.b.**

**Meeting Date:** 06/18/2018

**Re:** Ordinance 18-016 - Future Land Use Amendment - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

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**SUBJECT:**

Ordinance 18-016 Amending the Future Land Use Map of the Comprehensive Plan to change the designation of properties generally located at 411 N. 25th Street, including parcels 2408-507-0133-000-5 and 2408-507-0097-000-0, from Low Density Residential, RL, to General Commercial, GC. SECOND READING

**SUMMARY:**

- The applicant is requesting the review and approval of a Future Land Use Amendment from split uses of RL, Low Density Residential and GC, General Commercial to GC, General Commercial.
- One of the subject parcels has split zoning and future land use.
- The subject parcel with split future land use is currently zoned R-3, Single-Family Moderate Density Zone and C-3, General Commercial Zone. The second subject parcel is zoned R-3, Single-Family Moderate Density Zone.
- The applicant would like to eliminate the split through the approval of a Future Land Use Amendment.

**RECOMMENDATION:**

Approval

**ALTERNATIVES:**

Denial

**RESPONSIBLE STAFF:**

Vennis Gilmore, Planning Analyst

**COORDINATED WITH:**

Technical Review Committee
James M. Messer, Esq.; City Attorney

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**Fiscal Impact**

**OTHER INFORMATION:**

N/A

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**Attachments**

Staff Report

Ordinance 18-016
Aerial Map
Existing Future Land Use
Proposed Future Land Use
Application
Property Cards
Deeds
Survey
TRC Comments
Public Notification Certification
Proof of Publication

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 05/25/2018 02:16 PM |

Form Started By: Vennis Gilmore
Started On: 05/22/2018 06:15 PM
Final Approval Date: 06/05/2018

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

**TO:** Nicholas Mimms, PE, City Manager

**THROUGH**: Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Ordinance 18-016, Application for a Future Land Use Amendment**
**Fresh Wind Fresh Fire Church**
**411 N. 25th Street**

**DATE:** May 23, 2018

## STAFF REPORT

**Owner**:
Fresh Wind Fresh Fire Church of God Inc.
P.O. Box 853
Fort Pierce, FL. 34947

**Applicant:**
Abraham Chabab, P.E. Civil Engineer
5428 NW Edgewater Avenue
Port St. Lucie, FL. 34983

**Applicant's Request:**
Approval of a Future Land Use Map Amendment from RL, Low Density Residential to GC, General Commercial

**Location:**
411 N. 25t Street

**Parcel ID:**
2408-507-0133-000-5, 2408-507-0097-000-0

**Current Future Land Use:**
RL, Low Density Residential and GC, General Commercial

**Proposed Future Land Use:**
GC, General Commercial

**Current Zoning:**
R-3, Single – Family Moderate Density and C-3, General Commercial

**Proposed Zoning:**
C-3, General Commercial Zone

**Surrounding FLU & Zoning:**

| North | East | South | West |
|---|---|---|---|
| C-3/GC | C-3/GC | C-3/GC | R-4/RM |

**Site Size:**
2.55 acres

**Utilities:**
FPUA

**Staff Analysis:**

***Request***

In accordance with Sections 22-128 & 22-143 of the City Code, the applicant is requesting the review and approval of a Future Land Use Amendment from split uses of RL, Low Density Residential and GC, General Commercial to GC, General Commercial. One of the subject parcels has split zoning and future land use. The subject parcel with split future land use is currently zoned R-3, Single-Family Moderate Density Zone and C-3, General Commercial Zone. The second subject parcel is zoned R-3, Single-Family Moderate Density Zone. The applicant would like to eliminate the split through the approval of a Future Land Use Amendment.

Table 1 demonstrates pertinent existing and proposed data for the subject site.

Table 1: Existing and Proposed Site Data

| | **Existing** | **Proposed** |
|---|---|---|
| **Zoning** | R-3, C-3 | C-3 |
| **Future Land Use (FLU)** | RL, GC | GC |
| **Land Use Objective** | The Low Density Residential (RL) designation is intended for parcels that are best suited for lower density residential uses. The predominant development typology will consist of single family detached housing but can also contain duplexes and multifamily residences. Limited commercial uses intended to serve the neighborhood shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools and daycare facilities shall also be allowed. This land use category ranges in density from 1 to 6.5 dwelling units per acre. This category combines the previously allowed Residential Suburban (RS), Residential Urban (RU) and Low Density Residential (RI) categories. | The General Commercial designation provides for higher intensity commercial developments or horizontal and vertical mixed-use developments. Uses allowed within this designation include multifamily residential, intensive and general commercial, retail, service, offices, tourist/ entertainment facilities, hotels/motels, parks and recreation, along with compatible public, quasi-public, and special uses. This land use designation allows for a maximum density of 15 dwelling units per acre and a maximum FAR of 1.0. Development shall include either commercial or mixed uses fronting major roadway corridors with higher intensity near major intersections. Residential uses may comprise up to 20% of the total floor area of the General Commercial future land use designation. |
| **Land Use Breakdown** | N/A | N/A |

**History**

The applicant is seeking to develop a 5, 610 sq. ft. church facility with eighty-five (85) parking spaces at the subject site. The church will occupy 1.78 acres of the adjacent properties that the Fresh Wind Fresh Fire Church of God Inc. owns. The existing 2,065 sq. ft. vacant single-family home will be demolished to develop the brand new church facility. The site is situated to the west of North 25th Street and is just south of Moore's Creek. The applicant has also submitted an application for Zoning Atlas Amendment to change the split zoning of the subject areas from R-3, Single –Family Moderate Density to C-3, General Commercial Zone. Action to rezone the property from the residential designation to the more appropriate commercial designation is necessary, and sought by the applicant to advance consideration of the subject project.

**Standards for Review**

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendments:

(1)The amendments are consistent with the comprehensive plan;

(2)The amendments will not have an adverse effect on the ability of the city to:
a. Satisfy land and water use needs; and
b. Meet transportation demands and provide community facilities and services; and

(3)The amendments will promote and protect the public health, safety and general welfare.

The proposed amendments are consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan and is consistent with the concurrent request to amend the Zoning designation of the site. Furthermore, the amendments should not have adverse an effect on the ability of the city to satisfy land and water use needs, meet transportation demands, and provide community facilities and services. The presented amendments promote and protect the public health, safety and general welfare through the increased variety and access to neighborhood goods and services while ensuring minimal impacts to neighboring residential districts.

**Technical Review Committee**

All affected departments have reviewed the proposed Future Land Use Map Amendment with regards requirements of the City Code. No significant impacts to public facilities are immediately expected by the proposed amendment. Findings from the review by corresponding departments and any associated responses by the applicant are provided for viewing by the City Commission.

**Property Owner Response Summary:**

A total of 46 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

**Planning Board Recommendation:**

The Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend **approval** of the request.

**Staff Recommendation**

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 proposed amendment.

**ORDINANCE NO. 18-016**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the subject properties are generally located at 411 N. 25th Street, within the City of Fort Pierce, Florida, representing approximately 2.55 acres of land; and

**WHEREAS,** the subject properties are included in a proposed site plan for a 5,610 sq. ft. church facility; and

**WHEREAS,** the subject properties are included in zoning atlas amendment and right-of-way abandonment applications for the proposed 5,610 sq. ft. church facility sit plan; and

**WHEREAS,** Parcel ID: 2408-507-0133-000-5 has split future land use designations; and

**WHEREAS,** Within Parcel ID: 2408-507-0133-000-5; Lots 1, 2, 3, and 4 of Block 15 are designated as GC, General Commercial and Lot 5 of Block 15 is designated as RL, Low Density Residential; and

**WHEREAS,** Parcel ID: 2408-507-0097-000-0 is presently designated RL, Low Density Residential; and

**WHEREAS,** the applicant seeks a future land use amendment of the subject parcels, Parcel ID(s): 2408-507-0133-000-5 and 2408-507-0097-000-0, from RL, Low Density Residential to GC, General Commercial; and

**WHEREAS,** the proposed future land use amendment is consistent with the comprehensive plan, and will not have an adverse effect on the ability of the city to satisfy land and water use needs, and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety and general welfare as required by City Code 22-131; and

**WHEREAS,** the City of Fort Pierce Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend approval of the proposed Future Land Use Amendment for Ordinance 18-016.

**WHEREAS,** the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan adopted by Ordinance No. L-136, as subsequently amended; and

**WHEREAS,** changing the future land use designation requires an amendment to the Comprehensive Plan, pursuant to Section 163.3187, Florida Statutes; and

**WHEREAS,** the Fort Pierce City Planning Board having been duly designated as the Local Planning Agency pursuant to section 163.3174 et seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment to the Comprehensive Plan and submitted its recommendations thereon to the City Commission; and

**WHEREAS,** two (2) public hearings with due notice have been held by the City Commission to inform the public and receive comments and objections; and

**WHEREAS,** the City of Fort Pierce desires to hereby formally adopt this amendment to the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** The preceding "whereas" clauses are ratified and incorporated as the legislative intent of this ordinance.

**SECTION 2.** The Comprehensive Plan of the City of Fort Pierce is hereby amended as follows:

From and after the effective date hereof, the following properties legally described as:

Generally Located at 411 N. 25th Street, Parcel ID(s): 2408-507-0133-000-5, 2408-507-0097-000-0

LEGAL DESCRIPTION:

LOT 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

Said properties being generally located at 411 N. 25th Street in Fort Pierce, Florida shall be and the Future Land Use Designation is hereby changed from Low Density Residential, RL, to General Commercial, GC, as depicted on Exhibit “A”, attached hereto and incorporated herein.

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 5.** This Ordinance is and the same shall not become effective until 31 days after adoption.

**SECTION 6.** The effective date of this Comprehensive Plan Amendment shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance with Section 163.3187, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If final a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming this effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

APPROVED AS TO FORM & CORRECTNESS:

_____
James M. Messer
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED,** Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No.18- 016 was duly advertised accordance with F.S. 163.3187 by display advertising in the St. Lucie News Tribune on May 20th, 2018 ; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 2018, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of June, 2018.

_____
Linda Hudson
Mayor Commissioner

ATTEST:

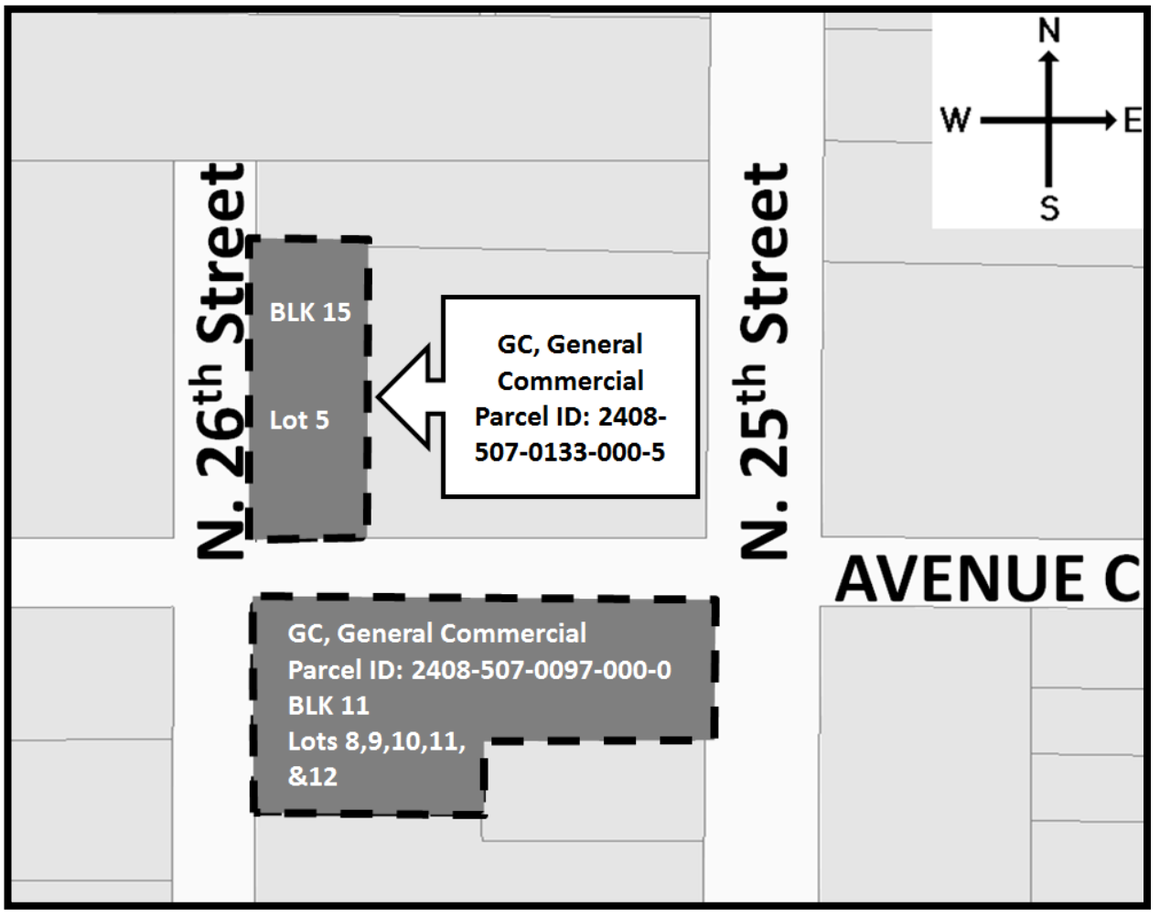
_____
Linda W. Cox
City Clerk

(City Seal)

**EXHIBIT A**

**Proposed Future Land Use**

General Commercial, GC




Subject Site
N. 26th Street
N. 25th Street
Avenue C
N
W
E
S

# EXISTING FUTURE LAND USE

N
W E
S

RL: LOW DENSITY RESIDENTIAL
GC: COMMERCIAL GENERAL

Moore's Creek

BLK 2
LOT2
BLK 15
LOT3
LOT1

LOT16 BLK 1 LOT1
LOT5
BLK 13
LOT4 LOT3 LOT2 LOT1

Moore's Creek

BLK 14
LOT5 LOT4 LOT3 LOT2 LOT1

Avenue C

| | |
|---|---|
| LOT10 | LOT9 |
| LOT11 | LOT8 |
| LOT12 | LOT7 |
| LOT13 | LOT6 |
| LOT14 BLK12 | LOT5 |
| LOT15 | LOT4 |
| LOT16 | LOT3 |
| LOT17 | LOT2 |
| LOT18 | LOT1 |

N. 26th Street

| | |
|---|---|
| LOT10 | LOT9 |
| LOT11 | LOT8 |
| LOT12 | LOT7 |
| LOT13 | LOT6 |
| LOT14 BLK11 | LOT5 |
| LOT15 | LOT4 |
| LOT16 | LOT3 |
| LOT17 | LOT2 |
| LOT18 | LOT1 |

N. 25th Street

| | |
|---|---|
| LOT10 | LOT9 |
| LOT11 | LOT8 |
| LOT12 | LOT7 |
| LOT13 | LOT6 |
| LOT14 BLK10 | LOT5 |
| LOT15 | LOT4 |
| LOT16 | LOT3 |
| LOT17 | LOT2 |
| LOT18 | LOT1 |

**Fresh Wind Fresh Fire Church**
**Existing Future Land Use**
**411 N. 25th Street**

THE SUNRISE CITY
FORT PIERCE
Florida

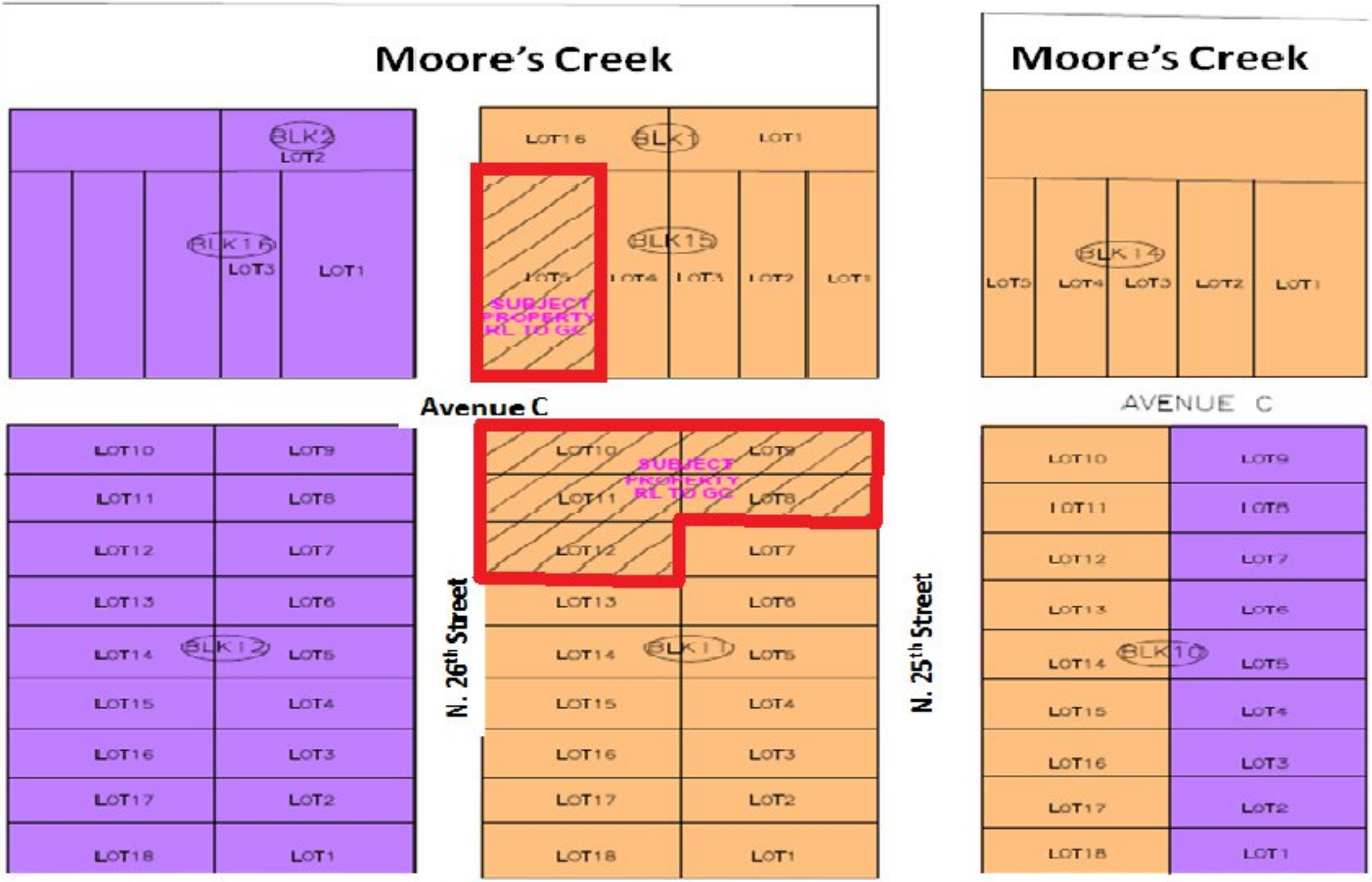
N

W E

S

# PROPOSED FUTURE LAND USE

RL: LOW DENSITY RESIDENTIAL
GC: GENERAL COMMERCIAL




**Fresh Wind Fresh Fire Church**

**Proposed Future Land Use**

**411 N. 25th Street**

THE SUNRISE CITY
FORT PIERCE
Florida

# Application for Future Land Use Map Amendment

☐ Future Land Use Map Amendment – Large Scale (>10 acres)

☒ Future Land Use Map Amendment – Small Scale (<10 acres)

In accordance with Chapter 163.3187, Florida Statutes, The City of Fort Pierce will consider applications for land use changes on parcels in excess of 10 aces ("Large Scale Amendments") only twice each calendar year. The City Commission will consider applications for land use changes on parcels less than or equal to 10 acres with a maximum density of 10 units per acres or less at any time during the calendar year. You are encouraged to schedule a pre-application meeting with the planning staff and to submit your application up to three months in advance of the application deadline.

**Application submission shall include the following:**

•**TRC** (*Initial Submission): One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

•**Planning Board**: One (1) original and (13) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

•**City Commission**: One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

**In addition to a complete application, packets shall include:**

☒ Warranty Deed & Legal Description

☒ St. Lucie County Property Record Card

☒ Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.

☒ Current Survey

☐ Environmental Study

☐ Traffic Impact Report

☒ *** Capacity Analysis-Separate Form

☒ Drainage Analysis

☐ Historical Report

☐ 1 CD of all documents submitted in PDF

☐ Other_____

1. Property Address/Location: 400 N. 25th Street
2. Property Tax ID(s): Lots (1+16) 2408.501.0003.6007 Lots (1,2,3,4&5) 2408.507.0133.0005 Lots (8+9, 10-12) 2408507009700000
3. Total Acreage: 2.55 Ac.
4. Existing Future Land Use Designation: RL/GC
5. Existing Zoning Classification: R3/C-3
6. Proposed Zoning Classification: C-3
7. Other applications being submitted concurrent with this application, if any: Development Review, R.O.W. abandonment and Building Design Review.
8. Describe the existing uses, improvements and structures on the amendment lands: Please see attached maps that describe existing Split zoning and proposed zoning
9. Are there any identified or possible historical structures on the amendment lands? No
10. The reason for making this request: Please see attached Letter

11. **Capacity Analysis:**

**I. Site Data:**

| | Existing Use | Future Land Use | Zoning |
|---|---|---|---|
| **North** | City Prop. Canal No. 8 | City Prop Canal No. 8 | C-3 |
| **South** | Vacant Prop. | Fellowship | Currently R-3 To be Rezoned to C-3 |
| **East** | N. 25th St. | N. 25th St. | C-3 |
| **West** | Vacant Prop Residential | Residential Activity | R-3 |

| | Future Land Use | Zoning Classification | Maximum Intensity<br>Residential: Dwelling Units per Acre<br>Other: Square Footage | Total Acreage | Flood Zone |
|---|---|---|---|---|---|
| **Current** | GC/RL | R-3/C-3 | 5 Dwelling/Acre | 2.55 | |
| **Proposed** | GC | C-3 | 20400 SF | 2.55 | N/A |

Estimated Max Build out
8000 SF/1AC x 2.55 AC = 20400 SF

## II. Public Facilities Information:

| A. Potable Water: | |
|---|---|
| Average Use | Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand)<br>Other: 0.125 gallons per day per square foot |
| Demand Analysis | Maximum Estimated Max Build out 8000 SF/AC x 2.55 = 20400 SF |
| Current Zoning | Total gallons per day 260 GPD/DU X 12 DU = 3120 GPD |
| Proposed Zoning | Total gallons per day 20400 SF x .125 GPD/SF = 2550 GPD |
| **Change in Demand** | **Total gallons per day** - 570 GPD Reduction |

| B. Wastewater: | |
|---|---|
| Average Use | Residential: 100 gallons per day per person (du x 2.6= persons x 100 gpd = demand)<br>Other: 0.1 gallons per day per square foot |
| Demand Analysis | Maximum Estimated Max Build out 8000 SF/AC x 2.55 = 20400 SF |
| Current Zoning | Total gallons per day 260 GPD/DU x 12DU = 3120 GPD |
| Proposed Zoning | Total gallons per day 20400 SF x .10 GPD/SF = 2040 GPD |
| **Change in Demand** | **Total gallons per day** - 1080 GPD Reduction |

**C. Parks and Recreation (Residential Classifications Only):**
(Du x 2.6 = persons + 44,227 = population /LOS)

| Park Type | LOS | Existing Population Park Demand | Proposed Population Park Demand | Change in Demand |
|---|---|---|---|---|
| **Regional** | 20 acres per 1,000 people | 0.624 AC | 0 | - 0.624 AC |
| **Urban District** | 5 acres per 1,000 people | 0.156 AC | 0 | - 0.156 AC |
| **Community** | 2.5 acres per 1,000 people | 0.078 AC | 0 | - 0.078 AC |
| **Neighborhood** | 1.36 acres per 1,000 people | 0.042 AC | 0 | - 0.042 AC |

**D. Public Schools (Residential Classifications Only):**
Single Family: (du x 0.405 = students/70% K-8/30% High)
Multi-family: (du x 0.207 = students/70% K-8/30% High)

| | K-8 | High |
|---|---|---|
| **School Name** | Lincoln Park Academy | Lincoln Park Academy |
| **City** | Fort Pierce | Fort Pierce |
| **Distance** | 1.0 mile | 1.0 mile |
| **Current Zoning Enrollment Demand** | 3.4 | 1.5 |
| **Proposed Zoning Enrollment Demand** | 0 | 0 |
| **Change in Demand** | -3.4 | -1.5 |

| E. Solid Waste:<br>2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units | |
|---|---|
| **Demand Analysis** | Maximum |
| **Current Zoning** | 2.0 C.Y. |
| **Proposed Zoning** | 8.0 C.Y. |
| **Change in Demand** | +6.0 C.Y. |

| **F. Stormwater:** Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event) | |
|---|---|
| **Impact** | There will be no impact to city drainage system. Site will be designed to meet city drainage requirements with minimum discharge during 25-year 3-day storm event with post discharge equal or less than the current discharge rate. |

| **G. Transportation Analysis:** Most recent ITE Code for use; HCM Roadway Capacity | | |
|---|---|---|
| | **AADT** | **AM/PM Peak Hour Trips** |
| **Demand Analysis** | Maximum | Maximum |
| **Current Zoning** | 3.2 Trips/DU x 12 DU = 38.4 | 1.6 Trips/DU x 12 = 19.2 Trips/hr |
| **Proposed Zoning** | 20,000 SF x 19.21 Trips/1,000 SF = 392 | 20,000 SF x 2.56 Trips/1,000 SF = 52.25 Trips/hr |
| **Change in Demand** | Trips +353.6 Trip/Day | Trips +33 Trips/hr |
| **Impact to Capacity** | + increase | + increase |

**12.** Name of Owner(s): Fresh Wind Fresh Fire church of God Inc.
Mailing Address: P.O. Box 853
City Fort Pierce State FL Zip 34947
Phone # 772.713.4879
E-mail: arndreadampier@gmail.com

**13.** Name of Applicant: Pastor Arndrea Dampier
Mailing Address: P.O. Box 853
City Fort Pierce State FL Zip 34947
Phone # 772.713.4879 Fax #
E-mail: arndreadampier@gmail.com

**14.** Name of Representative: Abraham chabab PE
Mailing Address: 5428 NW Edgewater Ave
City Port St. Lucie State FL Zip 34983
Phone # 772.878.5879 Fax #
E-mail: agchabab1@msn.com

**15. Applicant Acknowledgements** (Owner's signature must be notarized)

I certify that: (Check One)

_____ I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

_____ I (we) are not the owner of the above described property; however, the owners signature below authorizes the applicants the authority to act as agent for the owner(s) of record.

Applicant's Signature

Date

Address State Zip

Phone Fax E-mail Address

**16. Property Owners Acknowledgements:** - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application for a change in zoning classification. The property owner's signature(s) below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Property Owner's Name (Please Print) Phone

Address State Zip

Property Owner's Signature Date

STATE OF FLORIDA)
ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____ who is personally known to me or has produced _____as identification.

Signature of Notary (seal)

**OFFICE USE:**

**DATE RECEIVED:**_____ Signed:_____

File Number:_____ Check No: _____ Receipt No: _____

TRC Review:_____ Planning Board Review: _____ City Commission: _____

Ordinance No:_____ Date Approved: _____

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## Property Identification

| | |
|---|---|
| Site Address: | 400 N 26th ST |
| Parcel ID: | 2408-507-0133-000-5 |
| Account #: | 20479 |
| Map ID: | 24/08N |
| Use Type: | 0100 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

## Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Min
PO Box 853
Fort Pierce, FL 34954

## Legal Description

FT PIERCE HTS BLK 15 LOT 1- LESS E 10 FT AND ALL LOTS 2, 3,4 AND 5 (OR 3651-278) (1.28 AC- 55,780 SF)



## Current Values

| | |
|---|---|
| Just/Market Value: | $56,300 |
| Assessed Value: | $53,389 |
| Exemptions: | $53,389 |
| Taxable Value: | **$0** |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF

## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 1,176 |
| Gross Area (SF): | 2,065 |
| Land Size (acres): | 1.28 |
| Land Size (SF): | 55,780 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
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## Property Identification

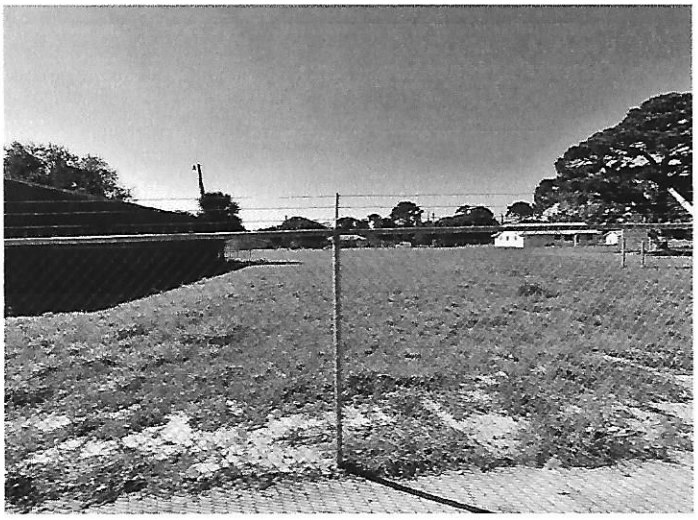
| | |
|---|---|
| Site Address: | N 25th ST |
| Parcel ID: | 2408-507-0097-000-0 |
| Account #: | 20460 |
| Map ID: | 24/08N |
| Use Type: | 1000 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

### Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Min
PO Box 853
Fort Pierce, FL 34954

### Legal Description

FT PIERCE HTS BLK 11 LOT 8 -LESS E 10 FT-AND E 5 FT OF VAC ALLEY ADJ ON W AND LOT 9- LESS E 10 FT AND LOT 10 AND 10 FT VAC ALLEY LYG BETWEEN SD LOTS AND LOTS 11 AND 12 AND W 5 FT OF VAC ALLEY ADJ ON E (OR 3651-278) (0.78 AC- 34,000 SF)



### Current Values

| | |
|---|---|
| Just/Market Value: | $34,000 |
| Assessed Value: | $34,000 |
| Exemptions: | $34,000 |
| Taxable Value: | $0 |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF

### Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 0 |
| Gross Area (SF): | 0 |
| Land Size (acres): | 0.78 |
| Land Size (SF): | 34,000 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
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## Property Identification

| | |
|---|---|
| Site Address: | 411 N 25th ST |
| Parcel ID: | 2408-501-0003-000-7 |
| Account #: | 20141 |
| Map ID: | 24/08N |
| Use Type: | 0000 |
| Zoning: | C3 |
| City/County: | Fort Pierce |

## Ownership

Fresh Wind Fresh Fire Church of God Inc Fresh Ministries
PO Box 853
Fort Pierce, FL 34947

## Legal Description

EMANCIPATION PARK BLK 1 LOT 1-LESS E 10 FT- AND ALL LOT 16 AND ALL VAC ALABAMA AV ADJ ON S-LESSE 10 FT- AND VAC 10 FT ALLEY RUNNING N AND S BTWN LOTS 1 AND 16 (OR 3832-1820)

## Current Values

| | |
|---|---|
| Just/Market Value: | $11,600 |
| Assessed Value: | $11,600 |
| Exemptions: | $11,600 |
| Taxable Value: | $0 |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF




## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 0 |
| Gross Area (SF): | 0 |
| Land Size (acres): | 0.5 |
| Land Size (SF): | 21,600 |

This information is believed to be correct at this time but it is subject to change and is not warranted.
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FILE # 3973726 OR BOOK 3651 PAGE 278, Recorded 07/09/2014 at 01:13 PM
Doc Tax: $1050.00

Prepared by and return to:
**Edward W. Becht, Esq.**
**Attorney at Law**
**Edward W. Becht, P.A.**
**321 South Second Street**
**Fort Pierce, FL 34950**
**772-465-5500**
File Number: **Fresh24131312**
Purchase Price: $150,000.00

[Space Above This Line For Recording Data]

# Warranty Deed

**This Warranty Deed** made this 8 day of **July, 2014** between **Annette N. McMullian, a married woman** whose post office address is **2320 Atlantic Beach Boulevard, Fort Pierce, FL 34949**, grantor, and **Fresh Wind Fresh Fire Church of God, Inc. Fresh Ministries, a Florida not for profit corporation** whose post office address is **Post Office Box 853, Fort Pierce, FL 34947**, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

**Witnesseth**, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Saint Lucie County, Florida** to-wit:

**Parcel 1: Parcel ID: 2408-501-0018-000/5**

**Lot 1, Block 2, Emancipation Park Subdivision, and the North 15 feet of vacated Alabama Avenue adjacent on the South, according to the Plat thereof, as recorded in Plat Book 1, page 38, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 2: Parcel ID: 2408-507-0134-000/2**

**Lots 1 and 2, Block 16, Fort Pierce Heights Subdivision, and the South 15 feet of vacated Alabama Avenue adjacent on the North, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 3: Parcel ID: 2408-507-0133-000/5**

**Lot 5, Block 15, Fort Pierce Heights Subdivision, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

**Parcel 4: Parcel ID: 2408-507-0132-000/8**

**Lot 1, less the East 10 feet, and all of Lots 2, 3, and 4, Block 15, Fort Pierce Heights Subdivision, according to the Plat thereof, as recorded in Plat Book 1, page 39, of the Public Records of St. Lucie County, Florida.**

**and**

DoubleTime®

FILE # 4155638 OR BOOK 3832 PAGE 1820, Recorded 02/02/2016 at 08:59 AM
Doc Tax: $350.00

**Prepared by and Return to Kendahl Galego ,**
**an employee of First International Title, Inc.**
107 North 2nd Street
Fort Pierce, FL 34950
File No.: 76700-41

# WARRANTY DEED

This indenture made on January 28, 2016, by **Roosevelt Nelson, as Trustee of the Roosevelt Nelson Revocable Trust dated October 23, 2008,** whose address is: 1502 Avenue O, Fort Pierce, FL 34950 hereinafter called the "grantor",

to **Fresh Wind Fresh Fire Church of God, Inc. Fresh Ministries, a Florida not for profit corporation** whose address is: 2000 North 43rd Street, Fort Pierce, FL 34947 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth,** that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Lucie County, **Florida,** to-wit:

Lots 1 and 16, Block 1, EMANCIPATION PARK, and the vacated Alabama Avenue on the South, less the East 10 feet thereof, together with a 10 foot wide by 50 foot long alley running North to South between said Lots 1 and 16, according to the Plat thereof, recorded in Plat Book 1, Page(s) 38 of the Public Records of St. Lucie County, Florida.

Parcel Identification Number: 2408-501-0003-000/7

**The land** is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

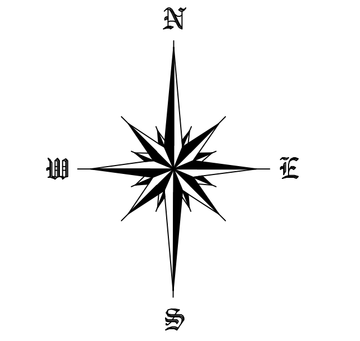
**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

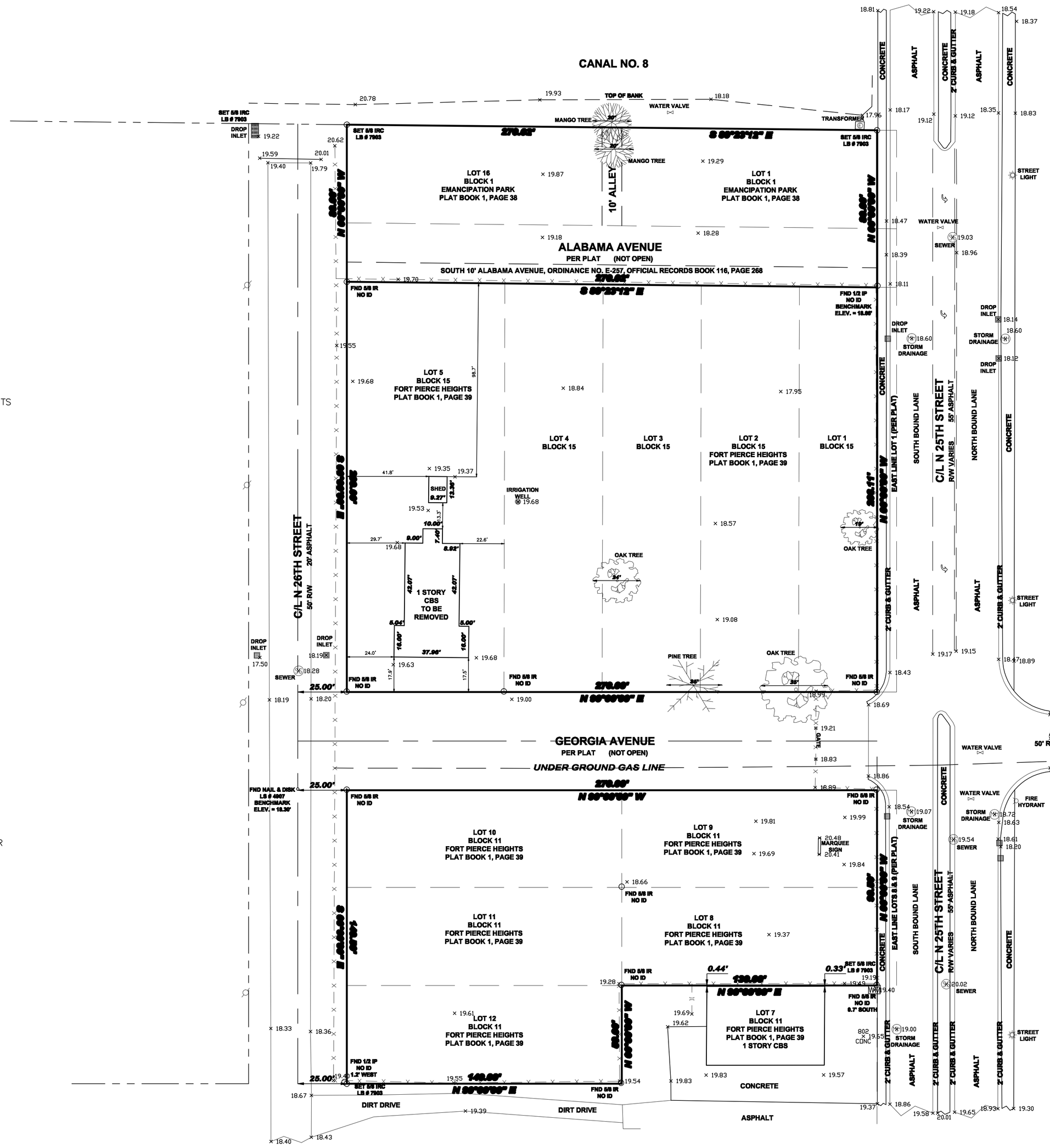
**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims

# BOUNDARY & TOPOGRAPHIC SURVEY

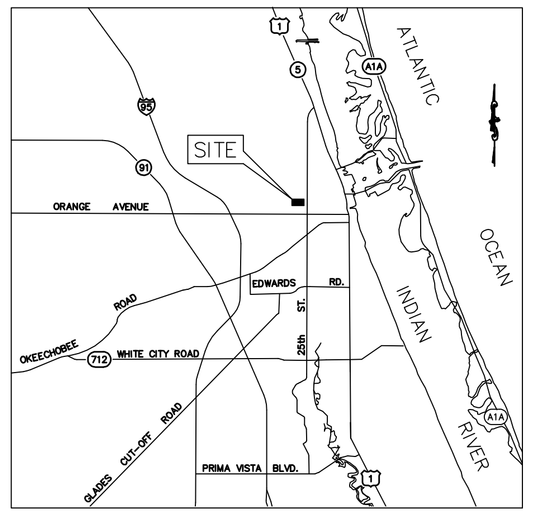
## LYING IN THE CITY OF FORT PIERCE, FLORIDA




## LEGEND & ABBREVIATIONS

| | |
|---|---|
| A | ARC LENGTH |
| A/C | AIR CONDITIONER |
| BM | BENCHMARK |
| C | CALCULATED FROM FIELD MEASUREMENTS |
| C/L | CENTERLINE |
| CM | CONCRETE MONUMENT |
| CONC | CONCRETE |
| DEG OR ° | DEGREE |
| ELEV | ELEVATION |
| FFE | FINISHED FLOOR ELEVATION |
| FND | FOUND |
| ID | IDENTIFICATION NUMBER |
| IP | IRON PIPE |
| IR | IRON ROD |
| IRC | IRON ROD & CAP |
| LB | LICENSED BUSINESS |
| LS | LICENSED SURVEYOR |
| M | MEASURED DATA |
| MON | MONUMENT |
| N&C | NAIL AND CAP |
| NAVD | NORTH AMERICAN VERTICAL DATUM |
| NGVD | NATIONAL GEODETIC VERTICAL DATUM |
| NO OR # | NUMBER |
| NTS | NOT TO SCALE |
| OHP | OVERHEAD UTILITIES |
| ORB | OFFICIAL RECORDS BOOK |
| P | PLAT DATA |
| PB | PLAT BOOK |
| PG(S) | PAGE(S) |
| PLS | PROFESSIONAL LAND SURVEYOR |
| POB | POINT OF BEGINNING |
| POC | POINT OF COMMENCEMENT |
| PRM | PERMANENT REFERENCE MONUMENT |
| PSM | PROFESSIONAL SURVEYOR AND MAPPER |
| R | RADIUS |
| RLS | REGISTERED LAND SURVEYOR |
| R/W | RIGHT-OF-WAY |
| WM | WATER METER |
| △ | DELTA |
| | UTILITY POLE |




## LOCATION MAP

NOT TO SCALE

## STREET ADDRESS

400 N 26TH STREET, FORT PIERCE, FL. 34947

## LEGAL DESCRIPTION

LOTS 1, LESS THE EAST 10, AND ALL OF LOT 16, BLOCK 1, EMANCIPATION PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, AT PAGE 38, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 1 LESS THE EAST 10 FEET, AND ALL OF LOTS 2, 3, 4 AND 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

## GENERAL NOTES

1. THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTER LINE OF 26TH STREET, AS RECORDED IN PLAT BOOK 1, PAGE 38, PUBLIC RECORDS, ST. LUCIE COUNTY, FLORIDA, HAVING A BEARING OF S00°00'00"E (ASSUMED DATUM).

2. FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X", ACCORDING TO THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12111C 0178 J, EFFECTIVE DATE FEBRUARY 16, 2012. THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.

3. ALL ABOVE GROUND FIXED IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED AND SHOWN HEREON.

4. THE SURVEYOR HAS NO KNOWLEDGE OF UNDERGROUND FOUNDATIONS WHICH MAY OCCUPY LANDS OF OTHERS.

5. UNDERGROUND UTILITIES AND UTILITY SERVICES HAVE NOT BEEN LOCATED ON THIS SURVEY, EXCEPT AS SHOWN.

6. LANDS SHOWN HEREON WERE NOT ABSTRACTED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS OF RECORD, OWNERSHIP, ABANDONMENT'S DEED RESTRICTIONS OR MURPHY ACT DEEDS.

7. REPRODUCTIONS OF THIS MAP ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

8. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

9. INFORMATION SHOWN HEREON IS BASED ON DEED AND FIELD MEASURED DATA.

10. THE LAST DATE OF FIELD WORK WAS AUGUST 17, 2017.

11. ELEVATIONS SHOWN HEREON ARE IN STANDARD U.S. FEET AND DECIMALS THEREOF AND BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988.

## GLOBAL POSITIONING SYSTEM (GPS) NOTES

1. REAL TIME KINEMATIC (RTK) METHOD WAS UTILIZED USING A TWO (2) DUAL FREQUENCY TOPCON HYPER GA II SYSTEM.

2. TYPICALLY, A BASE RECEIVER IS SET UP ON AN ESTABLISHED CONTROL STATION WHILE A ROVING RECEIVER LOCATES EXISTING MONUMENTS, IMPROVEMENTS AND CONTROL ON THE PROJECT.

3. GPS SURVEY MEASUREMENTS WERE PROCESSED AND ADJUSTED USING CARLSON SURVEY 2008.

4. THE HORIZONTAL TARGET ACCURACY FOR THIS SURVEY EXCEEDS MINIMUM STANDARDS OF PRACTICE PER FLORIDA ADMINISTRATIVE CODE (F.A.C.) 5J-17-051.


**ARNOLD SURVEYING, INC.**
PROFESSIONAL SURVEYORS & MAPPERS
FLORIDA LICENSED BUSINESS NUMBER 7903
4888 N. KINGS HIGHWAY #425, FORT PIERCE, FLORIDA 34951
24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 460-8211 SURVEY@ASI-SURVEY.COM


| DATE | BY | REVISIONS |
|---|---|---|
| 03/26/18 | DA | REVISED PER ENGINEERING COMMENTS |
| 03/10/18 | CA | ADDED BLOCK 11. PB 1 PG 39 |

**FRESH WIND FRESH FIRE CHURCH OF GOD**
FORT PIERCE FLORIDA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| | |
|---|---|
| DRAWN BY: | CA |
| CHECKED BY: | CA |
| DATE: | 08/19/2017 |
| HORIZONTAL SCALE: | 1"=30' |

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

SEAL

CHARLES ARNOLD
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NO. 4971

PRINTED DATE

SHEET 1 OF 1

PROJECT NO. 17-813

Fresh Wind Fresh Fire Church
411 N. 25th Street
Fort Pierce, FL. 34949

**Re: Site Plan –Fresh Wind Fresh Fire**

Dear Mr. Chabab,

The following are comments from the Planning Department's review of the applications for the Site Plan of Church Facility (Please Provide a Written Response to all responsible Departments):

**1) Per City Code Section 22-62 Sidewalks -**

***Applicability:*** **In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur:**

- **Whenever a permit is issued for the construction of a new duplex, multi-family, commercial, or office structure or use;**
- **When the valuation of a building permit for construction, additions, and renovations to structures or uses are more than thirty-five thousand dollars ($35,000.00);**
- **Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Plans shall reflect all proposed sidewalk improvements.**

**Please add a sidewalk to the western portion of the subject property that aligns N. 26th Street. As an applicant, you also have an option for payment in-lieu to the City's Sidewalk Fund.**

**2) Staff recommends that the applicant re-submit an updated capacity analysis to reflect the intensity of future commercial uses.**

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3741 or by e-mail: vgilmore@city-ftpierce.com.

Sincerely,

Vennis Gilmore
Planning Analyst

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 411 N. 15th St. – Fresh Wind, Fresh Fire Church – Site Plan, RZ, Future Land Use Amd.**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 25th & 26th Streets – Fresh Wind, Fresh Fire Church - Abandonment**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

Good afternoon,

Below are FPUA comments regarding the submissions for the TRC meeting on April 19, 2018.

Future Land Use Map Amendment, Rezoning, Site Plan - Fresh Wind, Fresh Fire Church -411 N. 25th Street - (Vennis Gilmore)

a. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

b. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet.

Abandonment - Fresh Wind, Fresh Fire Church - Section of Avenue C between 25th and 26thStreets - (Vennis Gilmore)

c. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

d. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet:

Thank you

Regards,

Martha Kerr

*Staff Assistant*

*W/WW Engineering Department*

*Fort Pierce Utilities Authority*

*1701 S. 37th Street*

*Fort Pierce, FL 34947*

*Telephone: (772) 466-1600, Ext. 3473*

*Fax: (772) 468-2414* *mkerr@fpua.com*

ST. LUCIE COUNTY FIRE DISTRICT
FIRE PREVENTION BUREAU
Office of the Fire Marshal

Telephone: (772) 621-3322
Fax: (772) 621-3604

Check with Kelly for Payment!

## BUREAU OF FIRE PREVENTION

## SITE PLAN REVIEW

**TO: Site Plan Applicant**

**SITE PLAN: Fresh Wind Fresh Fire Church**

**REVIEW DATE: 2/12/2018**

**PLANNER: KORI BENTON**

**REVIEWED BY: Captain Paul Langel**

---

**Site Plan Approved: _____**

**Site Plan Approved with conditions: ___X___**

**Site Plan Approval withheld pending written acknowledgement of conditions: _____**

**Site Plan Rejected: _____**

---

**The Following Revisions Are Necessary:**

1. **Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line athttp://www.slcfd.com/permits.htm**

2. **Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form.**

3. ~~**Please provide an electronic copy of the Site Plan (pdf format)**~~ **Received 2/12/2018**

4. **A separate review and permit is required for Underground Fire Mains connected to standpipes or sprinkler systems.**

**ST. LUCIE COUNTY FIRE DISTRICT**
FIRE PREVENTION BUREAU
Office of the Fire Marshal

**Telephone:** **(772) 621-3322**
**Fax:** **(772) 621-3604**

5. **Provide fire flow calculations for the building and all hydrants within 1000' of the site used for fire flow calculations.**

The School District does not have any comments or concerns regarding the request.

Please feel free to call me if you have any questions.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County

cell 772.216.5755

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer**

**RE : Fresh Wind, Fresh Fire R/W Abandonment - 411 N 25th Street**
**TRC No. 18-01000001**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- [x] R/W Abandonment
- [ ] P/D Drawings
- [ ] Test Reports & Related Documents
- [ ] Certificate of Completion
- [ ] Record Drawings
- [ ] Permits from applicable Local, State & Federal Agencies
- [ ] Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- [x] Recommend
- [ ] Do Not Recommend

- [x] Approval of Abandonment
- [ ] Building Permit
- [ ] C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- [ ] See attached for engineering comments

JRA/tst/dhr

Q:\ENGINEERING\Site Development Projects\F\Fresh Wind, Fresh Fire Church\RW Abandonment\Submittal No. 2 - 040618\Abandonment Approval- 041818.docx

**Project:** **FRESH WIND, FRESH FIRE CHURCH R/W ABANDONMENT**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

**SKETCH AND LEGAL DESCRIPTION:**

1) Please provide Sketch and Legal Description of the proposed abandonment area prepared by a surveyor licensed in the State of Florida.
2) If there is existing utilities located in the portion of the R/W to be abandoned, a Sketch and Description will need to be prepared.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Abandonment – Fresh Wind, Fresh Fire Church – Section of Avenue C between 25th & 26th Streets** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# 18-01000001.

The applicant is requesting the City's abandonment of a Section of unopened and unimproved right-of-way known as Avenue C between 25th and 26th Streets.

The St. Lucie County Planning & Development Services Department has no comments.

**Project:** **FRESH WIND, FRESH FIRE CHURCH REZONING**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

1) I have no comments.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer** JRA

**RE : Fresh Wind, Fresh Fire Church – 411 N 25th Street – Site Plan**
**TRC No. 18-06000003**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- ☑ Site Plan
- ☐ P/D Drawings
- ☐ Test Reports & Related Documents
- ☐ Certificate of Completion
- ☐ Record Drawings
- ☐ Permits from applicable Local, State & Federal Agencies
- ☐ Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- ☑ Recommend
- ☐ Do Not Recommend

- ☑ Approval of Site Plan
- ☐ Building Permit
- ☐ C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

☑ See attached for engineering comments



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 • CITYOFFORTPIERCE.COM • TEL: 772.467.3000 • FAX: 772.460.6847

ENGINEERING COMMENTS:

1. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a Unity of Title combining the developed parcels shall be recorded and submitted.
2. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a recorded sketch and description along with a recent Owners and Encumbrances search shall be submitted encompassing the proposed 5' sidewalk easement along 26th Street.
3. Advisory Comment: The submitted Grading, Drainage and Utility Plan was reviewed for conceptual compliance only and will be thoroughly reviewed at time of Building Permit submittal.
4. Advisory Comment: This site plan review is contingent on the R/W abandonment of Avenue C between 25th Street and 26th Street.

JRA/tst/dhr



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 ▪ CITYOFFORTPIERCE.COM ▪ TEL: 772.467.3000 ▪ FAX: 772.460.6847

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Site Plan, Rezoning, Future Land Use Map Amendment – Fresh Wind, Fresh Fire Church – 411 N. 25th Street** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECTS #18-06000003 (Site Plan), #18-06000003 (Rezoning & FLUMA)

The request seeks to construct a new church facility at the subject site. Due to split zoning and land use designations of the encompassed lots, the applicant is requesting Rezoning of 1.16 acres of the subject property from R-3, Single-Family Moderate Density Zone to C-3 (General Commercial Zone) and a Future Land Use Amendment from RL, Low Density Residential to GC, General Commercial.

**Review Comments**

1. The TRC Distribution memo notes the subject site has a total of .138 acres, which is seemingly in error.

2. The proposed "Site Plan" was not included in the enclosed distribution packet, therefore the review comments are limited to review of the paving & drainage/landscape plan.

3. The applications for Zoning Atlas Amendment & Future Land Use Map Amendment present analysis of capacity simply upon the proposed site plan, and specific use, whereas the analysis should compare reasonable build-out scenarios for each designation or district to compare potential impacts to public facilities. The City's CG, Commercial General Land Use provides capacity for a FAR of 1.0.

4. The provided site plan package contained the sketch and legal description for the right-of-way proposed for abandonment, whereas it is more appropriately included in the application for abandonment.

5. The subject site has been developed previously, therefore is a disturbed site. Is the City seeking mitigation for the proposed removal of a 30" oak?

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

## PUBLIC NOTIFICATION CERTIFICATION

**PROJECT NAME:** Future Land Use Amendment - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**NOTICES PROVIDED PURSUANT TO:** FSS 163.3184City Code Sections 22-143. Public Hearings A, B, C, & D

**NOTICE BY NEWSPAPER:** May 20th, 2018

**NOTICE BY MAIL:** May 9th, 2018

**NOTICE BY SIGNS:** Planning Board - May 3rd, 2018 ; City Commission - May 24th, 2018

**VERIFIED BY:** Vennis Gilmore **TITLE:** Planning Analyst

**SIGNATURE:** **DATE:** May 23rd 2018

# Treasure Coast Newspapers | TCPALM

St. Lucie News-Tribune
1939 SE Federal Highway, Stuart, FL 34994

## AFFIDAVIT OF PUBLICATION

**STATE OF FLORIDA**
**COUNTY OF ST. LUCIE**

**Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.**

| Customer | Ad Number | Copyline | PO # |
|---|---|---|---|
| 463454 - CITY OF FORT PIERCE (LEGALS) | 2019140 | FLUMA FRESH WIND FRESH FIRE | |

**Pub Dates**
May 20, 2018

Sworn to and subscribed before me this day of, May 21, 2018, by

Natalie Zollar, who is
Natalie Zollar
(X) personally known to me or
( ) who has produced _____ as identification.

Karol E Kangas

**Karol Kangas** **Notary Public**

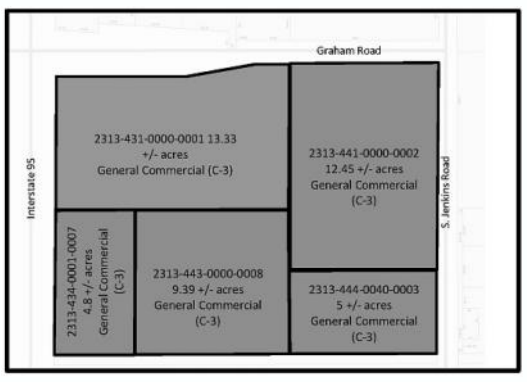
KAROL E KANGAS
Notary Public - State of Florida
Commission # GG 126041
My Comm. Expires Jul 29, 2021
Bonded through National Notary Assn.

# PUBLIC NOTICE
# CITY OF FORT PIERCE
# NOTICE OF PROPOSED ORDINANCE

The City Commission of the City of Fort Pierce, Florida, pursuant to Sections 22-131 & 22-143, of the Code of Ordinances of the City of Fort Pierce, and Section 166.041 (3) (a) of Florida State Statutes, will on Monday, June 4th, 2018 hold a Public Hearing for the enactment of the proposed ordinances on first reading, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meetings which begin at 6:30 p.m., to consider review and approval of the following:

Ordinance # 18-017 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 S. JENKINS ROAD FROM PD, PLANNED DEVELOPMENT, TO C-3, GENERAL COMMERCIAL;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

This ordinance is being considered pursuant to an application submitted by the property owners, Spec Ft. Pierce, LLC, Applicant Structural Real Estate, and Representative Engineering Design & Construction, Inc. for a Zoning Atlas Map Amendment for five (5) parcels of land, 44.97 +/- acres in total, to change the zoning designation, from PD, Planned Development to C-3, General Commercial. Said parcels are generally located south of Graham Road, east of interstate 95, north of Tedder Road, and west of S. Jenkins Road, or approximately 2191 South Jenkins Road. Parcel IDs: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7




All interested parties may appear at the meeting and be heard with respect to the Application for Zoning Atlas Map Amendment. Said application will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
May 20, 2018 TCN-2019136

# PUBLIC NOTICE
# CITY OF FORT PIERCE
# CITY COMMISSION

NOTICE IS HEREBY GIVEN, pursuant to Sections 163.3187 and 166.041, F.S., the City Commission, of the City of Fort Pierce will hold a public hearing on Monday, June 4th, 2018 for the first reading and Monday, June 18th, 2018 for the second reading of the enactment of proposed Ordinance # 18-016 at 6:30 P.M., in the City Hall Commission Chambers, 100 N. U.S. 1, Fort Pierce, Florida.

ORDINANCE 18-016 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET, INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

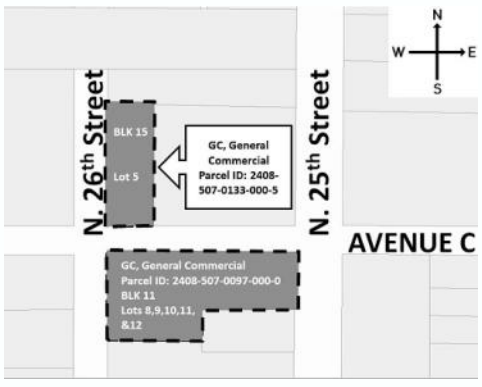
This ordinance is being considered pursuant to an application submitted by the property owner, Fresh Wind Fresh Fire Church of God Inc., and Representative Abraham Chabab, P.E. Civil Engineer for a Future Land Use Map Amendment for two (2) parcels of land, 2.55 +/- acres in total, to change the Future Land Use Designation, within the Comprehensive Plan, from RL, Residential Low Density to GC, General Commercial. Said Parcels are generally located between N. 25th Street and N. 26th Street; aligning Avenue C, or generally located at 411 N. 25th Street.

The legal description of the parcels is as follows:

LOT 5, BLOCK 15, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

TOGETHER WITH

LOT 8 AND 9, LESS THE EAST 10 FEET, AND ALL OF LOTS 10, 11 AND 12, BLOCK 11, FORT PIERCE HEIGHTS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.




Interested parties may appear at the City Commission meeting and be heard with respect to the proposed amendment. A copy of the proposed amendment will be made available for inspection by the public at the City of Fort Pierce Planning Department, City Hall, 100 North US Highway 1.

Any person seeking to appeal the decision of the City Commission of the City of Fort Pierce, Florida, as to the foregoing, is advised that a record of the proceedings is required in any such appeal, and any such person may need to ensure that a verbatim record of proceedings is made including the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
May 20, 2018 TCN-2019140


















# ST. LUCIE COUNTY
# BOARD OF COUNTY COMMISSIONERS
# PUBLIC HEARING AGENDA
# Tuesday, June 5, 2018

NOTICE OF CHANGE IN ZONING

**The St. Lucie County Board of County Commissioners is scheduled to consider the adoption of the following resolution:**

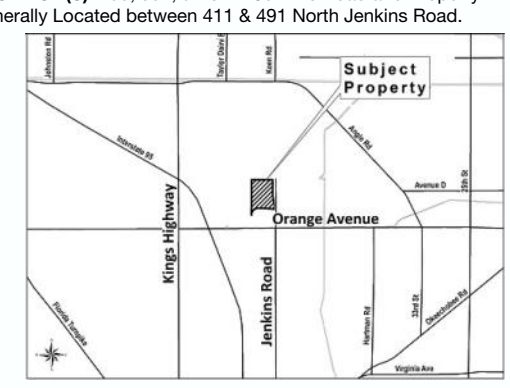
**RESOLUTION**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY FOR AN AMENDMENT TO THE OFFICIAL ZONING ATLAS FROM THE AR-1 (AGRICULTURAL RESIDENTIAL – 1 DU/ACRE) ZONING DISTRICT TO THE CG (COMMERCIAL GENERAL) AND IL (INDUSTRIAL, LIGHT) ZONING DISTRICTS FOR CERTAIN PROPERTY LOCATED IN ST. LUCIE COUNTY, FLORIDA.**

**APPLICANT:** Joseph G Miller

**PURPOSE:** Change in zoning from AR-1 (Agricultural Residential – 1 du/acre) to CG (Commercial General) and IL (Industrial, Light)

**LOCATION(S):** 255, 331, & 401 N Jenkins Road and Property Generally Located between 411 & 491 North Jenkins Road.




The **PUBLIC HEARING** on this item will be held in the Commission Chambers, Roger Poitras Annex, 3rd Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, Florida on **Tuesday, June 5, 2018** beginning at **6:00 pm** or as soon thereafter as possible.

All interested persons will be given an opportunity to be heard. Written comments received in advance of the public hearing will also be considered. Written comments to Board of County Commissioners should be received by the Planning and Development Services Department - Planning Division at least 3 days prior to the scheduled hearing. The petition file is available for review at the Planning and Development Services Department – Planning Offices located at 2300 Virginia Avenue, 2nd Floor, Fort Pierce, Florida, during regular business hours. Please call (772)462-2822 or TDD (772)462-1428 if you have any questions or require additional information about this petition.

The St. Lucie County Board of County Commissioners has the power to review and grant any applications within their area of responsibility.

The proceedings of the Board of County Commissioners are electronically recorded. **PURSUANT TO SECTION 286.0105, FLORIDA STATUTES,** if a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceeding, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. If it becomes necessary, a public hearing may be continued to a date certain.

Anyone with a disability requiring accommodation to attend this meeting should contact the St. Lucie County Risk Manager at least forty-eight (48) hours prior to the meeting at (772)462-1546 or T.D.D. (772)462-1428.

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA
/S/ Frannie Hutchinson, CHAIR
May 20, 2018 TCN-2013011

**PUBLIC NOTICE**
**CITY OF FORT PIERCE**
**NOTICE OF PROPOSED ORDINANCE**

NOTICE IS HEREBY GIVEN, pursuant to Sections 163.3184 & 166.041 F.S., the City Commission, of the City of Fort Pierce will on Monday, May 4th, 2018 hold a public hearing for the first reading (transmittal hearing) of the enactment of proposed Ordinance # 18-018 at 6:30 P.M., in the City Hall Commission Chambers, 100 N. U.S. 1, Fort Pierce, Florida.

Ordinance # 18-018 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF FIVE (5) PARCELS GENERALLY LOCATED AT OR NEAR 2191 SOUTH JENKINS ROAD, FROM LOW DENSITY RESIDENTIAL, RL, TO GENERAL COMMERCIAL, GC;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

This ordinance is being considered pursuant to an application submitted by the property owners, Spec Ft. Pierce, LLC, Applicant Structural Real Estate, and Representative Engineering Design & Construction, Inc. for a Future Land Use Map Amendment for five (5) parcels of land, 44.97 +/- acres in total, to change the future land use designation, within the Comprehensive Plan, from RL, Low Density Residential to GC, General Commercial. Said parcels are generally located south of Graham Road, east of interstate 95, north of Tedder Road, and west of S. Jenkins Road, or approximately 2191 South Jenkins Road. Parcel IDs: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7

Legal description of the parcel is as follows:

PARCELS 1 AND 2:

THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) AND THE NE (1/4) OF THE SW (1/4) OF THE SE (1/4) AND THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS AND EXCEPTING THE FOLLOWING DESCRIBED LANDS:

THAT PART OF:

THE NE (1/4) OF THE SW (1/4) OF THESE (1/4) AND THE NW (1/4) OF THESE (1/4) OF THE SE (1/4) OF THE SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

LESS & EXCEPT PARCEL 1

BEGIN AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1662.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE CONTINUE SOUTH 89°19'14" WEST 324.01 FEET, THENCE NORTH 0°05'08" WEST 1.40 FEET, THENCE NORTH 00°16'48" WEST 1311.22 FEET TO A POINT ON THE SOUTH BOUNDARY OF GRAHAM ROAD, THENCE NORTH 89°34'07" EAST 324.00 FEET, THENCE SOUTH 00°16'48" EAST 1311.22 FEET TO THE POINT OF BEGINNING. (LESS & EXCEPT PARCEL 1 AKA 1-95)

LESS & EXCEPT PARCEL 2

COMMENCE AT A POINT ON THE SOUTHERLY BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET OF THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 162.00 FEET, THENCE SOUTH 00°16'48" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 710.85 FEET, THENCE SOUTH 00°25'53" EAST 55.00 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE SOUTH 89°34'07" WEST 561.06 FEET, THENCE NORTH 00°16'48" WEST 80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE REMAINING PROPERTY OF THE GRANTORS NAMED IN DEED FILED IN OFFICIAL RECORD BOOK 2096 PAGE 908 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

THAT PART OF:

LESS & EXCEPT PARCEL 3

THE NW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH RANGE 39 EAST, LYING WITHIN THE BOUNDARIES DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT ON THE SOUTH BOUNDARY OF ABOVE SECTION 13 LOCATED SOUTH 89°19'14" WEST 1824.77 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13, THENCE RUN NORTH 00°16'48" WEST 1331.93 FEET, THENCE NORTH 89°34'07" EAST 872.79 FEET, THENCE SOUTH 00°25'53" EAST 20 FEET TO THE POINT OF BEGINNING, THENCE NORTH 89°34'07" EAST 911.97 FEET TO A POINT ON THE WEST BOUNDARY OF JENKINS ROAD, THENCE SOUTH 00°16'37" EAST 30 FEET, THENCE SOUTH 89°34'07" WEST 761.89 FEET, THENCE SOUTH 80°06'23" WEST 152.07 FEET, THENCE NORTH 00°25'53" WEST 55.00 FEET TO THE POINT OF BEGINNING.

THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE E (1/2) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST.

THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

RIGHT-OF-WAY FOR DRAINAGE CANALS.

PARCEL 3:

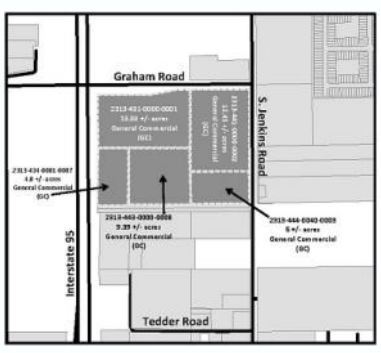
THE NORTH 353.45 FEET OF THE SOUTH 395.95 FEET OF THE EAST ONE-HALF ((1/2)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF THE SOUTHEAST QUARTER (SE (1/4)) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA, LESS THE EAST 46 FEET FOR JENKINS ROAD RIGHT-OF-WAY.

PARCEL 4:

THAT PART OF THE SE (1/4) OF THE SW (1/4) OF THE SE (1/4) LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY OF 1-95, OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA.

PARCEL 7:

THE SW (1/4) OF THE SE (1/4) OF THE SE (1/4) OF SECTION 13, TOWNSHIP 35 SOUTH, RANGE 39 EAST, LYING AND BEING IN ST. LUCIE COUNTY, FLORIDA. EXCEPTING, HOWEVER, RIGHTS OF WAY FOR DRAINAGE CANALS AND PUBLIC ROADS.




All interested parties may appear at the meeting and be heard with respect to the application. Said applications will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
May 20, 2018 TCN-2019131

**City Commission Regular Meeting** **12.c.**

**Meeting Date:** 06/18/2018

**Re:** Zoning Atlas Amendment - Wilson Rezoning - 1101 N. US Hwy 1

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

**SUBJECT:**

Ordinance 18-019 Rezoning the property generally located at 1101 N. US Highway 1, from C-2, Neighborhood Commercial Zone, to C-3, General Commercial Zone. SECOND READING

**SUMMARY:**

- The subject site currently consists of a 1,631 sq. ft. commercial building. The applicant currently operates a package shipment store and would like to operate a small automobile dealership.
- Automobile Sales are not permitted in the C-2, Neighborhood Commercial Zone. Automobile sale are permitted in the C-3, General Commercial Zone. Recently the applicant applied for a Temporary Use Application to operate as an automobile dealer until approval of a rezoning to C-3, General Commercial Zone.
- Action to amend the zoning of the property from the C-2, Neighborhood Commercial to the more appropriate C-3, General Commercial designation is necessary, and sought by the applicant to advance consideration of the subject project.
- Currently, the .44 acre subject parcel is the only parcel along the U.S. Highway 1 corridor with C-2, Neighborhood Commercial zoning. U.S. Highway 1 is a major commercial corridor for the City of Fort Pierce.

**RECOMMENDATION:**

Approval

**ALTERNATIVES:**

Denial

**RESPONSIBLE STAFF:**

Vennis Gilmore, Planning Analyst

**COORDINATED WITH:**

Technical Review Committee
James M. Messer, Esq.; City Attorney

**Fiscal Impact**

**OTHER INFORMATION:**

Potential Increase in Ad-Valorem Tax Revenue

## Attachments

Staff Report
Ordinance 18-019
Aerial & Zoning Maps
Application
Property Record Card
Narrative
Deed
Survey
TRC Comments
Public Notification Certification

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 05/25/2018 02:15 PM |

Form Started By: Vennis Gilmore
Started On: 05/22/2018 06:24 PM
Final Approval Date: 06/05/2018

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**RE:** **Ordinance No. 18 – 019; Application for a Zoning Atlas Amendment (Rezoning)**
**Wilson Rezoning**
**1101 N. US Highway 1**

**DATE:** May 23, 2018

## STAFF REPORT

**Owner:** Joseph R. Wilson
3104 Bent Pine Drive
Fort Pierce, FL. 34951

**Applicant:** Sandzua Cooper, Joseph R. Wilson
1101 N. US Highway 1
Fort Pierce, FL. 34950

**Requested Action:** Approval to rezone the subject property from C-2, Neighborhood Commercial Zone to C-3, General Commercial Zone

**Site Location:** 1101 N. US Highway 1

**Parcel ID:** 2403-706-0009-000-3

**Existing Use:** Package Shipment Store/Automobile Sales

**Parcel(s) Size:** 0.44 acres

**Current Zoning:** C-2, Neighborhood Commercial Zone

**Future Land-Use:** GC, General Commercial

**Proposed Zoning:** C-3, General Commercial Zone

**Surrounding Zoning:**

| North | East | South | West |
|---|---|---|---|
| R-4 | I-1 | R-4 | R-4 |

**Utilities:** Located within the FPUA Retail Service Area

**Staff Analysis:**

***Request***

In accordance with Sections 22-128 & 22-143 of the City Code, the applicant is requesting the review and approval of a Zoning Atlas Amendment (Rezoning) from C-2, Neighborhood Commercial Zone to C-3, General Commercial Zone.

***Background & Project Summary***

The subject site currently consists of a 1,631 sq. ft. commercial building. The applicant currently operates a package shipment store and would like to operate a small automobile dealership. Automobile Sales are not permitted in the C-2, Neighborhood Commercial Zone. Automobile sale are permitted in the C-3, General Commercial Zone. Recently the applicant applied for a Temporary Use Application to operate as an automobile dealer until approval of a rezoning to C-3, General Commercial Zone. Action to amend the zoning of the property from the C-2, Neighborhood Commercial to the more appropriate C-3, General Commercial designation is necessary, and sought by the applicant to advance consideration of the subject project.

Currently, the .44 acre subject parcel is the only parcel along the U.S. Highway 1 corridor with C-2, Neighborhood Commercial zoning. U.S. Highway 1 is a major commercial corridor for the City of Fort Pierce. The subject parcel is adjacent to two (2) parcels with R-4, Medium Density Residential zoning to the north and south. The northern parcel is the Riverview Memorial Cemetery and the southern parcel is vacant land. Staff foresees the vacant parcel being rezoned to C-3, General Commercial for any future commercial development.

***Future Land Use Designation & Comprehensive Plan***

The subject site has a future land use designation of GC, General Commercial. The General Commercial designation provides for higher intensity commercial developments or horizontal and vertical mixed-use developments. Uses allowed within this designation include multifamily residential, intensive and general commercial, retail, service, offices, tourist/entertainment facilities, hotels/motels, parks and recreation, along with compatible public, quasi-public, and special uses. This land use designation allows for a maximum density of 15 dwelling units per acre and a maximum FAR of 1.0. Development shall include either commercial or mixed uses fronting major roadway corridors with higher intensity near major intersections. Residential uses may comprise up to 20% of the total floor area of the General Commercial future land use designation.

**Standards for Review**

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

(1) The amendment is consistent with the comprehensive plan;
(2) The amendment will not have an adverse effect on the ability of the city to:
    a. Satisfy land and water use needs; and
    b. Meet transportation demands and provide community facilities and services; and
(3) The amendment will promote and protect the public health, safety and general welfare.

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, holding a future land use designation of Heavy Industrial (HI). Furthermore, the amendment should not have adverse an effect on the ability of the city to satisfy land and water use needs, meet transportation demands, and provide community facilities and services. The presented amendment promotes and protects the public health, safety and general welfare through the designation of lands; when location and characteristics are appropriate, to provide manufacturing and processing facilities, distribution facilities, warehousing, and intensive commercial uses to promote

the City's position as a major employment center. Specific uses and developments shall comply with established land development regulations, and seek to ensure minimal impacts to neighboring uses or districts.

**Technical Review Committee**

All affected departments have reviewed the proposed Zoning Atlas Amendment for consistency with the requirements of the City Code. Findings and comments from review by affected departments, and the corresponding responses and plan amendments by the applicant are provided for consideration.

**Property Owner Response Summary:**

A total of 13 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

**Planning Board Recommendation:**

The Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend **approval** of the request.

**Staff Recommendation**:

The proposed amendment meets the criteria specified in Section 22-131 of the City Code, and is consistent with the City's Comprehensive Plan, and annexation policies; therefore Staff recommends the City Commission **approve** the proposed amendment.

**ORDINANCE NO. 18-019**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **REZONING** THE PROPERTY GENERALLY LOCATED AT **1101 N. US Highway 1**, FROM C-2, NEIGHBORHOOD COMMERCIAL ZONE (CITY OF FORT PIERCE), TO C-3, GENERAL COMMERCIAL ZONE (CITY OF FORT PIERCE); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the subject property is generally located at 1101 N. US Highway 1, within the City of Fort Pierce, Florida, representing approximately 0.44 Acres of land; and

**WHEREAS,** the subject site is presently designated C-2, Neighborhood Commercial Zone (City of Fort Pierce); and

**WHEREAS,** the applicant seeks rezoning of the subject site, Parcel ID: 2403-706-0009-000-3, from C-2, Neighborhood Zone (City of Fort Pierce) to C-3, General Commercial Zone (City of Fort Pierce Zoning); and

**WHEREAS,** the proposed zoning atlas amendment (rezoning) is consistent with the comprehensive plan, and will not have an adverse effect on the ability of the city to satisfy land and water use needs, and meet transportation demands and provide community facilities and services, and will promote and protect the public health, safety and general welfare as required by City Code 22-131; and

**WHEREAS,** the City of Fort Pierce Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend approval of the proposed Zoning Atlas Amendment for Ordinance 18-019.

**NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1**. From and after the effective date hereof, the following property is shown on Exhibit A and is legally described as:

1101 N. US Highway 1, Parcel ID: 2403-706-0009-000-3
LEGAL DESCRIPTION:
PLAT OF ALTADENA LOTS 9, 10 AND 11, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 04. PAGE 71 OF THE PUBLIC RECORDS OF ST. LUCIE CO.,FLORIDA. CONTAINING 0.34 ACRES MORE OF LESS (OR 2522-769)

Shall be and the same is hereby rezoned from C-2, Neighborhood Commercial Zone (City of Fort Pierce), to C-3, General Commercial Zone (City of Fort Pierce); said property being generally located at 1101 N. US Highway 1 in Fort Pierce, Florida.

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 4.** This Ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS**:

_____
James M. Messer, Esq.
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-019 was duly advertised by title only in the St. Lucie News Tribune on May 20th, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 2018 by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of June, 2018.

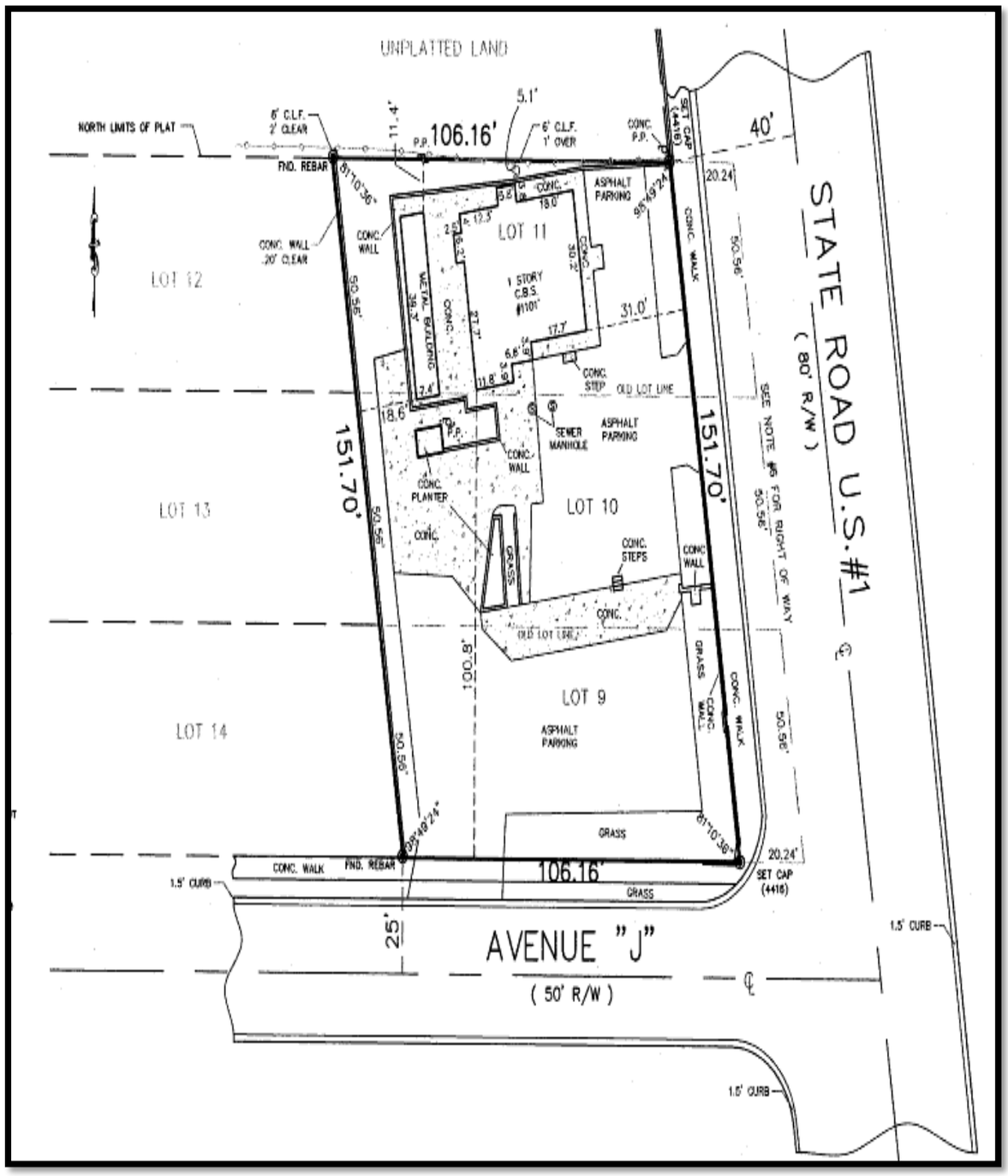
_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

_____
Linda W. Cox
CITY CLERK

**EXHIBIT A**
Sketch & Legal Description of Subject Property

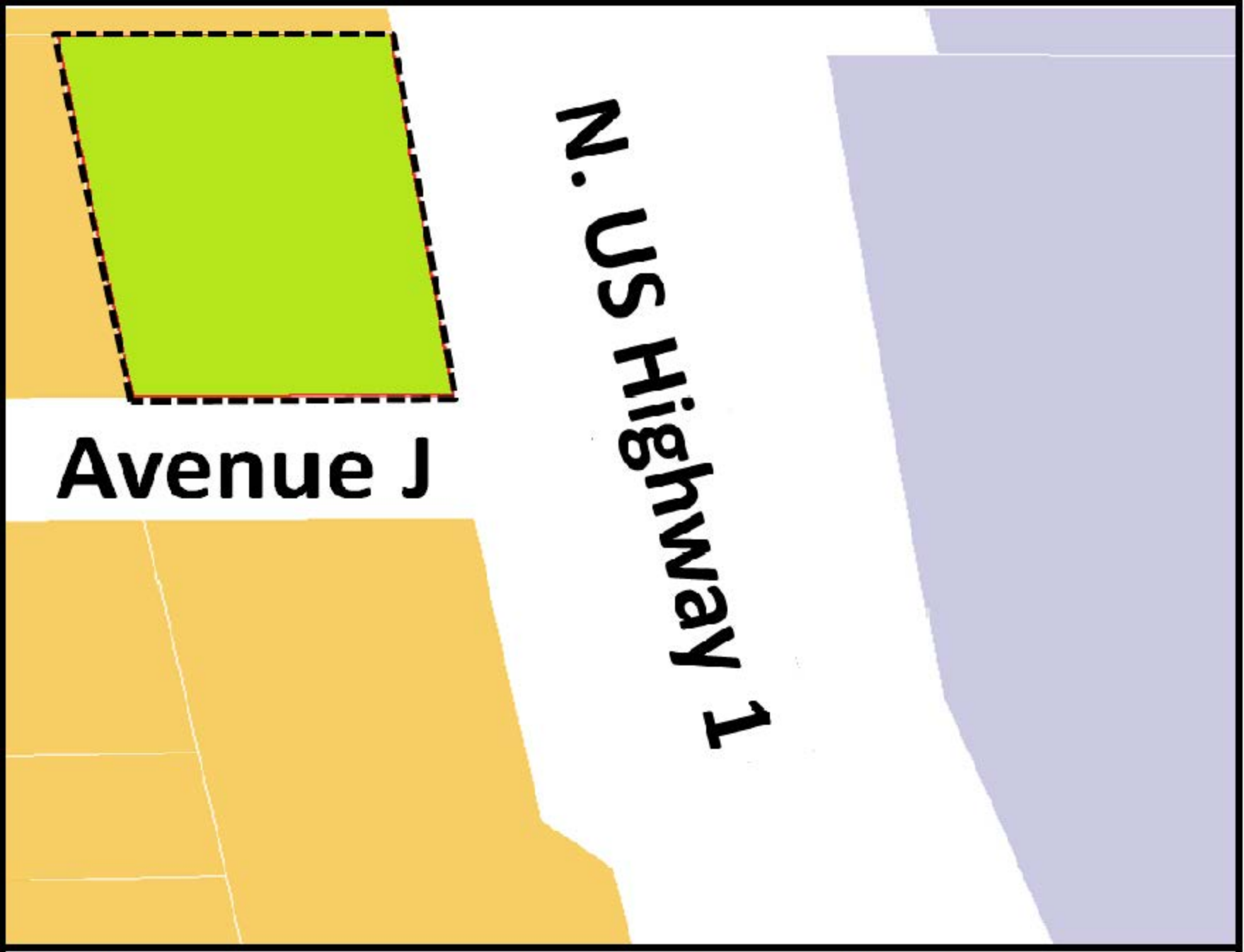



**Parcel ID: 2403-706-0009-000-3**
**LEGAL DESCRIPTION:**
PLAT OF ALTADENA LOTS 9, 10 AND 11, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 04. PAGE 71 OF THE PUBLIC RECORDS OF ST. LUCIE CO.,FLORIDA. CONTAINING 0.34 ACRES MORE OF LESS (OR 2522-769)




**Wilson Rezoning**
**Site Aerial**
**1101 N. US Highway 1**

THE SUNRISE CITY
FORT PIERCE
Florida




**Legend**

Subject Site

C-2, Neighborhood Commercial Zone

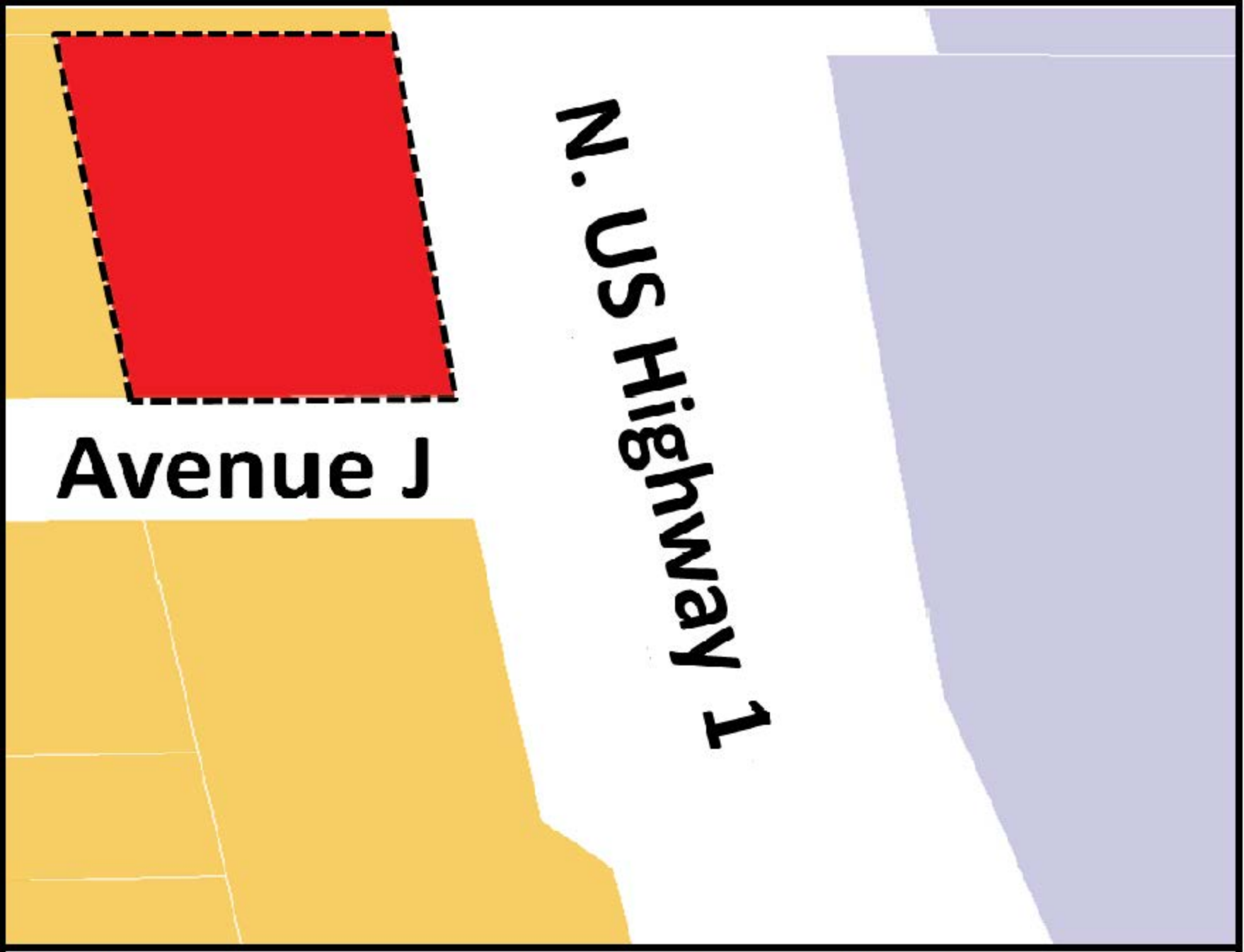
I-1, Light Industrial Zone

R-4, Medium Density Residential

# Zoning Map

**Wilson Rezoning -**
**1101 N. US Highway 1**

THE SUNRISE CITY
FORT PIERCE
Florida




**Legend**

Subject Site

C-3, General Commercial Zone

I-1, Light Industrial Zone

R-4, Medium Density Residential

# Zoning Map

**Wilson Rezoning -**
**1101 N. US Highway 1**

THE SUNRISE CITY
FORT PIERCE
*Florida*

Rezoning $2,115
# see checklist

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

# Application for Zoning Atlas Map Amendment

**Application submission shall include the following:**

•**TRC** (*Initial Submission): One (1) original and (8) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

•**Planning Board**: One (1) original and (16) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

•**City Commission**: One (1) original and (11) paper copies of the application and support documents and provide one (1) electronic copy of the application packet as described below.

**In addition to a complete application, packets shall include:**

- ☐ Warranty Deed & Legal Description
- ☐ St. Lucie County Property Record Card
- ☐ Statement of why there is a need for the proposed future land use map amendment and how the amendment will result in an orderly and logical development pattern; statements how amendment(s) are consistent with Comprehensive Plan; how future land use designation is compatible with future land use designations and existing land uses surrounding the amended lands; identify future land use designations and existing land uses within a ½ mile of the subject property that have the same or greater type of proposed future land use designation; data and analysis to support conclusions.
- ☐ Current Survey ✓
- ☐ Environmental Study N/A
- ☐ Traffic Impact Report N/A
- ☐ *** Capacity Analysis-Separate Form N/A
- ☐ Drainage Analysis N/A
- ☐ Historical Report N/A
- ☐ 1 CD of all documents submitted in PDF
- ☐ Other_____

1. Property Address/Location: 1101 North US Hwy 1, Fort Pierce, FL 34950
2. Property Tax ID(s): 2403-706-0009-000-3
3. Total Acreage: .44
4. Existing Future Land Use Designation: Used Car Lot
5. Existing Zoning Classification: C-2
6. Proposed Zoning Classification: C-3
7. Other applications being submitted concurrent with this application, if any: Temporary use

8. Describe the existing uses, improvements and structures on the amendment lands: Pack & Ship

9. Are there any identified or possible historical structures on the amendment lands? NO

10. The reason for making this request: To allow use of Car Lot

11. **CAPACITY ANALYSIS**

I. **Site Data:**

| | Existing Use | Future Land Use | Zoning |
|---|---|---|---|
| **North** | | | |
| **South** | | | |
| **East** | | | |
| **West** | | | |

| | Future Land Use | Zoning Classification | Maximum Intensity Residential: Dwelling Units per Acre Other: Square Footage | Total Acreage | Flood Zone |
|---|---|---|---|---|---|
| **Current** | | | | | |
| **Proposed** | | | | | N/A |

II. **Public Facilities Information:**

| **A. Potable Water:** | |
|---|---|
| Average Use | Residential: 100 gallons per day per person (du x 2.6 = persons x 100 gpd = demand)<br>Other: 0.125 gallons per day per square foot |
| Demand Analysis | Maximum |
| Current Zoning | Total gallons per day |
| Proposed Zoning | Total gallons per day |
| **Change in Demand** | **Total gallons per day** |

| **B. Wastewater:** | |
|---|---|
| Average Use | Residential: 100 gallons per day per person<br>(du x 2.6= persons x 100 gpd = demand)<br>Other: 0.1 gallons per day per square foot |
| Demand Analysis | Maximum |
| Current Zoning | Total gallons per day |
| Proposed Zoning | Total gallons per day |
| **Change in Demand** | **Total gallons per day** |

**C. Parks and Recreation (Residential Classifications Only):**
(Du x 2.6 = persons + 44,227 = population /LOS)

| Park Type | LOS | Existing Population Park Demand | Proposed Population Park Demand | Change in Demand |
|---|---|---|---|---|
| **Regional** | 20 acres per 1,000 people | | | |
| **Urban District** | 5 acres per 1,000 people | | | |
| **Community** | 2.5 acres per 1,000 people | | | |
| **Neighborhood** | 1.36 acres per 1,000 people | | | |

**D. Public Schools (Residential Classifications Only):**
Single Family: (du x 0.405 = students/70% K-8/30% High)
Multi-family: (du x 0.207 = students/70% K-8/30% High)

| | K-8 | High |
|---|---|---|
| **School Name** | | |
| **City** | | |
| **Distance** | | |
| **Current Zoning Enrollment Demand** | | |
| **Proposed Zoning Enrollment Demand** | | |
| **Change in Demand** | | |

**E. Solid Waste:**
2 yard serves 15 units, 4 yard serves 30 units, 6 yard serves 45 units, 8 yard serves 60 units

| | |
|---|---|
| **Demand Analysis** | Maximum |
| **Current Zoning** | |
| **Proposed Zoning** | |
| **Change in Demand** | |

**F. Stormwater:**
Potential increase in volume discharged due to increased impervious coverage, reduced groundwater seepage or loss of surface water storage impacting Adopted LOS of 25-year 3-day storm Pre vs. Post Runoff (Storm sewers to convey 5 year- 1 day storm event; Canals to convey 3 year – 1 day storm event)

| | |
|---|---|
| **Impact** | |

## III. Transportation Analysis

| **G. Traffic** Most recent ITE Code for use; HCM Roadway Capacity | | |
|---|---|---|
| | **AADT** | **AM/PM Peak Hour Trips** |
| **Demand Analysis** | Maximum | Maximum |
| **Current Zoning** | | |
| **Proposed Zoning** | | |
| **Change in Demand** | Trips | Trips |
| **Impact to Capacity** | | |

**12.** Name of Owner(s): Joseph D. Wilson
Mailing Address: 3104 Best Pine Dr.
City Fort Pierce State FL Zip 34951
Phone # 914-488-9494
E-mail: JosephsHydePark@AOL.com

**13.** Name of Applicant: Sandra Cooper / Joseph D. Wilson
Mailing Address: 1101 N. US Hwy 1
City Fort Pierce State FL Zip 34950
Phone # _____ Fax # _____
E-mail: _____

**14.** Name of Representative: Sandra Cooper
Mailing Address: 1101 N. US Hwy 1
City Fort Pierce State Florida Zip 34950
Phone # _____ Fax # _____
E-mail: _____

**15. Applicant Acknowledgements** (Owner's signature must be notarized)

I certify that: (Check One)

V I (we) do hereby certify that I (we) own in fee simple the above referenced described property for which a change in Zoning Classification is requested.

_____ I (we) are not the owner of the above described property; however, the owners signature below authorizes the applicants the authority to act as agent for the owner(s) of record.

Applicant's Signature 3/19/2018 Date

3104 Bent Pine Dr. Fort Pierce, Fl 34951
Address State Zip

Joseph Hyde Park@aol.com
Phone Fax E-mail Address

**16. Property Owners Acknowledgements:** - This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application for a change in zoning classification. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Agent to act in his/her behalf for the purposes of seeking this change to the City' Land Development Regulations for the property described herein.

Joseph Wilson. 914-489-9494
Property Owner's Name (Please Print) Phone

3104 Bent Pine Drive. Florida. 34951
Address State Zip

3/26/2018
Property Owner's Signature Date

STATE OF FLORIDA)
ST LUCIE COUNTY)

The foregoing instrument was acknowledged before me this 29th day of March, 2018, by Joseph Wilson who is personally known to me or has produced FLDL as ident

Signature of Notary

KRISTINE HOPKINS
Notary Public - State of Florida
Commission # GG 066127
My Comm. Expires Jan 25, 2021

**OFFICE USE:**

**DATE RECEIVED:**_____ Signed:_____

File Number:_____ Check No: _____ Receipt No: _____

TRC Review:_____ Planning Board Review: _____ City Commission: _____

Ordinance No:_____ Date Approved: _____

**RESOLUTION NO. 17-R16**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ESTABLISHING QUASI-JUDICIAL PROCEDURES** FOR THE CITY COMMISSION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission recognizes the need for established legal procedures when quasi-judicial items are on the agenda; and

**WHEREAS**, the City Commission desires that this Resolution serve as the procedure for the City Commission to follow in conducting quasi-judicial proceedings; and

**WHEREAS,** the City Commission acknowledges that the procedures may be amended from time to time by resolution.

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1**. When conducting quasi-judicial hearings, the City Commission shall follow the procedures as outlined in the attached Exhibit "A."

**SECTION 2.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 5th day of June, 2017.

Linda Hudson

Linda Hudson, Mayor

ATTEST:

Linda W. Cox

Linda Cox, City Clerk

Approved as to Form
And Correctness:

James M. Messer, Esq.
City Attorney

**Exhibit "A"**

**QUASI-JUDICIAL HEARING PROCEDURES AND RULES FOR EX PARTE COMMUNICATIONS**

**I. Scope and Applicability.** These procedures shall apply to all quasi-judicial hearings held by the City Commission.

**II. Proceedings.** The Mayor (hereafter, the "Presiding Officer") shall conduct the proceedings and maintain order. The City Attorney shall represent the City Commission, rule on all evidentiary and procedural issues and objections, and advise the City Commission as to the applicable law and necessary factual findings. Hearings shall be conducted informally, but with decorum. Formal rules of procedure shall not apply except as set forth herein; however, fundamental due process shall be accorded.

**III. Unauthorized Communications.** In all quasi-judicial hearings, all rulings must be based only upon the evidence presented at the hearing. Ex parte communications with City Commissioners in quasi-judicial matters are permissible and the adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with City Commissioners:

A. The substance of any ex parte communication with a City Commissioner which relates to a quasi-judicial action pending before the Commission is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before the final action on the matter.

B. A City Commissioner may read a written communication from any person. However, a written communication that relates to a quasi-judicial action pending before the Commission shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

C. City Commissioners may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

D. Disclosure made pursuant to subparagraphs A, B and C must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication.

**IV. Witnesses and Supporting Materials.** At least five calendar days before a quasi-judicial hearing:

A. Staff shall prepare a report, recommendation and supporting materials, a copy of which shall be available to the applicant and to the public at the City Clerk's Office. Included in the supporting materials will be copies of all exhibits and documents upon which staff's recommendation is based.

B. The Applicant shall submit a detailed outline of the argument in support of their application, copies of all exhibits which will be presented at hearing and the names and addresses of all witnesses who will be called to testify in support of the application (including resumes for any witness the party intends to qualify as an expert).

C. The five calendar days deadline is necessary to ensure the Commission is given sufficient opportunity to review the written submissions prior to the hearing, and shall be strictly observed. Should the 5 calendar day deadline be missed by either staff or the Applicant, the item may be continued at the discretion of the City Commission to the next available agenda.

**V. Party Intervenors.** The City Attorney may allow a person to intervene as a Party Intervenor if they meet the following requirements:

A. The person must have an interest in the application, which is different than the public at large.

B. At least three days prior to the hearing, the person shall submit a written request to intervene including: a detailed outline of his or her interest in the application and argument in favor or against it, copies of all exhibits which will be presented at the hearing and the names and addresses of all witnesses who will be called to testify on their behalf (including resumes for any witness the person intends to qualify as an expert).

**VI. Conduct of Hearing.**

A. The Presiding Officer shall call the proceeding to order and announce that the hearing has begun.

B. The Presiding Officer shall inquire whether all parties, members of the public and Commission agrees to waive the quasi-judicial hearing.

C. When the quasi-judicial hearing is not waived, the City Attorney or Presiding Officer shall explain the rules concerning procedure, testimony, and admission of evidence.

D. When the quasi-judicial hearing is not waived, the City Clerk shall swear in all witnesses who are to testify at the hearing.

E. The order of proof shall be as follows:

1. A representative of the City's staff shall briefly describe the Applicant's request, introduce and review all relevant exhibits and evidence, report staff's recommendation, and present any testimony in support of staff's recommendation. Staff shall have a maximum of 20 minutes to make their full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

2. Any Party Intervenor (or his/her representative or counsel) shall present evidence and testimony in support of or opposed to the application. A Party Intervenor shall have a maximum of 20 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

3. The Applicant (or his/her representative or counsel) shall present evidence and testimony in support of the application. Applicant shall have a maximum of 20 minutes to make his/her full presentation, including opening statement and all direct presentation by witnesses, but excluding any cross-examination or questions from the Commission.

4. Any other persons present who wish to submit relevant information to the City Commission shall speak next for a maximum of three minutes each (excluding any cross-examination or questions from the Commission). Members of the public will be permitted to present their non-expert opinions, but the Commission will be expressly advised that public sentiment is not relevant to the decision, which must be based only upon competent and substantial evidence.

5. The Applicant will be permitted to make final comments.

6. The Party Intervenor will be permitted to make final comments.

7. The City's staff will make final comments.

8. At the discretion of the Presiding Officer, the Applicant may be permitted to respond to the final Party Intervenor and staff comments and recommendations.

F. The City Commission will conduct open deliberation of the application. The Presiding Officer shall have the discretion to reopen the proceeding for additional testimony or argument by the parties when an outcome substantially different than either the granting or denial of the application is being considered. After deliberations, a vote shall be taken to approve, approve with conditions or deny the application.

**VII. Examination by Commissioners and City Attorney or Legal Advisor.** Commissioners and the City Attorney may ask questions of persons presenting testimony or evidence at any time during the proceedings until commencement of deliberation.

**VIII. Cross-Examination of Witnesses.** After each witness testifies, the City staff representative, the Applicant's representative and/or the Party Intervenor's representative shall be permitted to question the witness, but such cross-examination shall be limited to matters about which the witness testified and shall be limited to five minutes per side. Members of the public will not be permitted to cross-examine witnesses. Cross-examination shall be permitted only as would be permitted in a Florida court of law.

**IX. Rules of Evidence.**

A. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a court of law in Florida. Irrelevant, immaterial, harassing, defamatory or unduly repetitive evidence shall be excluded.

B. Hearsay evidence may be used for the purposes of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in a civil action.

C. Documentary evidence may be presented in the form of a copy or the original. Upon request, parties shall be given an opportunity to compare the copy with the original.

**X. Statements of Counsel.** Statements of counsel, or any non-attorney representative, shall only be considered as argument and not testimony unless counsel or the representative is sworn in and the testimony is based on actual personal knowledge of the matters which are the subject of the statements.

**XI. Standard of Proof.** The decision of the City Commission to approve, deny or modify an agenda item shall be based on competent substantial evidence. Competent substantial evidence is evidence which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion. Hypothetical, speculative, fear or emotion based generalized statements that do not address the relevant issues and that cannot be reasonably said to support the action advocated, are not competent substantial evidence.

**XII. Continuances and Deferrals.** The City Commission shall consider requests for continuances made by City staff, the Applicant or a Party Intervenor and may grant continuances in its sole discretion. If, in the opinion of the City Commission, any testimony or documentary evidence or information presented at the hearing justifies allowing additional research or review in order to properly determine the issue

presented, then the City Commission may continue the matter to a time certain to allow for such research or review.

**XIII. Transcription of hearing.**

A. The City Clerk or staff liaison shall preserve the official transcript of the hearing through tape recording and/or video recording.

B. The Applicant or Party Intervenor may arrange, at its own expense, for a court reporter to transcribe the hearing.

C. The Applicant or Party Intervenor may request that all or a part of the transcript of a hearing be transcribed into verbatim, written form. In such case, the Applicant or Party Intervenor requesting the transcript shall be responsible for the cost of production of the transcription and the transcription shall become the official transcript.

**XIV. Maintenance of Evidence and Other Documents.** The Office of the City Clerk shall retain all of the evidence and documents presented at the hearing unless any such evidence is too large to be stored by the City Clerk or staff liaison. In that event, such evidence will be stored in the Planning Department.

Michelle Franklin, CFA -- Saint Lucie County Property Appraiser -- All rights reserved.

## Property Identification

| | |
|---|---|
| Site Address: | 1101 N US HWY 1 |
| Parcel ID: | 2403-706-0009-000-3 |
| Account #: | 16058 |
| Map ID: | 24/03S |
| Use Type: | 1100 |
| Zoning: | C2 |
| City/County: | Fort Pierce |

## Ownership

Joseph R Wilson
1101 N US Highway 1
Fort Pierce, FL 34950

## Legal Description

PLAT OF ALTADENA LOTS 9, 10 AND 11 (OR 2522-769)

## Current Values

| | |
|---|---|
| Just/Market Value: | $157,700 |
| Assessed Value: | $157,700 |
| Exemptions: | $0 |
| Taxable Value: | $157,700 |

Taxes for this parcel: SLC Tax Collector's Office
Download TRIM for this parcel: Download PDF




## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 1,224 |
| Gross Area (SF): | 1,631 |
| Land Size (acres): | 0.44 |
| Land Size (SF): | 19,169 |

## Sale History

| | |
|---|---|
| Date: | Mar 28, 2006 |
| Book/Page: | 2522 / 0769 |
| Sale Code: | XX00 |
| Deed: | WD |
| Grantor: | Buerosse,William |
| Price: | $385,000 |
| Date: | Feb 12, 2003 |
| Book/Page: | 1663 / 2146 |
| Sale Code: | XX01 |
| Deed: | QC |
| Grantor: | Burrosse,William |
| Price: | $100 |
| Date: | Sep 10, 2002 |
| Book/Page: | 1596 / 1866 |
| Sale Code: | XX00 |
| Deed: | WD |
| Grantor: | Sunset Construction and Dev Co, |

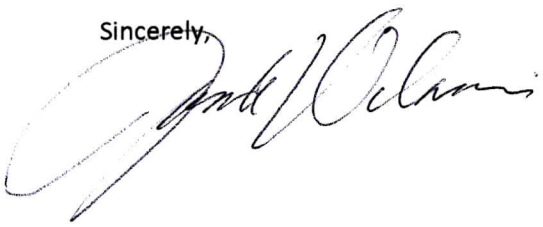
Joseph Wilson
1101 N US Hwy 1
Fort Pierce, Florida 34950
March 29, 2018

Fort Pierce Zoning Dept.
Fort Pierce, Florida 34950

Dear Fort Pierce Zoning Dept. :

The current property has been used for a Pack & Ship store in which I closed the end of 2015. The Pack & Ship store was closed due to lack of business. I been trying to lease the property since and finally got an interested party. Sandzya Cooper who is licensed and would like to use the property as a Used Car Lot. I leased the property to Sandzya Cooper but she and I was unaware it was not zone for that usage. All the surrounding property except the Cemetery and a vacant lot is zoned C-3 except my property is C-2. Change this zoning has no impact on any surrounding property and it will keep this property from being vacant.

Sincerely,



EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 2824359 OR BOOK 2522 PAGE 769, Recorded 03/30/2006 at 12:45 PM
Doc Tax: $2695.00

# WARRANTY DEED

THIS INDENTURE, made this 28 day of **March, 2006** between **WILLIAM B. BUEROSSE, SR.** and **WILLIAM BUEROSSE (a/k/a WILLIAM BURROSSE due to a typographical error)** of Broward County, Florida, grantor* and **JOSEPH R. WILSON, a married adult,** of **1101 North U.S. 1, Fort Pierce, Florida 34950**, grantee*,

**WITNESSETH,** That said grantor, for and in consideration of the sum of $10.00 and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in St. Lucie County, Florida, to-wit:

**Lots 9, 10 and 11, ALTADENA SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 4, Page(s) 71, Public Records of St. Lucie County, Florida.**

**PARCEL ID #: 240370600090003**

**Grantor affirms that neither Grantor nor any member of her family have ever resided on the premises conveyed. These premises are commercial property.**

SUBJECT TO: easements, restrictions, limitations, dedications, covenants, conditions, and reservations, of record; but reference hereto shall not serve to reimpose same; applicable zoning ordinances, taxes for the year 2006 and subsequent years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or pleural, as context requires.

**IN WITNESS WHEREOF,** Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness

Printed Name of Witness

Witness

Printed Name of Witness

**WILLIAM B. BUEROSSE, SR.**

**WILLIAM BUEROSSE (a/k/a WILLIAM BURROSSE due to a typographical error)**

STATE OF FLORIDA )
)SS
COUNTY OF BROWARD )

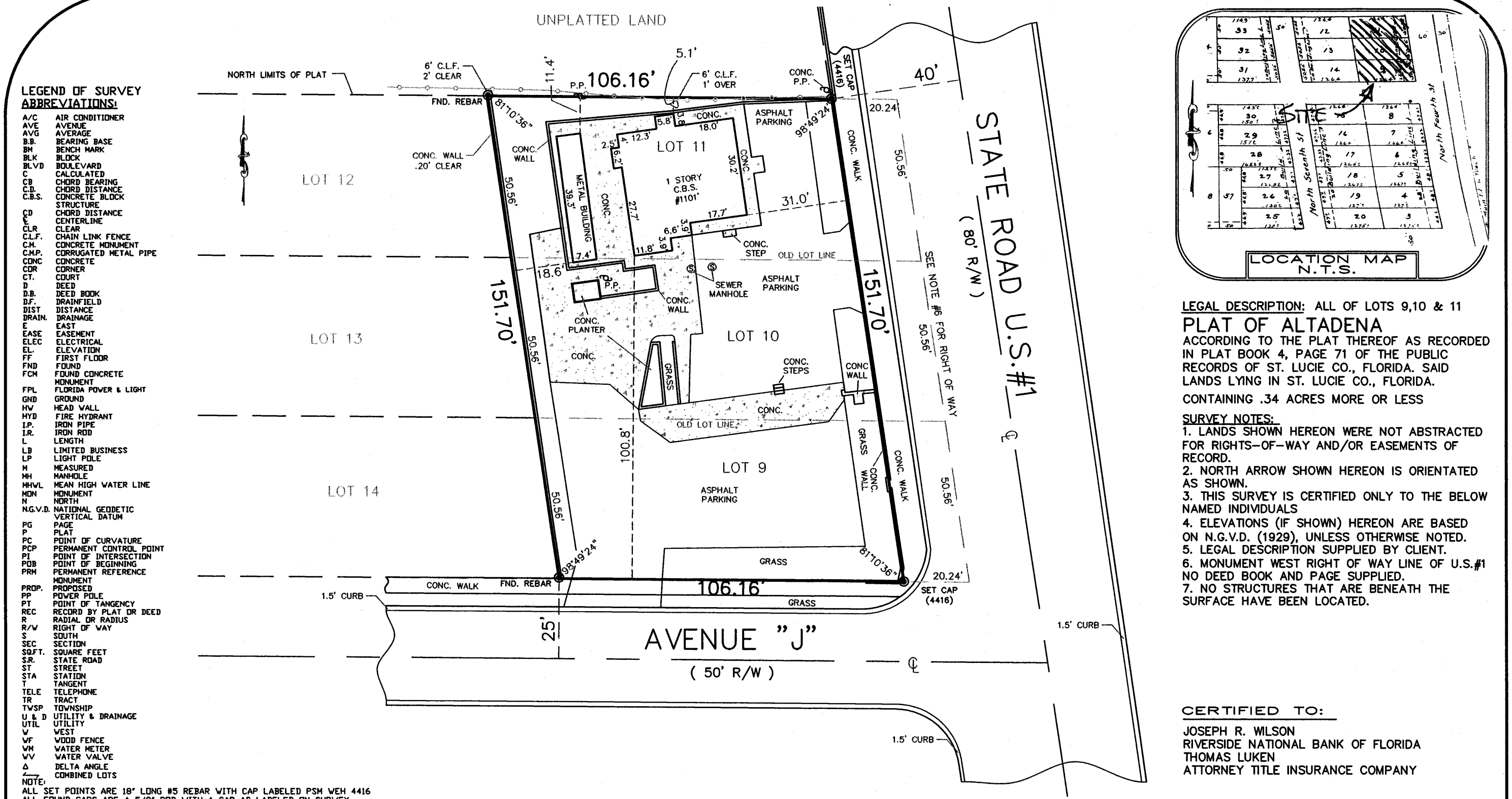
The foregoing instrument was acknowledged before me this 28 day of March 2006 by **WILLIAM B. BUEROSSE, SR.** and **WILLIAM BUEROSSE** who is personally known to me or who did produce a driver's license as identification, and who did take an oath.

NOTARY PUBLIC

David A. Hoines
Commission # DD164020
Expires Nov. 11, 2006
Bonded Thru
Atlantic Bonding Co., Inc.

THIS DOCUMENT PREPARED BY:

Thomas F. Luken, Esq.
1001 NW 62nd Street, #400
Ft. Lauderdale, FL 33309
(954)561-9500







## LEGEND OF SURVEY ABBREVIATIONS:

| | |
|---|---|
| A/C | AIR CONDITIONER |
| AVE | AVENUE |
| AVG | AVERAGE |
| B.B. | BEARING BASE |
| BM | BENCH MARK |
| BLK | BLOCK |
| BLVD | BOULEVARD |
| C | CALCULATED |
| CB | CHORD BEARING |
| C.D. | CHORD DISTANCE |
| C.B.S. | CONCRETE BLOCK STRUCTURE |
| CD | CHORD DISTANCE |
| ℄ | CENTERLINE |
| CLR | CLEAR |
| C.L.F. | CHAIN LINK FENCE |
| C.M. | CONCRETE MONUMENT |
| C.M.P. | CORRUGATED METAL PIPE |
| CONC | CONCRETE |
| COR | CORNER |
| CT. | COURT |
| D | DEED |
| D.B. | DEED BOOK |
| D.F. | DRAINFIELD |
| DIST | DISTANCE |
| DRAIN. | DRAINAGE |
| E | EAST |
| EASE | EASEMENT |
| ELEC | ELECTRICAL |
| EL. | ELEVATION |
| FF | FIRST FLOOR |
| FND | FOUND |
| FCM | FOUND CONCRETE MONUMENT |
| FPL | FLORIDA POWER & LIGHT |
| GND | GROUND |
| HW | HEAD WALL |
| HYD | FIRE HYDRANT |
| I.P. | IRON PIPE |
| I.R. | IRON ROD |
| L | LENGTH |
| LB | LIMITED BUSINESS |
| LP | LIGHT POLE |
| M | MEASURED |
| MH | MANHOLE |
| MHWL | MEAN HIGH WATER LINE |
| MON | MONUMENT |
| N | NORTH |
| N.G.V.D. | NATIONAL GEODETIC VERTICAL DATUM |
| PG | PAGE |
| P | PLAT |
| PC | POINT OF CURVATURE |
| PCP | PERMANENT CONTROL POINT |
| PI | POINT OF INTERSECTION |
| POB | POINT OF BEGINNING |
| PRM | PERMANENT REFERENCE MONUMENT |
| PROP. | PROPOSED |
| PP | POWER POLE |
| PT | POINT OF TANGENCY |
| REC | RECORD BY PLAT OR DEED |
| R | RADIAL OR RADIUS |
| R/W | RIGHT OF WAY |
| S | SOUTH |
| SEC | SECTION |
| SQ.FT. | SQUARE FEET |
| S.R. | STATE ROAD |
| ST | STREET |
| STA | STATION |
| T | TANGENT |
| TELE | TELEPHONE |
| TR | TRACT |
| TWSP | TOWNSHIP |
| U & D | UTILITY & DRAINAGE |
| UTIL | UTILITY |
| W | WEST |
| WF | WOOD FENCE |
| WM | WATER METER |
| WV | WATER VALVE |
| Δ | DELTA ANGLE |
| ⟷ | COMBINED LOTS |

NOTE:
ALL SET POINTS ARE 18" LONG #5 REBAR WITH CAP LABELED PSM WEH 4416
ALL FOUND CAPS ARE A 5/8" ROD WITH A CAP AS LABELED ON SURVEY

**LEGAL DESCRIPTION:** ALL OF LOTS 9,10 & 11

# PLAT OF ALTADENA

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 71 OF THE PUBLIC RECORDS OF ST. LUCIE CO., FLORIDA. SAID LANDS LYING IN ST. LUCIE CO., FLORIDA.

CONTAINING .34 ACRES MORE OR LESS

**SURVEY NOTES:**

1. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS-OF-WAY AND/OR EASEMENTS OF RECORD.
2. NORTH ARROW SHOWN HEREON IS ORIENTATED AS SHOWN.
3. THIS SURVEY IS CERTIFIED ONLY TO THE BELOW NAMED INDIVIDUALS
4. ELEVATIONS (IF SHOWN) HEREON ARE BASED ON N.G.V.D. (1929), UNLESS OTHERWISE NOTED.
5. LEGAL DESCRIPTION SUPPLIED BY CLIENT.
6. MONUMENT WEST RIGHT OF WAY LINE OF U.S.#1 NO DEED BOOK AND PAGE SUPPLIED.
7. NO STRUCTURES THAT ARE BENEATH THE SURFACE HAVE BEEN LOCATED.

**CERTIFIED TO:**

JOSEPH R. WILSON
RIVERSIDE NATIONAL BANK OF FLORIDA
THOMAS LUKEN
ATTORNEY TITLE INSURANCE COMPANY

THIS DRAWING AND COPIES THEREOF ARE NOT VALID WITHOUT THE SIGATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WILLIAM E. HAYHURST
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO 4416

3/28/06
DATE SIGNED

HAYHURST LAND SURVEYING INC.
CERTIFICATE OF AUTHORIZATION NUMBER (L.B. 7364)
SURVEYING & MAPPING COMPANY
843 8TH STREET
VERO BEACH, FL. 32962
PHONE: (772) 569-6680
FAX: (772) 770-3446

| | |
|---|---|
| SURVEY TYPE: | BOUNDARY |
| DRAWN BY: | R.W.C. |
| CHECKED BY: | W.E.H |
| FIELD BOOK: | 214 |
| PAGE NO: | 72 |
| FIELD DATE: | 03/02/06 |
| SCALE: | 1"=30' |
| JOB NO: | 06-070 |

| DATE: | REVISIONS: | INT. |
|---|---|---|
| | | |

FLOOD ZONE: X
EFFECTIVE DATE 8/19/91
PANEL No. 12111C0179 F

05/16/2006 12:47 FTP
→ FTP_SERVER
001/001

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer** JRA

**RE : Wilson Rezoning – 1101 North US Highway 1**
**TRC No. 18-06000002**

**DATE : April 6, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 6, 2018:

- ☑ Rezoning Application
- ☐ Test Reports & Related Documents
- ☐ Record Drawings
- ☐ Clearances from all applicable Local, State and Federal Agencies
- ☐ Construction Drawings
- ☐ Executed Construction Contract
- ☐ Permits from applicable Local, State & Federal Agencies

Based on our reviews and appropriate site final inspection, we

- ☑ Recommend
- ☐ Do Not Recommend

- ☑ Rezoning Request
- ☐ Building Permit
- ☐ C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- ☐ See attached for engineering comments

JRA/TST/tst

Q:\ENGINEERING\Site Development Projects\W\Wilson Rezoning\Submittal No. 1 040618\Rezoning Approval- 040618.docx

**TO:** Vennis Gilmore, Planning Analyst

**THROUGH:** Mayte Santamaria, Assistant Director

**FROM:** Kori Benton, Senior Planner

**DATE:** April 18, 2018

**SUBJECT:** **Wilson Rezoning – 1101 N. US Highway 1**

## Background

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# #18-06000002

The applicant is seeking a rezoning from C-2, Neighborhood Commercial Zone to C-3, General Commercial Zone. The subject site has a total of 0.44 acres.

## Review Comments

1. The application appears to be incomplete, as several sections were blank. The application does not contain a capacity analysis, or present any potential impacts to public facilities with the proposed change in zoning.

2. It is noted that the principal structure is rather close to the northern property line. Both this structure, and rear metal building fail to meet the basic standards (side yard) of the requested C-3, General Commercial District.

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

**Project: Wilson Rezoning and Temporary Use**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date April 18, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

**SURVEY:**

1) Please have the survey updated that was provided. The survey was performed in 2006 and should not be any older than one year. Upon receipt of the updated survey, I will review at that time.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

The School District does not have any comments or concerns regarding the request.

Please feel free to call me if you have any questions.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County

cell 772.216.5755

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer**

**RE : Wilson Temporary Use – 1101 North US Highway 1**
**TRC No. 18-42800008**

**DATE : April 12, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- ☑ Temporary Use Application
- ☐ Test Reports & Related Documents
- ☐ Record Drawings
- ☐ Clearances from all applicable Local, State and Federal Agencies
- ☐ Construction Drawings
- ☐ Executed Construction Contract
- ☐ Permits from applicable Local, State & Federal Agencies

Based on our reviews and appropriate site final inspection, we

- ☑ Recommend
- ☐ Do Not Recommend

- ☑ Temporary Use Request
- ☐ Building Permit
- ☐ C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

☐ See attached for engineering comments

JRA/TST/tst

Q:\ENGINEERING\Site Development Projects\W\Wilson\Temporary Use\Submittal No. 1 - 040618\TU Approval- 041218.docx

**TO:** Vennis Gilmore, Planning Analyst

**THROUGH:** Mayte Santamaria, Assistant Director

**FROM:** Kori Benton, Senior Planner

**DATE:** April 18, 2018

**SUBJECT:** **Temporary Use – Wilson Temporary Use – 1101 N. US Highway 1**

## Background

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# #18-42800008.

The applicant is seeking to operate a car dealership as a temporary use until the zoning of the subject property is rezoned to C-3, General Commercial Zone.

## Review Comments

1. The applicant should install a site obscuring fence or planted material so as to provide a visual and noise buffer between the subject commercial property and the lot to the north in a residential zone. It appears that a buffer exists along the west property line, however is not complimented by hedge materials. Typically, a minimum of a six (6) ft. high fence constructed from wood, stone, brick or other suitable material and/or landscaping would be required to buffer such commercial activities.

2. The applicant should install traffic control devices such as stop sign(s) and parking lot striping where applicable to ensure safe function of the parking areas. This should include delineation of customer parking versus vehicle display areas.

3. The applicant is encouraged to ensure all signs comply with Clear Vision Area requirements.

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

## PUBLIC NOTIFICATION CERTIFICATION

**PROJECT NAME:** Zoning Atlas Amendment - Wilson Rezoning - 1101 N. US Highway 1

**NOTICES PROVIDED PURSUANT TO:** City Code Section 22-143. Public Hearings A, B, C, & D

**NOTICE BY NEWSPAPER:** May 20th, 2018

**NOTICE BY MAIL:** May 9th, 2018

**NOTICE BY SIGNS:** Planning Board - May 3rd, 2018 ; City Commission - May 24th, 2018

**VERIFIED BY:** Vennis Gilmore **TITLE:** Planning Analyst

**SIGNATURE:** **DATE:** May 23rd 2018

**City Commission Regular Meeting** **12.d.**

**Meeting Date:** 06/18/2018

**Re:** Major Amendment to PD - Celebration Pointe - 5501 Peterson Road

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

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**SUBJECT:**

Ordinance 18-020 - Review and approval of an application for Major Amendment to a Planned Development by Applicant; Endeavor Wall Homes, LLC, and Representative Bill Barboro to modify the rear yard setback for lots 1-318 located in the subdivision known as Celebration Point, located at approximately 5501 Peterson Road, Fort Pierce, FL. The property is currently zoned PD, Planned Development (Parcel ID 2418-600-0005-000-6). SECOND READING

**SUMMARY:**

- In accordance with Section, 22-40 of the City Code, the applicant is requesting the review and approval of a Development Review (Major Modification) to the PD to allow for the rear setback for the single family portion of Celebration Pointe to change from 15 feet to 8 feet. The developer needs this setback change to allow for the homes they designed to fit on each parcel.
- On January 18 2005, the St. Lucie County Commission granted Preliminary and Final PUD approval along with a change in zoning classification for the Celebration Pointe development, proposed by United Homes International, Inc.
- Celebration Pointe was annexed into the City of Fort Pierce on December 4, 2017. Since then the owner has sold the Single Family portion (Lots 1-318) of the development to Endeavor Wall Homes, LLC.

**RECOMMENDATION:**

Approve

**ALTERNATIVES:**

Deny

**RESPONSIBLE STAFF:**

Brandon C. Creagan, LEED Green Associate, Planner

**COORDINATED WITH:**

Technical Review Committee

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**Fiscal Impact**

**OTHER INFORMATION:**

N/A

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**Attachments**

Planning Staff Report
Ordinance # 18-020
Application
Modified PD Plan
TRC Comments
TRC Comment Response from Applicant
Public Certification Notification
Proof of Publication

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 05/29/2018 08:28 AM |

Form Started By: Brandon Creagan
Started On: 05/23/2018 09:18 AM
Final Approval Date: 06/05/2018

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

**TO:** Nicholas Mimms, PE, City Manager

**THROUGH**: Rebecca Grohall, AICP, Planning Director

**FROM:** Brandon Creagan, LEED Green Associate, Planner

**RE:** **Application for Development Review (Major Amendment to PD)**
**Celebration Pointe - 5501 Peterson Road**

**DATE:** May 22, 2018

## STAFF REPORT

**Property Owner/Applicant**:
Endeavor Wall Homes, LLC
10150 Highland Manor Drive, Suite 200
Fort Pierce, FL 34946

**Representative:**
Carnahan Proctor and Cross, Inc. (Bill Barboro, P.E.)
814 S, Military Trail
Deerfield Beach, FL 33442

**Requested Action:**
Recommendation of Approval to allow for the rear setback for the single family portion (Lots 1-318) of the Celebration Pointe subdivision to change from 15 feet to 8 feet.

**Site Location:**
5501 Peterson Road (Southeast Corner of S. Jenkins Road & Peterson Road)

**Parcel IDs:**
2418-600-0005-000-6, et al (Complete Celebration Pointe Subdivision)

**Current Zoning:**
PD, Planned Development

**Future Land-Use**
RM, Medium Density Residential

**Surrounding Zoning:**

| North | East | South | West |
|---|---|---|---|
| RS-3 (SLC) | E-3, PD<br>RM-5 (SLC) | R-4, C-3 | RS-2 (SLC), RS-4 (SLC), AG-1 (SLC) |

**Staff Analysis:**

**Request**

In accordance with Section, 22-40 of the City Code, the applicant is requesting the review and approval of a Development Review (Major Modification) to the PD to allow for the rear setback for the single family portion of Celebration Pointe (Lots 1-318) to change from 15 feet to 8 feet. The developer needs this setback change to allow for the homes they designed to fit on each parcel.

**History**

On January 18 2005, the St. Lucie County Commission granted Preliminary and Final PUD approval along with a change in zoning classification for the Celebration Pointe development, proposed by United Homes International, Inc.

The approved development encompasses capacity for 755 residential units, consisting of 318 single-family homes lots, 292 single-story villas lots, and lots for 145 two-story townhouses. The approved density for the development is represented at 5.12 dwelling units per acre. The property holds a PD, Planned Development zoning designation, and is within the RM, Residential Medium (County) future land use category.

After approval, the development was acquired by Lo Land Assets LP, with the creation of a Community Development District for the project in May, 2006. Initial development activities commenced with of a variety of paving, grading, drainage, sidewalk, and off-site roadway improvements. The plat was approved, and recorded in 2007, contingent upon completion of the required infrastructure and bonds for outstanding improvements.

Celebration Pointe was annexed into the City of Fort Pierce on December 4, 2017. Since then the owner has sold the Single Family portion of the development to Endeavor Wall Homes, LLC and is in the process of contracting out the multi-family sections to the south and south east of in the development.

**Review**

The request has been modified from the previous iteration that went before the Technical Review Committee. The change was made because there was a concern about parking overhang into the pedestrian sidewalk from the drive way. Due to this concern the City of Fort Pierce Engineering Department recommended denial and it was a concern of other departments. Since the Technical Review Committee the applicant has decided to withdraw the request to modify both the front and rear yard setback and instead just request a modification to the rear yard setback.

**Technical Review Committee:**

All affected City Departments have reviewed the proposed Application for Development Review (Major Modification) and have provided conditional approval based on compliance with requirements of the City Code.

**Planning Board**

At their May 8, 2018 meeting the Planning Board voted 6-1 to recommend approval of the request as presented.

**Staff Recommendation:**

The requested Application for Development Review (Major Modification) meets the requirements of the City Code specifically section 22-40, Planned Development; therefore Staff recommends that the City Commission approves the request as presented along with Ordinance 18-020.

**ORDINANCE NO. 18-020**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE REAR YARD SETBACK FOR LOTS 1 THROUGH 318 FOR THE SUBDIVISION KNOWN AS CELEBRATION POINTE AND RESTATING THE PLANNED DEVELOPMENT AS RECORDED IN PLAT BOOK 57 PAGES 7-14 AND PROPERTY GENERALLY LOCATED AT 5501 PETERSON ROAD AND SHOWN ON EXHIBIT A; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** City Code 22-40, Planned Development, sets forth a procedure for Major Modifications to a Planned Development; and;

**WHEREAS,** on January 19, 2005, the St. Lucie County Board of County Commissioners granted Preliminary and Final PUD approval along with a change in the zoning classification for the Celebration Pointe development proposed by United Homes International Inc.; and

**WHEREAS,** on June 11, 2007, the Plat for the Celebration Point Subdivision was recorded with the St. Lucie County Circuit Court in Plat Book 57 Pages 7-14; and

**WHEREAS,** On December 4, 2017, the Celebration Pointe Planned Development was annexed into the City of Fort Pierce; and

**WHEREAS,** the property owner Endeavor Wall Homes, LLC has submitted an application for Development Review, for a Major Amendment to a Planned Development, to allow for the modification of the rear yard setback; and

**WHEREAS,** That in accordance with City Code Section 22-40, for a major modification, the applicant shall follow the same procedure as a new planned development request. Generally, additions, deletions, changes in the use, density, sequence of development or other specifications of an approved PD plan are to be viewed as a major modification.

**WHEREAS,** the City of Fort Pierce Planning Board, at their May 8, 2018 meeting, voted to recommend approval of the request for Major Amendment to the City Commission; and

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** The preceding "whereas" clauses are ratified and incorporated as the legislative intent of this ordinance.

**SECTION 2.** The Planned Development with a Major Modification of Lots 1 through 318 of the Celebration Pointe Planned Development in the City of Fort Pierce, Florida as recorded in plat book 57 pages 7-14, is hereby amended so that the rear yard

setback for all single family lots is 8 feet instead of the previously approved 15 foot rear yard setback as shown in Exhibit “A” Sheet A1.

**SECTION 3.** All other aspects of the original PD are in effect and restated.

**SECTION 4**. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 5.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 6.** This Ordinance shall be and become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS**:

_____
James M. Messer, Esq.
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-020 was duly advertised in accordance with Section 171.044(2) of the Florida Statutes in the St. Lucie News Tribune on Sunday, May 20, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18, 2018, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this June 18, 2018.

_____
Linda Hudson
Mayor Commissioner

ATTEST:

_____
Linda W. Cox
City Clerk

**(CITY SEAL)**

**EXHIBIT A**
**Sheet A1**
Major Modification to Planned Development
Single Family Lots Rear Setback 15 Feet to 8 Feet
Lot 1 Through Lot 318

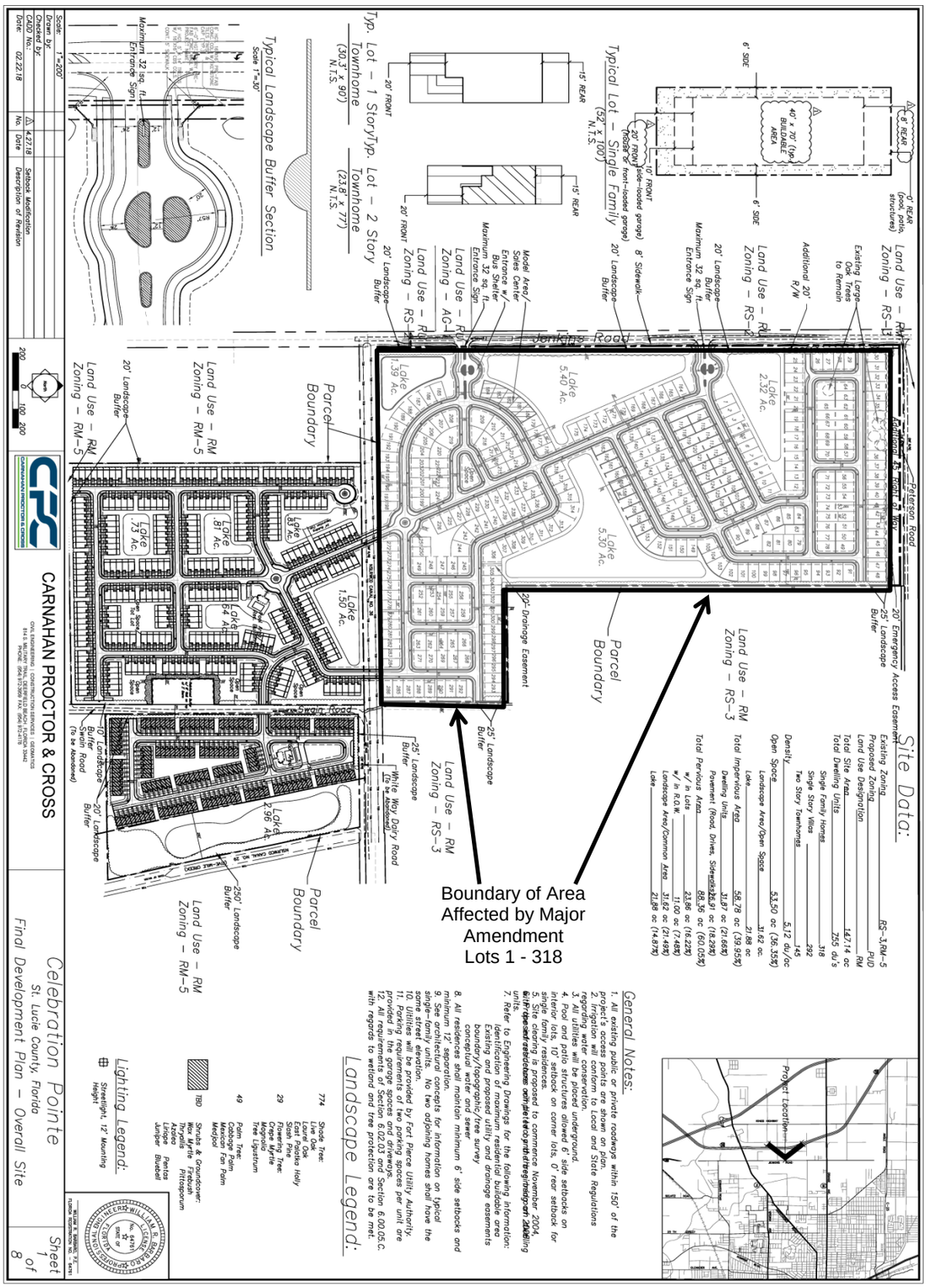


**EXHIBIT A**
**Sheet A2**
Major Modification to Planned Development
Single Family Lot Rear Yard Setback 15 Feet to 8 Feet
Lot 1 Through Lot 318

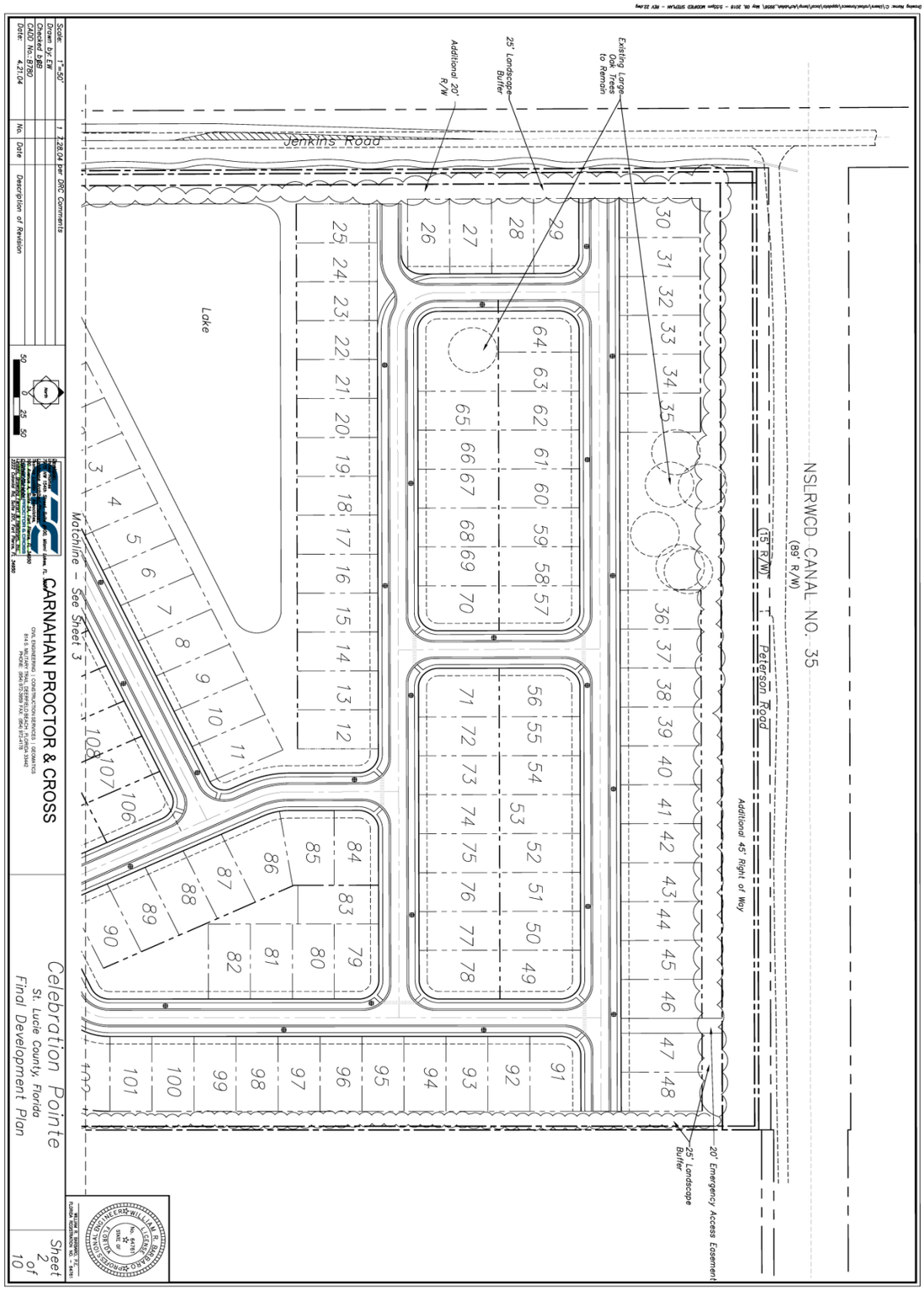


EXHIBIT A
Sheet A3
Major Modification to Planned Development
Single Family Lots Rear Setback 15 Feet to 8 Feet
Lot 1 Through Lot 318

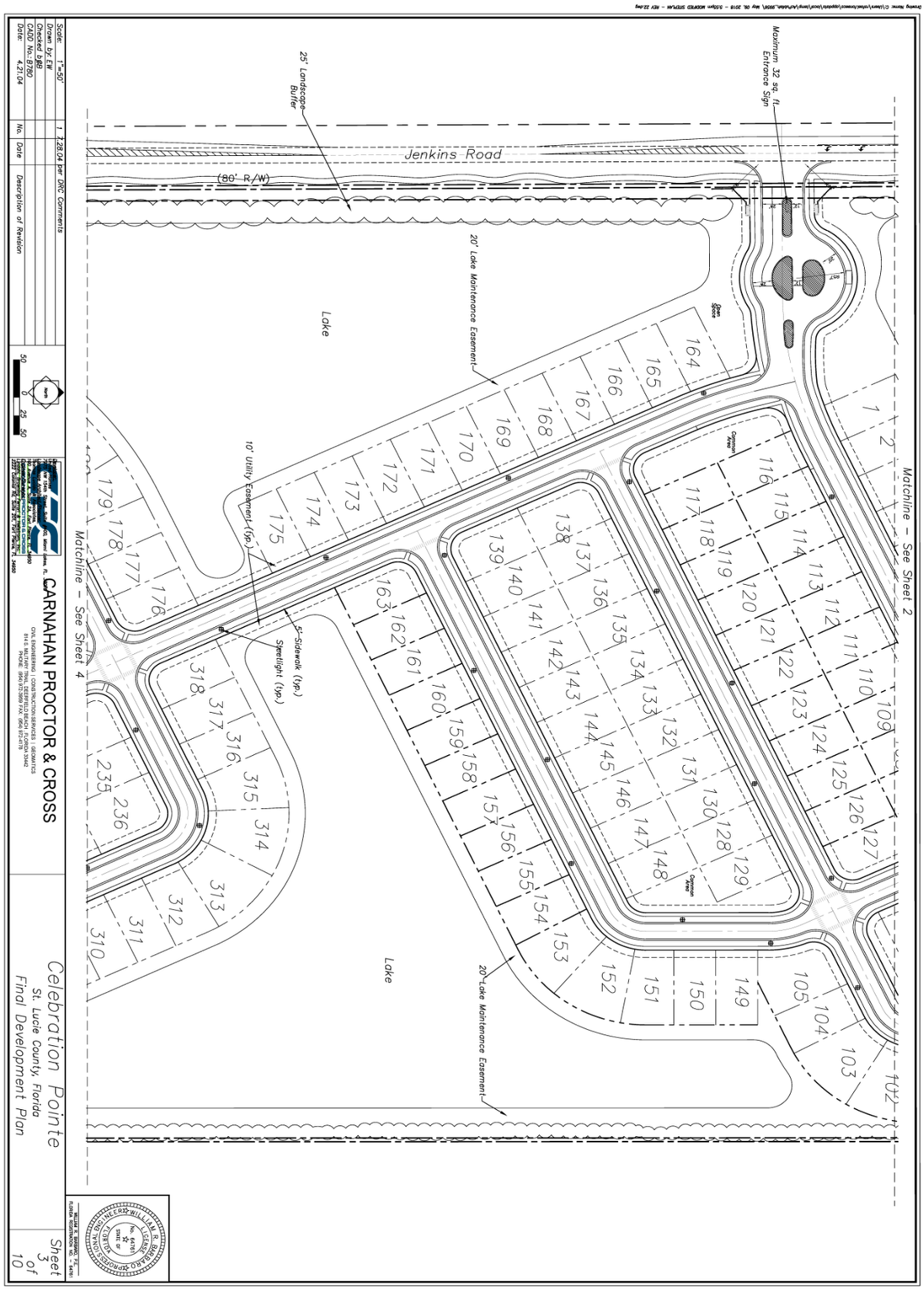


EXHIBIT A
Sheet A4
Major Modification to Planned Development
Single Family Lots Rear Setback 15 Feet to 8 Feet
Lot 1 Through Lot 318

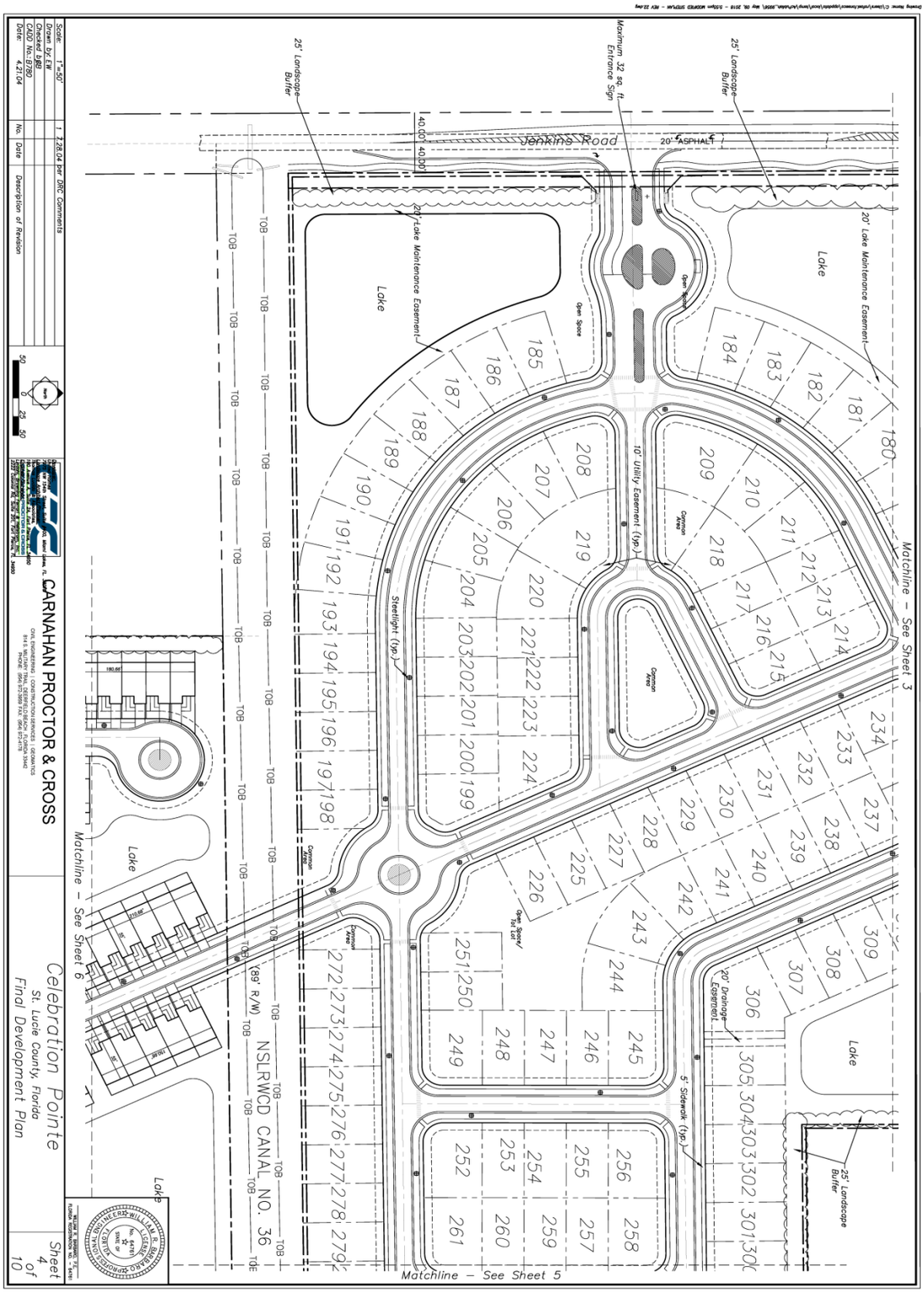
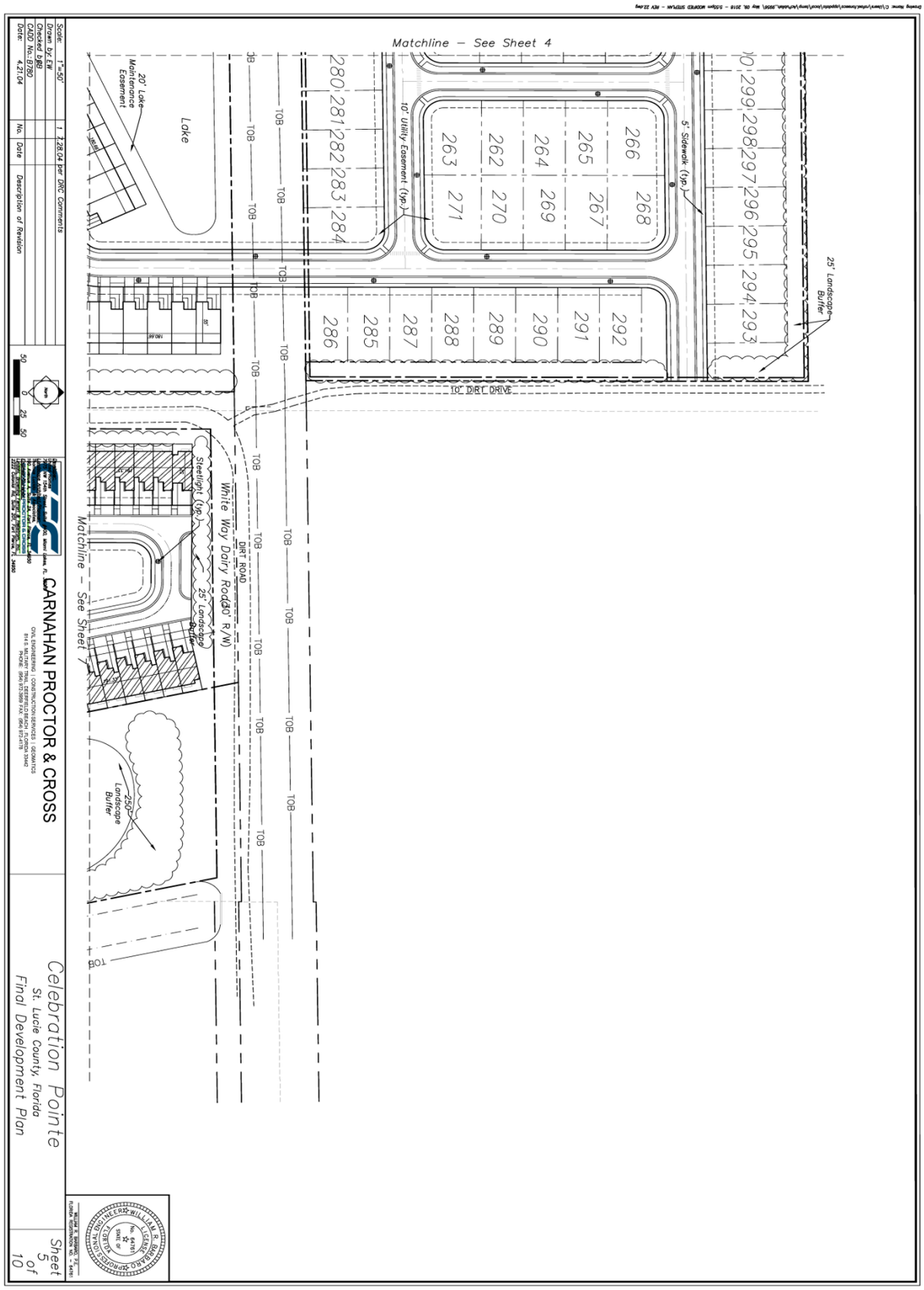


EXHIBIT A
Sheet A5
Major Modification to Planned Development
Single Family Lots Rear Setback 15 Feet to 8 Feet
Lot 1 Through Lot 318



THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

RECEIVED
APR 03 2018
CITY OF FORT PIERCE
PLANNING & ZONING

# DEVELOPMENT REVIEW

Property address or Location 5501 Peterson Rd.

Parcel ID #(s) 2418-600-0005-020-6

Project description Celebration Pointe

**Property Owner(s)**
Endeavor-Wall Homes, LLC
Street Address
10150 Highland Manor Dr. Suit 200
City State Zip
Tampa FL 33610
Phone Number
813-314-2171
Email Address Carry.Thompson@lkll.com

**Applicant/Representative, Title, Company**
Bill Barbara V.P., Carnahan, Proctor & Cross
814 S. Military Trail
Street Address
Deerfield Beach, FL 33442
City State Zip
(954) 972-3959 X 118
Phone Number
BBarbara@cpc-eng.com
Email Address

***Property Owner(s) Acknowledgements:*** *- This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein. The undersigned consents to inspection and photographing of the subject property by the Planning staff for purposes of consideration of this Application and/or presentation to the Planning Board and City Commission.*

*Property Owner(s) Signature(s)*

STATE OF FLORIDA -- COUNTY St. Lucie

The foregoing instrument was acknowledged before me this 3rd day of April, 2018, by Larry Thompson who is personally known to me or has produced FL DL as identification.

Kim Keahey
Signature of Notary

KIM KEAHEY
Notary Public - State of Florida
Commission # GG 024418
My Comm. Expires Dec 16, 2020
Bonded through National Notary Assn.
(Seal)

***INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729***

## TO BE COMPLETED BY STAFF

| Zoning | Future Land Use | Total Acres | Historic District | Historic Designation |
|---|---|---|---|---|
| | | | | Contributing Individual<br>Non-Contributing None |

Pre-Application Meeting Date_____ Fees_____ Control #_____ B. Permit #_____
Intake Planner_____
Planner Assigned_____
Approved By_____ Date _____
Comments_____

Intake Date Stamp

# ❑ DEVELOPMENT REVIEW

*General Information*

- ❑ Incomplete application packets cannot be accepted.
- ❑ Site Plan approval is valid for one (1) year following City Commission approval. In order to maintain site plan approval, vertical improvements, permitted by the Building Department must commence prior to the 12-month expiration date, and building permits must be maintained until site plan is completed, per plans, or approval shall lapse.

*Choose Application Type:*

| Application Type | | |
|---|---|---|
| ❑ Site Plan | ❑ Conditional Use with New Const. | ☑ Major Amendment |
| ❑ Conceptual Development Plan | | ❑ Minor Amendment |

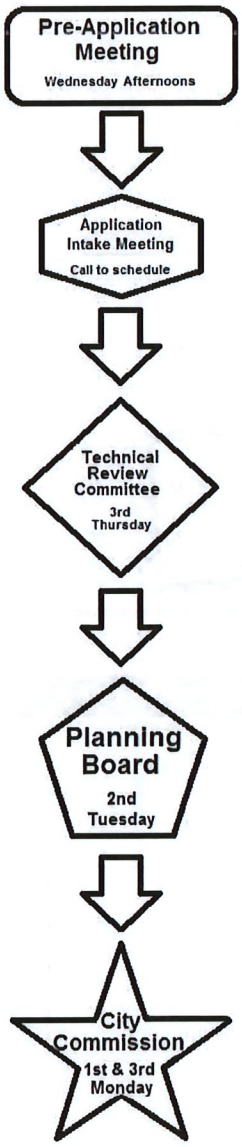
*Site Information:*

Non-Residential: Proposed Sq. Ft.: _____ Residential: Proposed Units: _____

Surrounding Uses: *(i.e. single family home, retail, industrial, etc.)*

| North | South | East | West |
|---|---|---|---|
| | | | |

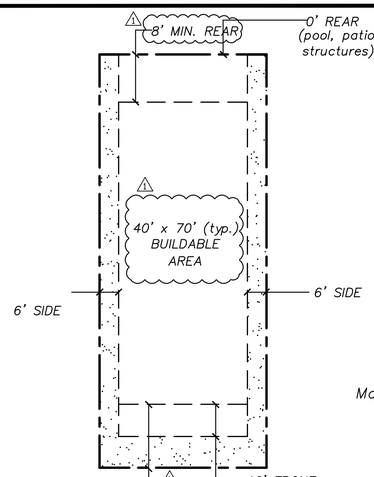
**Application Outlook**



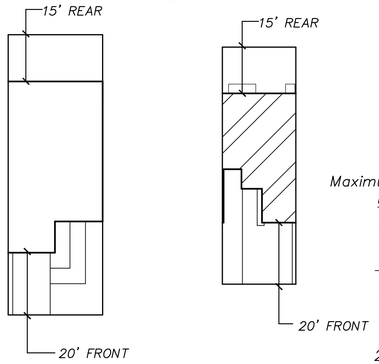

## *Site Plan submittal requirements:*

***Submit one (1) original & thirteen (13) hard copies and one (1) CD of the following. Additional copies will be required of subsequent submittals.***

- ❑ Complete notarized application
- ❑ Warranty Deed
- ❑ SLC Property Record Card
- ❑ Statements of ownership & control of proposed development. Statement describing in detail: character & intended use.
- ❑ General location map (see Section 22-58.d.2)
- ❑ Survey (see Section 22-58.d.3)
- ❑ Site Plan (see Section 22-58.d.4)
- ❑ Landscaping Plan (see Section 22-187)
- ❑ Storm Drainage Plan (see Section 22-58.d.6)
- ❑ Environmental Impact Report
- ❑ Beach/Dune System protection plan, if applicable (see Section 22-58.d.7)
- ❑ Lighting Plan (see Section 22-58.d.8)
- ❑ Design Review submittals (see Design Review application)
- ❑ Traffic Impact Report
- ❑ Concurrency Review submittals (see Concurrency Review application)

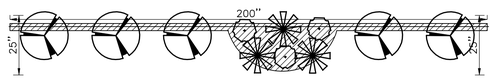



Typical Lot – Single Family
(52' x 100')
N.T.S.

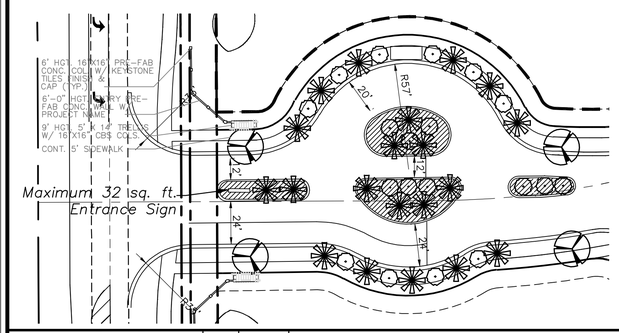


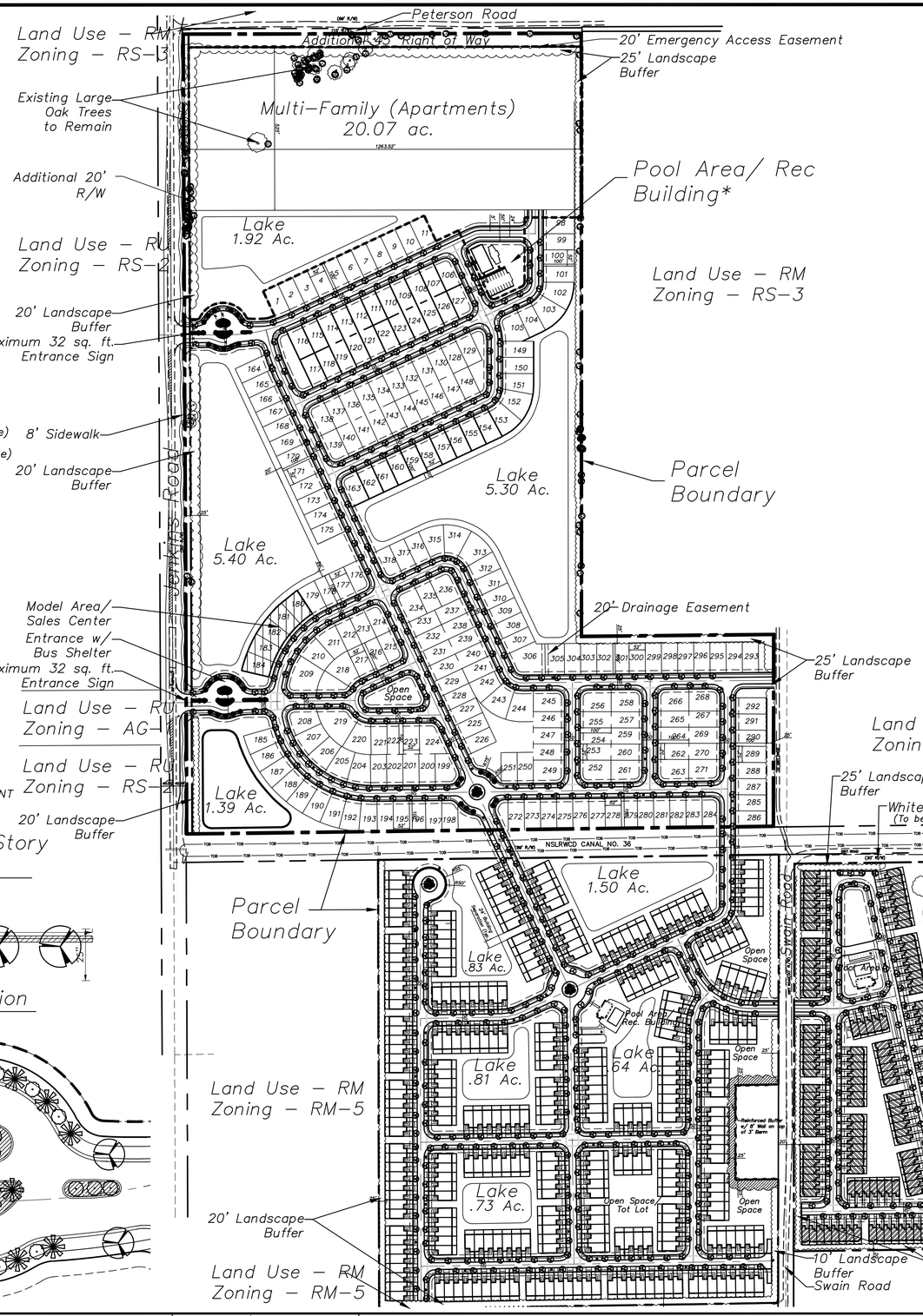

Typ. Lot – 1 Story Townhome
(30.3' x 90')
N.T.S.

Typ. Lot – 2 Story Townhome
(23.8' x 77')
N.T.S.




Typical Landscape Buffer Section
Scale 1"=30'

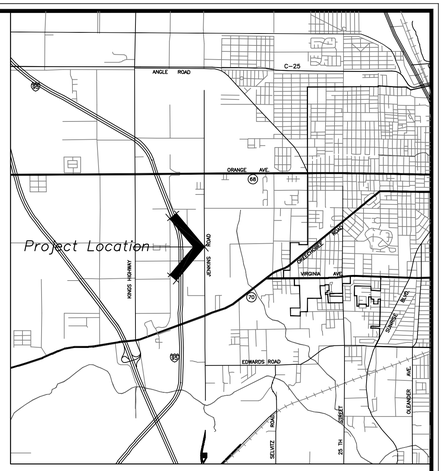



## Site Data:

| | |
|---|---|
| Existing Zoning | PD |
| Land Use Designation | RM |
| Total Site Area | 147.14 ac |
| Total Dwelling Units | 910 du's |
| Multi–Family (Apartments) | 240 |
| Single Family Homes | 232 |
| Single Story Villas | 292 |
| Two Story Townhomes | 145 |
| Density | 6.68 du/ac |
| Open Space | 53.50 ac (36.35%) |
| Landscape Area/Open Space | 31.62 ac. |
| Lake | 21.88 ac |
| Total Impervious Area | 58.78 ac (39.95%) |
| Dwelling Units | 31.87 ac (21.66%) |
| Pavement (Road, Drives, Sidewalks) | 26.91 ac (18.29%) |
| Total Pervious Area | 88.36 ac (60.05%) |
| w/ in Lots | 23.86 ac (16.22%) |
| w/ in R.O.W. | 11.00 ac (7.48%) |
| Landscape Area/Common Area | 31.62 ac (21.49%) |
| Lake | 21.88 ac (14.87%) |

* Proposed Pool Area/ Rec Building subject to development review




## General Notes:

1. All existing public or private roadways within 150' of the project's access points are shown on plan.
2. Irrigation will conform to Local and State Regulations regarding water conservation.
3. All utilities will be placed underground.
4. Pool and patio structures allowed 6' side setbacks on interior lots, 10' setback on corner lots, 0' rear setback for single family residences.
5. Site clearing is proposed to commence November 2004, with the infrastructure completed by the beginning of 2006.
6. Proposed residences will be two and three bedroom dwelling units.
7. Refer to Engineering Drawings for the following information:
   - Identification of maximum residential buildable area
   - Existing and proposed utility and drainage easements
   - boundary/topographic/tree survey
   - conceptual water and sewer
8. All residences shall maintain minimum 6' side setbacks and minimum 12' separation.
9. See architectural concepts for information on typical single–family units. No two adjoining homes shall have the same street elevation.
10. Uitlities will be provided by Fort Pierce Utility Authority.
11. Parking requirements of two parking spaces per unit are provided in the garage spaces and driveways. Off–street parking and loading, should be striped to the specification as ste fouths in City Code 22–60.
12. All requirements of Section 6.02.03 and Section 6.00.05.C. with regards to wetland and tree protection are to be met.
13. Per St. Lucie County Conservation Policy 8.1.2.2, a vegetated and functional littoral zone will be established as part of the surface water management system for all upland water bodies occurring on the site.

## Legend:

- – – – Limits of Multi Family

## Lighting Legend:

- Streetlight, 12' Mounting Height

## Landscape Legend:

| | | |
|---|---|---|
| 774 | Shade Tree: | Live Oak, Laurel Oak, East Palatka Holly, Slash Pine |
| 29 | Flowering Tree: | Crepe Myrtle, Magnolia, Tree Ligustrum |
| 49 | Palm Tree: | Cabbage Palm, Mexican Fan Palm, Medjool |
| TBD | Shrubs & Groundcover: | Wax Myrtle, Firebush, Thryallis, Pittosporum, Azalea, Liriope, Pentas, Juniper, Bluebell |

WILLIAM R. BARBARO, P.E.
FLORIDA REGISTRATION NO. – 64761

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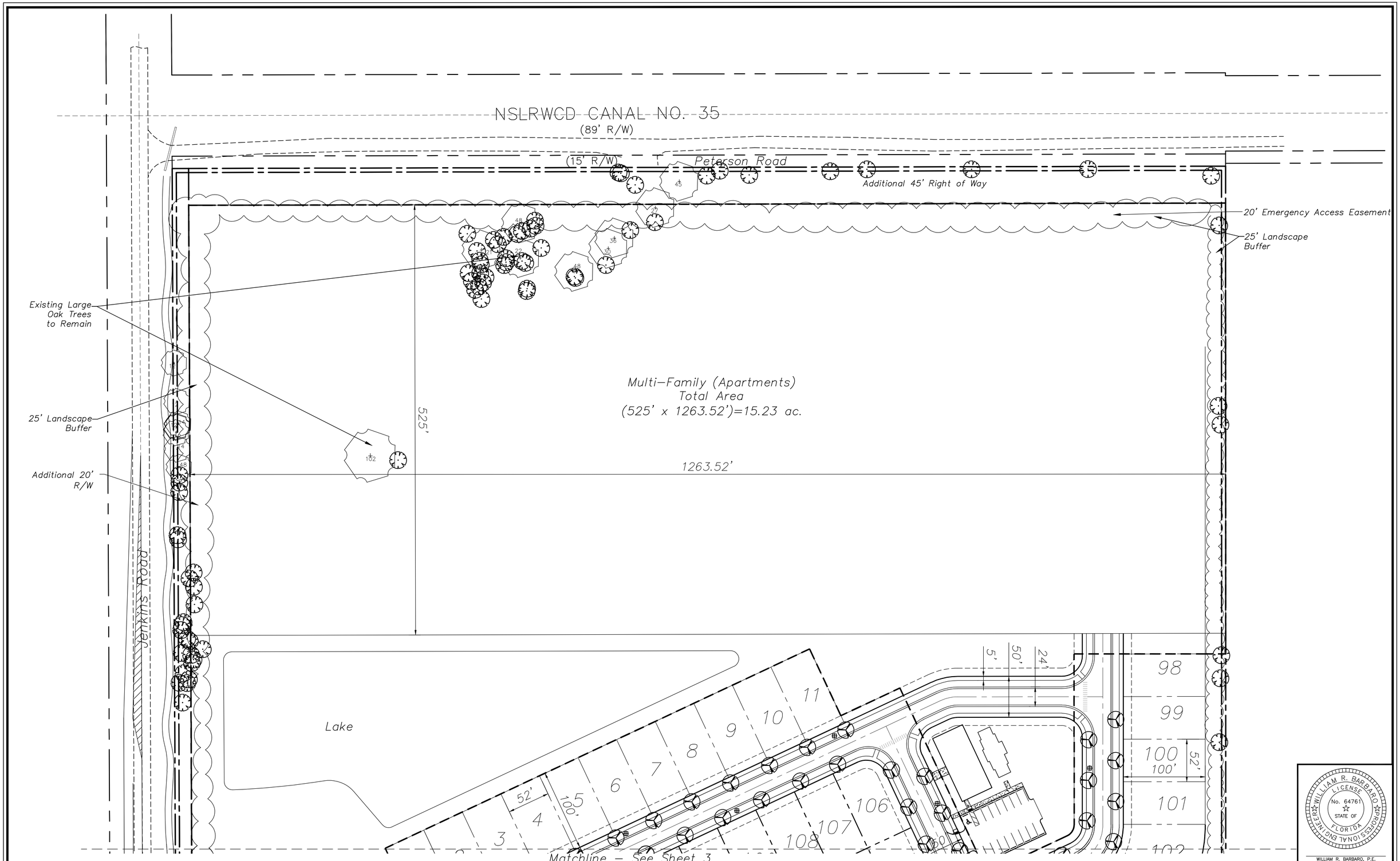
| Scale: 1"=200' | | | |
| Drawn by: | | | |
| Checked by: | | | |
| CADD No.: | 1 | 4.27.18 | Setback Modification |
| Date: 02.22.18 | No. | Date | Description of Revision |

North
200 0 100 200

CARNAHAN PROCTOR & CROSS
CIVIL ENGINEERING | CONSTRUCTION SERVICES | GEOMATICS
814 S. MILITARY TRAIL, DEERFIELD BEACH, FLORIDA 33442
PHONE: (954) 972-3959 FAX: (954) 972-4178

# Celebration Pointe
St. Lucie County, Florida
Final Development Plan – Overall Site

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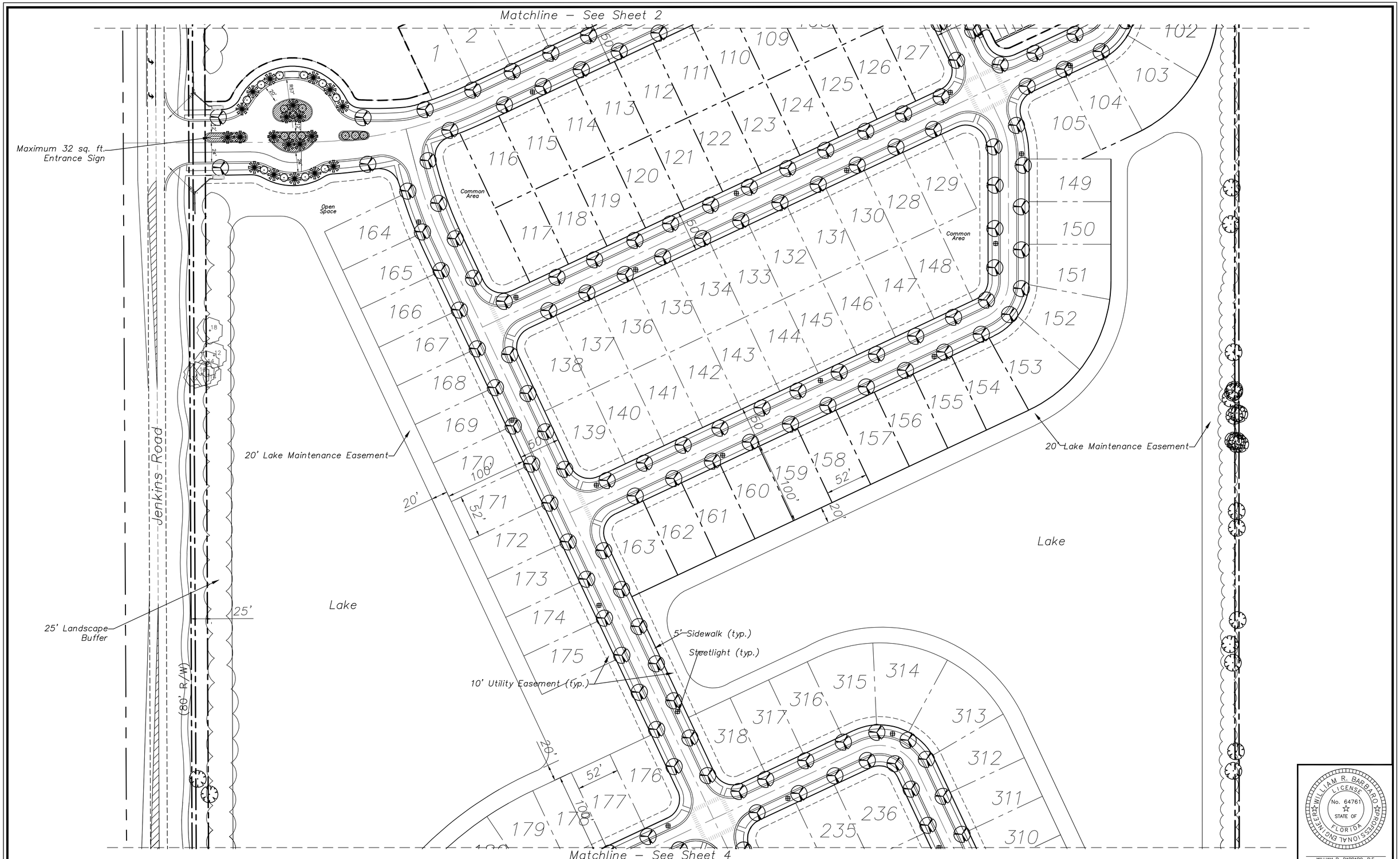
# Celebration Pointe

St. Lucie County, Florida

Final Development Plan

Sheet 2 of 8




WILLIAM R. BARBARO, P.E.
FLORIDA REGISTRATION NO. – 64761

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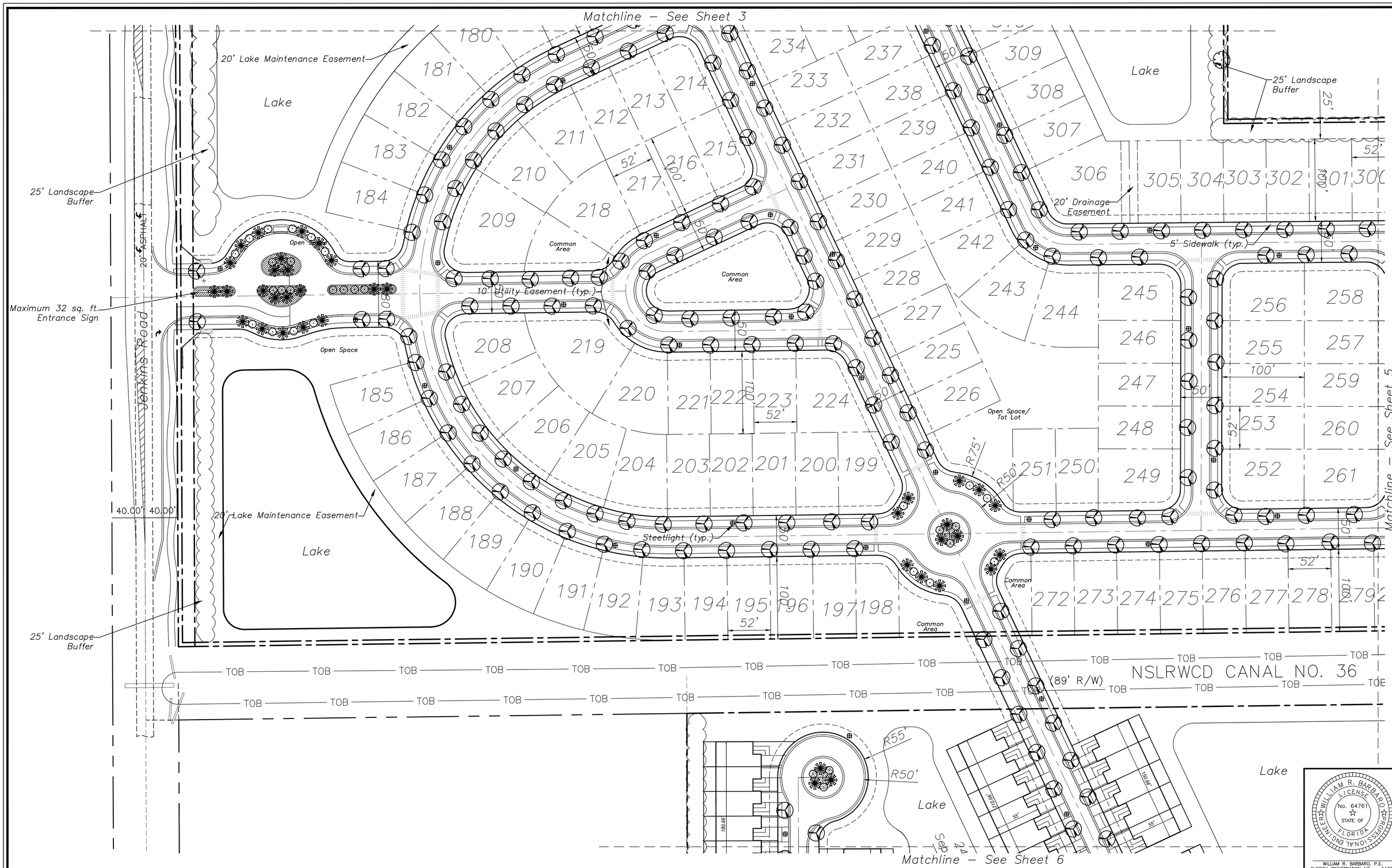
# Celebration Pointe

St. Lucie County, Florida

Final Development Plan

Sheet 3 of 8

Drawing Name: C:\Users\rafael.fonseca\appdata\local\temp\AcPublish_12060\ Apr 27, 2018 – 4:10pm MODIFIED SITEPLAN – REV 1.dwg

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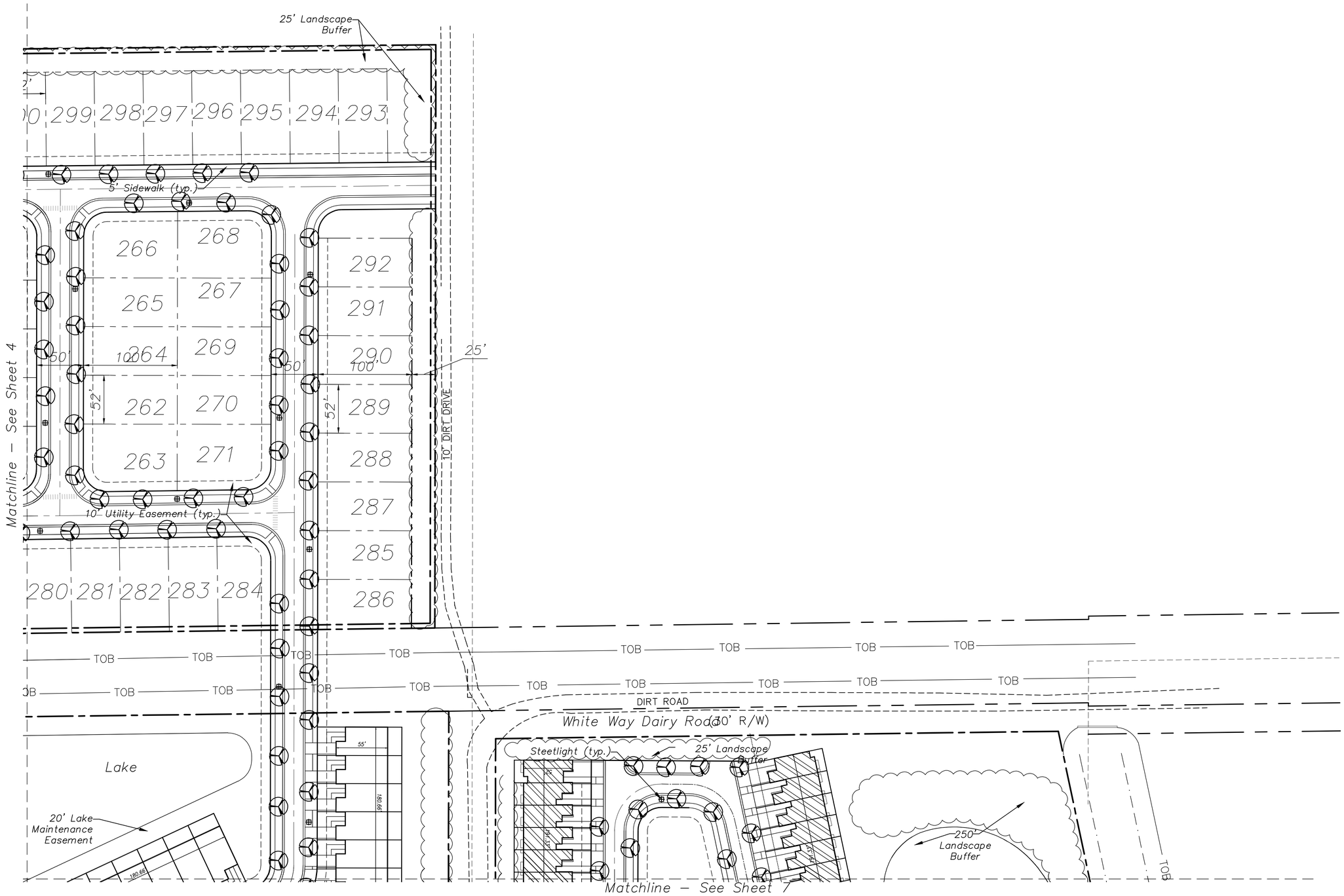
# Celebration Pointe

St. Lucie County, Florida

Final Development Plan

Sheet 4 of 8




WILLIAM R. BARBARO, P.E.
FLORIDA REGISTRATION NO. – 64761

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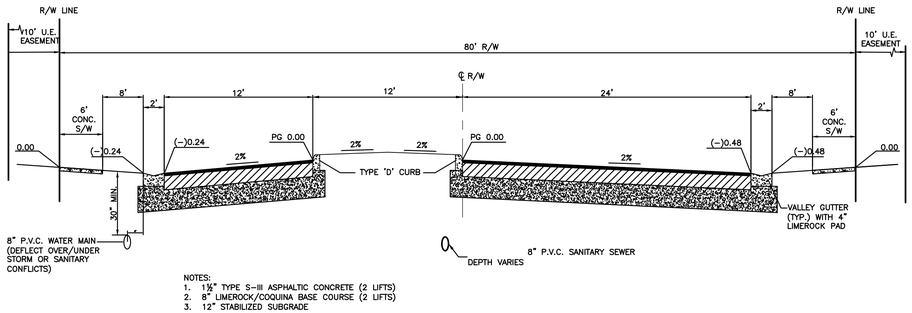
# Celebration Pointe

St. Lucie County, Florida

Final Development Plan

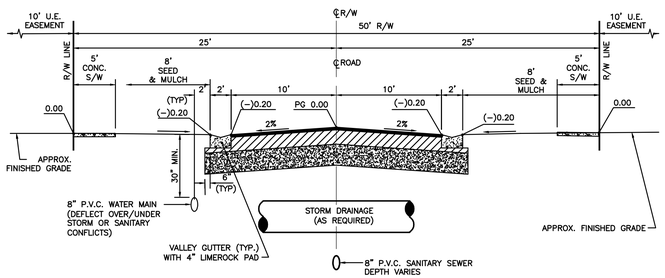
Sheet 5 of 8

Drawing Name: C:\Users\rafael.fonseca\appdata\local\temp\AcPublish_12060\ Apr 27, 2018 – 4:10pm MODIFIED SITEPLAN – REV 1.dwg



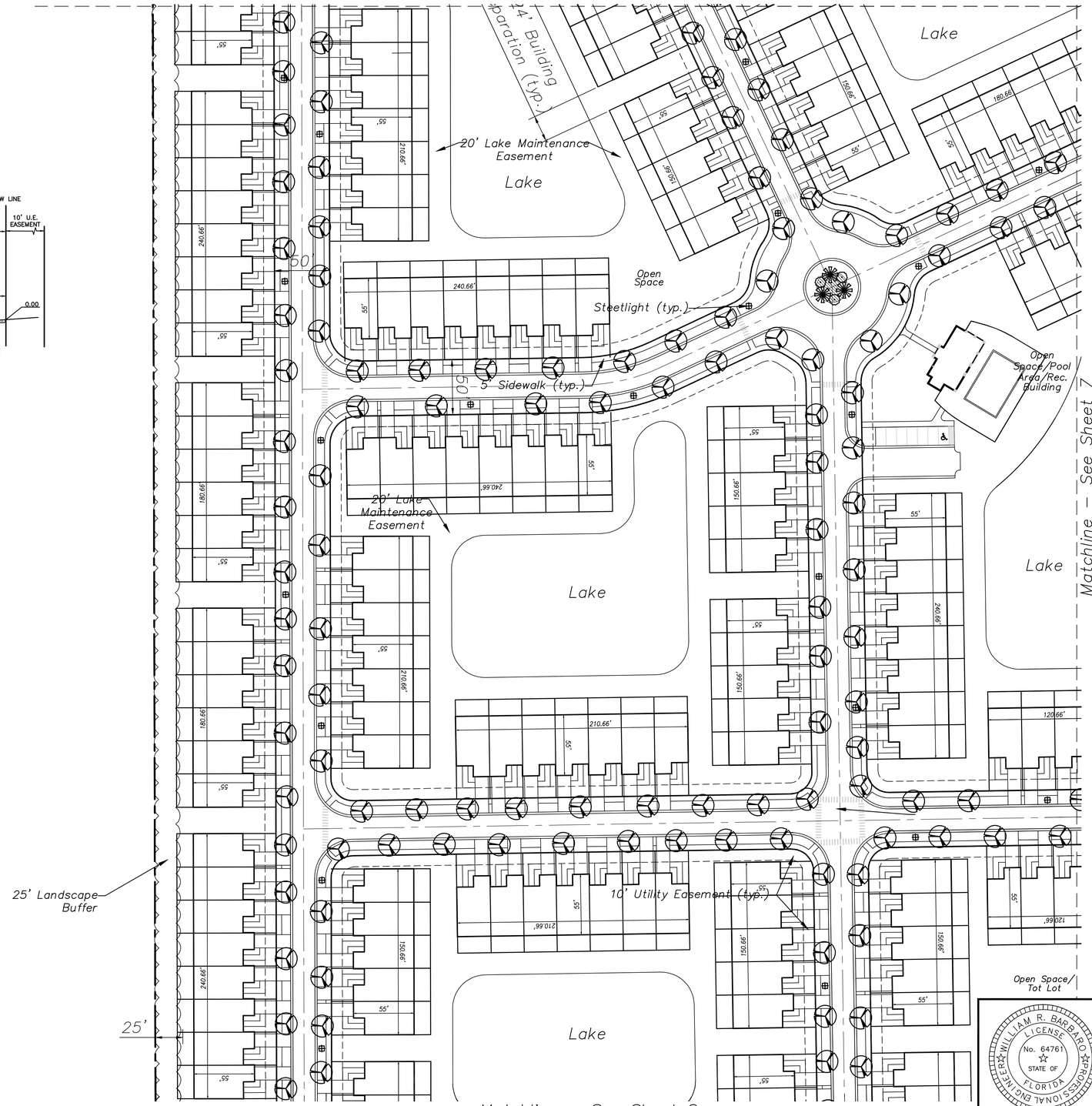

NOTES:
1. 1½" TYPE S-III ASPHALTIC CONCRETE (2 LIFTS)
2. 8" LIMEROCK/COQUINA BASE COURSE (2 LIFTS)
3. 12" STABILIZED SUBGRADE

Typical Section for 80' R/W
N.T.S.




NOTES:
1. 1½" TYPE S-III ASPHALTIC CONCRETE (2 LIFTS)
2. 8" LIMEROCK/COQUINA BASE COURSE (2 LIFTS)
3. 12" STABILIZED SUBGRADE

Typical Section for 50' R/W
N.T.S.




WILLIAM R. BARBARO, P.E.
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Celebration Pointe
St. Lucie County, Florida
Final Development Plan

Sheet 6 of 8

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FLORIDA REGISTRATION NO. – 64761

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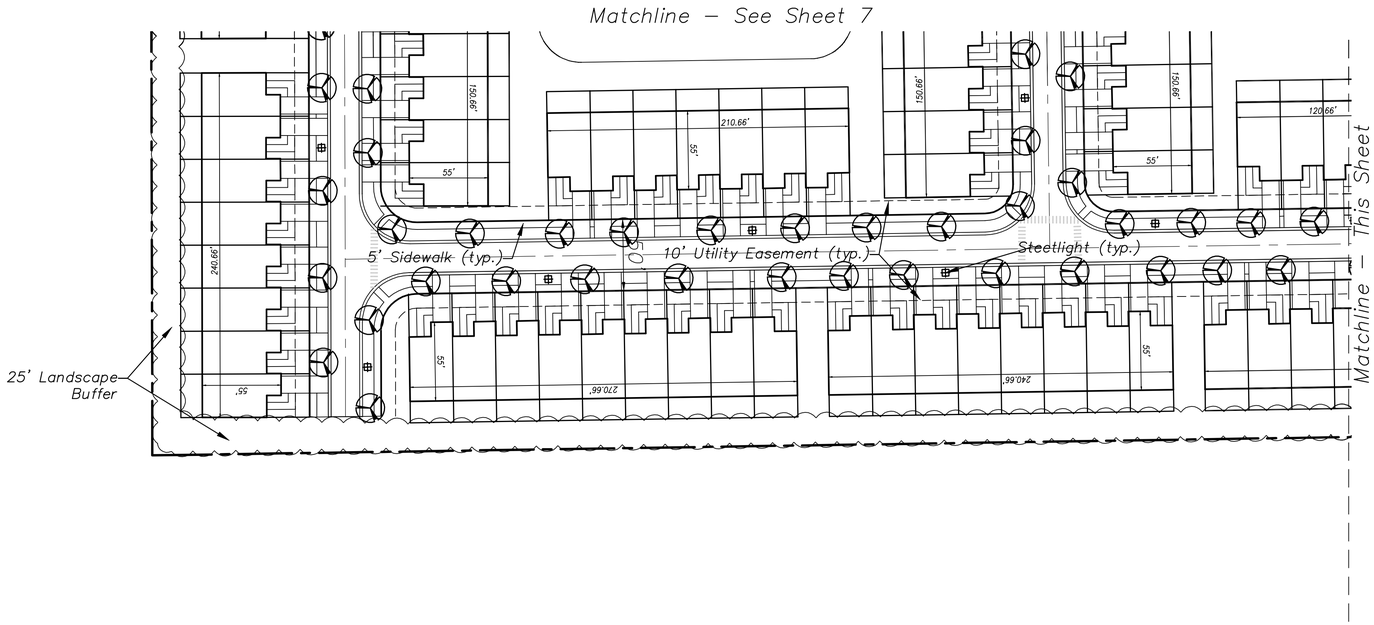
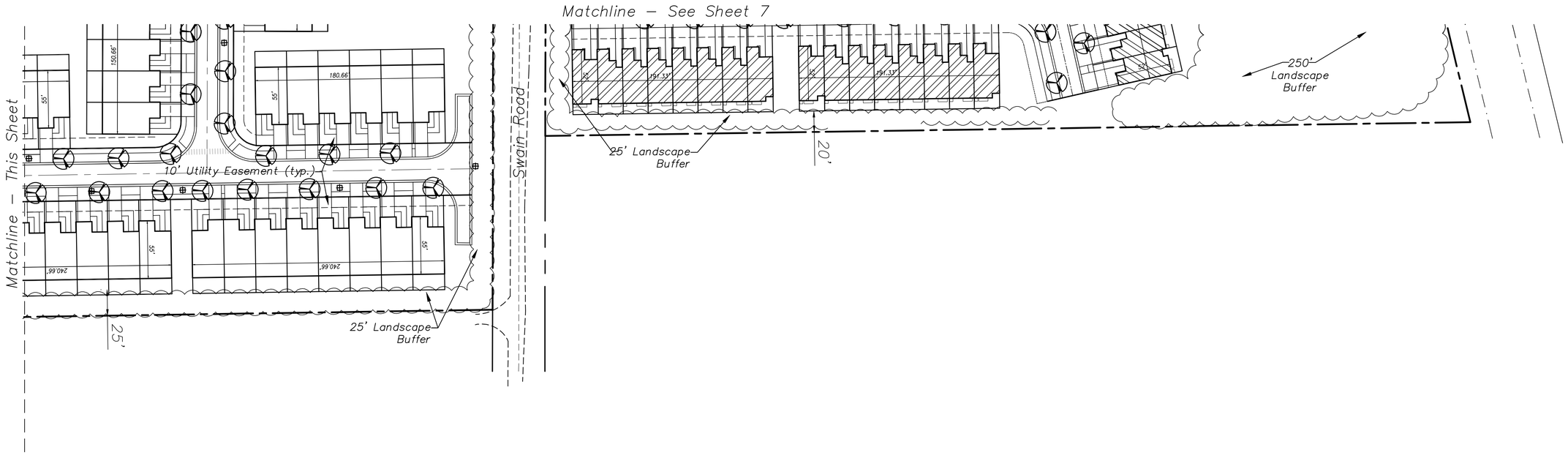
PHONE: (954) 972-3959 FAX: (954) 972-4178

# Celebration Pointe

St. Lucie County, Florida

Final Development Plan




WILLIAM R. BARBARO, P.E.
FLORIDA REGISTRATION NO. – 64761

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# Celebration Pointe
St. Lucie County, Florida
Final Development Plan

Sheet 8 of 8

Drawing Name: C:\Users\rafael.fonseca\appdata\local\temp\AcPublish_12060\ Apr 27, 2018 – 4:11pm MODIFIED SITEPLAN – REV 1.dwg

April 18, 2018

Endeavor Wall Homes, LLC
10150 Highland Manor Dr. Suite 200
Tampa, FL 33610

**SUBJECT: Celebration Pointe Major Amendment**
**TECHNICAL REVIEW PROJECT: # 18-41100002**

**Comments:**

1. Please remove lot 12 on the plans as it does not appear on the original approved PD/plot plan.

Please provide a written response to all TRC comments and provide submittal of all new materials by April 30, 2018 to advance to the Planning Board. The presented review is specific to the proposed facility. Please contact me should you have any questions regarding the project at (772) 467-3742 or by e-mail: bcreagan@city-ftpierce.com.

Sincerely,

Brandon Creagan, LEED Green Associate
Planner

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Brandon Creagan, Planner**

**FROM : John R. Andrews, P.E., City Engineer**

**RE : Celebration Pointe Major Amendment**
**5501 Peterson Road (Jenkins Road)**
**TRC No. 18-41100002**

**DATE : May 9, 2018**

RECEIVED
MAY 10 2018
CITY OF FORT PIERCE
PLANNING & ZONING

This is to advise you that we have completed the review of the following documents as received by this office on May 3, 2018:

- [x] Major Amendment Submittal
- [ ] Test Reports & Related Documents
- [ ] Record Drawings
- [ ] Clearances from all applicable Local, State and Federal Agencies
- [ ] P/D Drawings
- [ ] Certificate of Completion
- [ ] Permits from applicable Local, State & Federal Agencies

Based on our reviews and appropriate site final inspection, we

- [x] Recommend
- [ ] Do Not Recommend

- [ ] Approval of Site Plan
- [x] Approval of Major Amendment
- [ ] C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- [x] See attached for engineering advisory comments

Q:\ENGINEERING\Site Development Projects\C\Celebration Pointe\Minor-Major Amendment\Submittal No. 4 - 050318\Major Amendment Approval - 050918.docx

ENGINEERING ADVISORY COMMENTS:

1. **ADVISORY COMMENT:** The applicant shall be made aware that other changes to the site such as the elimination of roadways, creation of roadways, relocation of platted lots, and the creation of multi-family units will require a replat, re-permitting through SFWMD and NSLRCD, and applicable City of Fort Pierce site work permits.

JRA/TST/tst



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 ▪ CITYOFFORTPIERCE.COM ▪ TEL: 772.467.3000 ▪ FAX: 772.460.6847

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 5501 Peterson Rd. – Celebration Pointe – Dev. Review (Major Amd. To PD)**

**DATE : April 19, 2018**

The proposed may trigger the following Code requirements:

1. Requesting a meeting with your project management and contractor team with the Building Department staff at or before application to establish expectation and avoid unnecessary frustration or delays.

PT/km

**Project:** **Celebration Pointe Major Amendment to PD**

Subject: Review Comments
To: Brandon Creagan
From: Rod Reed, County Surveyor
PW-Engineering Division
Date April 18, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

**SURVEY:**

1) I have no comments.

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

ST. LUCIE COUNTY
PLANNING & DEVELOPMENT SERVICES
TECHNICAL REVIEW LETTER

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | Development Review (Major Amendment to PD)– Celebration Pointe<br>5501 Peterson Road |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# 18-41100002

The applicant is requesting a *Major Amendment* for the Celebration Pointe Planned Development, generally located at 5501 Peterson Road. The parcel is zoned PD, Planned Development with a Future Land-Use of RM, Medium Density Residential.

The distribution memo states the applicant is seeking modify the current setback for the front and rear yard for the Single Family portion of the development.

Currently the front yard setback *is 20ft for the house* itself and *front-loaded garage.* The front yard also has a 10 ft. setback for side load garages. The applicant only wants to modify the front yard setback for the home itself and *front-loaded garage to 17 ft.* instead of 20 ft. The front yard setback for side loaded garages of 10 ft. will remain the same. The rear yard setback is currently 15 feet. The applicant would like to modify the rear yard setback so that it is 13 ft. instead of 15 ft.

The memo further identifies the Parcel ID for the property as 2418-600-0005-000-6.

**Findings**

The subject Planned Development, Celebration Pointe is a *755 unit project consisting of 318 single-family lots, 292 single-story villas, and 145 two-story townhouses on 147.14 acres of property* located at the southeast corner of the intersection of South Jenkins Road and Peterson Road.

The approval was conditioned upon the following:

- Construct Peterson to minimum St. Lucie County specifications to include pedestrian and bicycle paths.
- Construct Swain Road to minimum St. Lucie County specifications *to include* pedestrian and *bicycle paths*.
- No two adjoining single-family homes shall have the same front architectural elevation.
- The *single-family homes proposed for location on the northern property limits* of the subject property adjacent to Peterson Road shall be *limited to a maximum height of one-story. The Final Plat for the project shall provide a note that these homes shall not exceed one story.*

- The developer shall complete the perimeter wall around the property on Swain Road within 60 days from the issuance of the building permit from St. Lucie County.
- The hours of operation for construction activities shall be limited to the time period from 7:00A.M. to 5:30P.M., Monday through Friday, 7:00A.M. to 1:00 P.M. Saturday, and no work on Sundays. No construction shall take place on Federal Holidays. The hours of operation restrictions do not apply to sales activities. The hours of operation shall be clearly posted on the subject property in a conspicuous location for viewing by the public.

On March 6, 2007, the Board of County Commissioners approved a 12-month extension of the date of expiration of the approved Planned Unit Development known as Celebration Pointe – PUD, consisting of 755 units on 147.14 acres located at the southeast corner of the intersection of South Jenkins Road and Peterson Road, *and a Major Adjustment to the conditions of approval.* The development was subject to 8 additional limiting conditions. One of the conditions provided the following:

- The developer shall provide an enhanced landscaping plan and a berm along Peterson Road. The plan shall be designed by a registered landscape architect. The enhanced landscaping plan shall be reviewed with the neighbors and shall exceed the St. Lucie County's landscaping codes in terms of number of trees and height of trees and shall be agenda for Board consideration within 60 days from the date of this resolution. Staff is unable to verify approval of said plan. Additionally, per a previous memo from the St. Lucie County ERD staff (6/21/06) the removal of 174 inches DBH of native species trees requires mitigation in the amount of 696 inches.

**Review Comments**

**The presented application appears to be incomplete, as presented. The documents supplied do not include a copy of the "active" approved site development plan, and exhibit displaying the specific amendments proposed within this application. Inquiries and notes regarding the provided application packet are as follows:**

1) The provided application does include "active" approved site development plan for review, but rather a conceptual development plan demonstrating adjustments to the northern segment of the planned development, adjustments to setback, amongst other changes.

2) Based upon the requested reduction to the front yard, notation of a need to deviate from the required parking space depth should be incorporated within the proposal. The reduction would presumably cause vehicles to project into the sidewalk/pathways or common area of the project. The applicant states "the requested modification will allow for completion of the development with a more successful street scape", however the proposed adjustment shifts vehicles closer to the roadway, for front loaded garage homes. The applicant should demonstrate the proposal within a list, where applicable, of exceptions from the standard zoning ordinance and land development code.

3) Please identify any, and all, proposed adjustments to the "approved" development plan and applicable conditions of approval applied to the governing plan by the St. Lucie County Board of County Commission.

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

**April 17, 2018**

**Project:** **CELEBRATION POINTE**
**Subject:** **AMENDMENT TO PD**
To: Brandon Creagan
From: Grant Chambers
SLC-Engineering Division

1. County Engineering has no comments regarding the amendment at this time.

# Fort Pierce Utilities Authority Comments

Celebration Pointe

W/WW Engineering: No comment

Electric & Gas Engineering: Approved

CARNAHAN PROCTOR & CROSS 40 years

Date: 4/27/2018

Brandon Creagan
City of Fort Pierce – Planning Department
100 North US Highway 1
Fort Pierce, FL 34950

**Ref: Celebration Pointe – Major Amendment**

Dear: Mr. Creagan

The following comment responses have been developed to address initial comments, regarding the above noted project. The comment responses in this letter address all comments identified to pertain to Civil Engineering for the project.

**Comments from: Brandon Creagan, LEED Green Associate**

Please remove lot 12 on the plans as it does not appear on the original approved PD/plot plan.

**Response:** Acknowledged, Lot 12 has been removed from the plans.

**Engineering Department Comments**

1. The proposed major amendment seeks to reduce the minimum allowable front yard setback to 17' from the previously approved 20' and to reduce the rear yard setback from 15' to 13'. This department is concerned that the front yard reduction may cause vehicle's parked in the residential driveways to overhang onto the public sidewalk as the original plan stipulated that parking spaces would be provided on the residential driveways.

**Response:** As requested by the department, the development plan has been revised to return the front yard setback to 20' and rear yard setback to 8' minimum, to prevent vehicle overhang into public sidewalk.

2. The application letter specifies that the front yard setback of 10' for side loaded garages will remain in effect. However, the Typical Lot diagram displayed on the plan shows that the 10' is measured from the front utility line and not the property line; please provide clarification.

**Response:** As requested, the Typical Lot diagram has been revised to 20' front yard setback and 10' front setback for side loaded garages.

3. ADVISORY COMMENT: The applicant shall be made aware that other changes to the site such as the elimination of roadways, creation of roadways, relocation of platted lots, creation of multi-family units will require a replat and may also require Major Amendment to the PUD; please confirm with the Planning Department for specifics.

**Response:** As requested, please see attached the proposed Celebration Pointe Replat.

CARNAHAN PROCTOR & CROSS 40 years

**Paul Thomas, CBO, CFM, Building Official**

1. Requesting a meeting with your project management and contractor team with the Building Department staff at or before application to establish expectation and avoid unnecessary frustration or delays.

**Response:** Acknowledged, Multiple attempts have been made to schedule meeting with no response.

**Planning Department – Kori Benton**

1) The provided application does include "active" approved site development plan for review, but rather a conceptual development plan demonstrating adjustments to the northern segment of the planned development, adjustments to setback, amongst other changes.

**Response:** Acknowledged. A copy of the approved active site plan has been provided as requested.

2) Based upon the requested reduction to the front yard, notation of a need to deviate from the required parking space depth should be incorporated within the proposal. The reduction would presumably cause vehicles to project into the sidewalk/ pathways or common area of the project. The applicant states "the requested modification will allow for completion of the development with a more successful street scape", however the proposed adjustment shifts vehicles closer to the roadway, for front loaded garage homes. The applicant should demonstrate the proposal within a list, where applicable, of exceptions from the standard zoning ordinance and land development code.

**Response:** As requested, the development plan has been revised the front yard setback to 20' and rear yard setback to 8' minimum, to prevent vehicle overhang into sidewalk/ pathways.

3) Please identify any, and all, proposed adjustments to the "approved" development plan and applicable conditions of approval applied to the governing plan by the St. Lucie County Board of County Commission.

**Response:** The modification proposed under this Major modification include only the revision of the rear yard setback as the front yard setback has been returned to its original 20'.

If you have any questions or require additional information, please contact me. I can be easily reached at my email address BBarbaro@cpc-eng.com or (561) 512-2752.

Sincerely,

Bill Barbaro

Bill Barbaro, P.E.
Vice President of Land Development
Carnahan Proctor and Cross, Inc.

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

## PUBLIC NOTIFICATION CERTIFICATION

**PROJECT NAME:** Celebration Pointe Major Amendment to PD Plan

**NOTICES PROVIDED PURSUANT TO:** City Code 22-143

**NOTICE BY NEWSPAPER:** Sunday, May 20, 2018

**NOTICE BY MAIL:** N/A

**NOTICE BY SIGNS:** N/A

**VERIFIED BY:** Brandon Creagan **TITLE:** Planner

**SIGNATURE:** [signature] **DATE:** 5/23/2018

# Treasure Coast Newspapers | TCPALM

St. Lucie News-Tribune
1939 SE Federal Highway, Stuart, FL 34994

## AFFIDAVIT OF PUBLICATION

**STATE OF FLORIDA**
**COUNTY OF ST. LUCIE**

**Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.**

| Customer | Ad Number | Copyline | PO # |
|---|---|---|---|
| 463454 - CITY OF FORT PIERCE (LEGALS) | 2019146 | CITY OF FORT PIERCE NOTICE OF PUBLIC | |

**Pub Dates**
May 20, 2018

Sworn to and subscribed before me this day of, May 21, 2018, by

Natalie Zollar, who is

Natalie Zollar

(X) personally known to me or

( ) who has produced _____ as identification.

Karol E Kangas

**Karol Kangas** **Notary Public**

KAROL E KANGAS
Notary Public - State of Florida
Commission # GG 126041
My Comm. Expires Jul 29, 2021
Bonded through National Notary Assn.

## Legals

### Notice Of Sale

**NOTICE OF SHERIFF SALE**

NOTICE IS HERBY given that pursuant to a Writ of Execution issued in the County Court of Martin County, Florida, on the 11th day of July, 2017, in the cause wherein Chase Bank U.S.A, N.A. was Plaintiff and Mary K Morris, was Defendant, being Case No. 062313CC in said court.

I, WILLIAM D. SNYDER, as Sheriff of Martin County, Florida, have levied upon all the right, title, and interest of the defendants, Mary K Morris in and to the following described property, to wit:

2011 Green Subaru Forester
VIN: JF2SHABCXBH776088

and on the 6th day of June, 2018, at Martin County Courthouse Complex located at 100 E. Ocean Blvd., Suite B329 in the City of Stuart, Martin County, Florida, at the hour of 11:00am or as soon thereafter as possible, I will offer for sale all of the said defendant's right, title and interest in aforesaid property at public outcry and will sell the same, as-is, subject to all prior liens, encumbrances and judgments, if any, to the highest and best bidder or bidders for CASH IN HAND, the proceeds to be applied as far as may be to the payment of costs and the satisfaction of the above described execution. Vehicle may be viewed between the hours of 9:00am and 10:00am the day of sale at the Martin County Sheriff's Office 800 SE Monterey Road, Stuart, Florida 34994. Interested buyers should contact the Martin County Sheriff's Civil Process Unit at (772) 220-7030 the morning of sale to confirm status.

IN ACCORDANCE With the Americans with Disabilities Act, Persons with a disability needing special accommodations to participate in this proceeding should contact the Clerk of Circuit Court, Martin County not later than seven days prior to the proceeding at P.O. Box 9016, Stuart, Florida 34995-9016. Telephone: (772) 288-5576; via 1-800-955-8771 (TTY), or 711 (Florida Relay Service).

WILLIAM D. SNYDER
Sheriff of Martin County
By: Sarah Rogers
Civil Process

Sale Date: June 6, 2018
Pubs: May 6, 16, 20, 30, 2018
TCN 2004357

**Wheels/Recreation**
Buy and Sell here!
TCPALM localfieds

## Public Notices

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to Sections 22-22, 22-31, 22-58, 22-59, & 22-76, of the Code of Ordinances of the City of Fort Pierce, will on Monday, June 4th, 2018 hold a Public Hearing, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meetings which begin at 6:30 p.m., to consider review and approval of the following:

1. Review and approval of an application for a Development Review of a Site Plan & Design Review to construct 80,241 square feet of retail, sales, and service facilities along with a Conditional Use for the ability to perform general vehicle repair on site. The subject site consists of 5 parcels of land that are approximately 44.97 acres in total size, and located at approximately 2191 S. Jenkins Road. The properties are currently zoned PD, Planned Development with a separate application filed to rezone all 5 properties to C-3, General Commercial. The Parcel IDs are: 2313-431-0000-000-1, 2313-441-0000-000-2, 2313-444-0040-000-3, 2313-443-0000-000-8, & 2313-434-0001-000-7

2. Review and approval of an application for a Development Review of a Site Plan & Design Review to construct a new 59,823 sqft automobile dealership on the north parcel as well as demolish the old dealership and expand the existing auto body shop by 3,000 square feet for office space. The subject site consists of 2 parcels of land that are approximately 33.40 acres in total size, and located at 3350 S. US Hwy 1. The properties are currently zoned C-3, General Commercial and the total development area will be approximately 13.50 acres. The Parcel IDs are: 2427-801-0001-000-3, 2427-421-0001-000-7

3. Review and approval of an application for a Development Review of a Site Plan & Design Review submitted by Applicant; Abraham Chabab, P.E., Civil Engineer and the Owner; Fresh Wind Fresh Fire Church of God Inc. to construct a church consisting of 5,610 sq. ft. in the C-3, Central Commercial zone (pending a re-zoning from R-3, Single-Family Moderate Density Zone, a future land use amendment from RL, Low Density Residential to GC, General Commercial, and an Abandonment of the Right-of-Way section Georgia Avenue [now Avenue C]; between N. 25th Street and N. 26th Street), located approximately at 411 N. 25th Street, Fort Pierce, FL. (Parcel ID(s) 2408-507-0133-000-5, 2408-507-0097-000-0 ).

4. Review and approval of an application for a Conditional Use with No New Construction submitted by Applicant; Buteau Morestant; to operate a Driving Educational School in the C-2, Neighborhood Commercial Zone, located at 1607 Avenue D, Fort Pierce, FL. (Parcel ID 2409-506-0025-000-5).

All interested parties may appear at the meeting and be heard with respect to the Applications. Said applications will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019143

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to Sections 22-40 & 22-143 of the Code of Ordinances of the City of Fort Pierce, and Section 166.041 (3)(a) of Florida State Statutes, will on Monday, June 4th, 2018 and Monday, June 18th, 2018 hold Public Hearings on the enactment of the proposed ordinance on first and second readings, respectively, in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meetings which begin at 6:30 p.m., to consider review and approval of the following:

ORDINANCE 18-020 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE REAR YARD SETBACK FOR LOTS 1 THROUGH 318 FOR THE SUBDIVISION KNOWN AS CELEBRATION POINTE AND RESTATING THE PLANNED DEVELOPMENT AS RECORDED IN PLAT BOOK 57 PAGES 7-14 AND PROPERTY GENERALLY LOCATED AT 5501 PETERSON ROAD AND SHOWN ON EXHIBIT A; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at the meeting and be heard with respect to the Application. Said application will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019146

**CITY OF FORT PIERCE
NOTICE OF PUBLIC HEARING**

The City Commission of the City of Fort Pierce, Florida, pursuant to City Charter and Florida Statute 166.041, will hold Public Hearings on Monday, June 4th, 2018 and Monday, June 18th, 2018 in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meeting which begins at 6:30 p.m., to consider review and approval of the following:

ORDINANCE 18-015 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTIES GENERALLY LOCATED AT 411 N. 25th STREET, INCLUDING PARCELS 2408-507-0133-000-5 and 2408-507-0097-000-0, FROM R-3, SINGLE-FAMILY MODERATE DENSITY ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 18-019 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT 1101 N. US HIGHWAY 1, FROM C-2, NEIGHBORHOOD COMMERCIAL ZONE, TO C-3, GENERAL COMMERCIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at the meeting and be heard with respect to the rezoning. Said Ordinance will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
Publish: 5/20/2018
TCN 2019150

**Notice Under Fictitious Name Law Pursuant to Section 865.09, Florida Statutes**

NOTICE IS HEREBY GIVEN that the undersigned, desiring to engage in business under the fictitious name of Carrie's Helping Hands located at 3598 SW Rivera Street, in the County of St. Lucie, City of Port St. Lucie, Florida 34953, intends to register the said name with the Division of Corporations of the Florida Department of State, Tallahassee, Florida. Dated at Port St. Lucie, Florida, this 26th day of January, 2018.
Carrie L. Williamson
Pub: May 20, 2018
TCN 2020327

**PUBLIC NOTICE**

THE PUBLIC is invited by the Martin County School Boards, Exceptional Student Education Department to provide input into the utilization of the Individuals w/Disabilities Education Act (IDEA), Entitlement Grants at the Exceptional Student Education Office at 500 S.E. Ocean Blvd. Stuart, FL in MPLEX-4 on Thursday May 31, 2018 from 5:00 pm to 6:30 pm. For additional information about this meeting please call (772) 219-1200 Ext. 30428 or Email barrenj@martin.k12.fl.us
Pub: May 18-21, 2018
TCN 2018030

## Request for Bids

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

**CALL FOR BIDS**

Sealed bids will be received at the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982, until **3:00 P.M.** local time on Wednesday, **June 20, 2018,** for the following:

**BID No. 18-058
Mowing of Various Nature Preserves and Trails
Environmental Resources Department**

Bid documents may be obtained via download from www.DemandStar.com or contacting the Office of the Purchasing Division at 2300 Virginia Avenue, Fort Pierce, Florida, 34982, (772) 462 1700.

A **mandatory pre Bid conference** will be held in the Environmental Resources Conference Room located at 2300 Virginia Avenue (1st Floor of the 25th Street Entrance), Ft. Pierce, Florida, on **Thursday, May 31, 2018 at 9:00 A.M.** Only Contractors attending this conference will be permitted to bid.

**Bids may be either mailed or hand delivered to the St. Lucie County Purchasing Department, 2300 Virginia Avenue, 2nd Floor, Room 228, Fort Pierce, FL 34982. Any bids received after the above stated time will be returned to the bidder unopened.**

The Board of County Commissioners reserves the right to waive any informalities or minor irregularities; reject any and all bids which are incomplete, conditional, obscure, or which contain additions not allowed for; accept or reject any proposal in whole or in part with or without cause; and accept the proposal which best serves the County.

For Bids, RFP's, Addenda Information, Bid Results and other information visit the St. Lucie County Purchasing Web Site at http://www.co.st-lucie.fl.us

St. Lucie County is an Equal Opportunity/Affirmative Action Employer.

Publish: Sunday, May 20, 2018
TCN 2015247

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

**REQUEST FOR PROPOSALS**

Sealed Proposals will be received at the Purchasing Department, 2300 Virginia Avenue, Fort Pierce, FL 34982, until 3:30 P.M. local time on Wednesday, June 20, 2018, for the following:

**RFP No. 18-059**

**Processing/Recycling Services for Yard Waste Solid Waste Baling and Recycling Facility**

RFP documents may be obtained via download from www.DemandStar.com or by contacting the Office of the Purchasing Department at 2300 Virginia Avenue, Fort Pierce, Florida, 34982, (772) 462 1700.

RFP's may be either mailed or hand delivered to the Purchasing Department, 2300 Virginia Avenue, 2nd Floor, Room 228, Fort Pierce, FL 34982. Any RFP'S received after the above stated time will be returned to the bidder unopened.

The Board of County Commissioners reserves the right to waive any informalities or minor irregularities; reject any and all bids/proposals which are incomplete, conditional, obscure, or which contain additions not allowed for; accept or reject any bids/proposal in whole or in part with or without cause; and accept the bid/proposal which best serves the County.

St. Lucie County is an Equal Opportunity/Affirmative


# Services Offered

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**HUSBAND/WIFE HOME CLEANING SRVC**
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Call for in home price quote.
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Pressure Washing
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Licensed & Insured
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**B. S. B.**
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Same Day Service.
Work Guaranteed.
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### Roofing

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Provides expert service & warranty's on your repairs.
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***SPERO TILE SERVICE***
Repair Specialist: Shower Pan Replacement; Dust free tile removal; Loose & Buckling Tile. Lic/Ins **(772) 589-6085** IR

### Tree Services

**AFFORDABLE TREE**
Service & Lot Clearing
Trimming, Stump Grinding, Removal; Lic/Ins
**772-370-4567** IR SL MC

**ANGEL TREE TRIMMING AND REMOVAL**
Lic'd & Ins'd. Free Estimates.
Jupiter, Stuart, Port St. Lucie,
772-263-3946

**J. KING'S SERVICES, INC.**
Trimming & Removal. Bucket, Grapple trucks. Firewood
**772-567-0245 or**
Lic/Ins **772-473-8076** IR/SL

**John Owens "I Do It All Tree Service"**
Lic./Ins. Tree Trimming, Trash Hauling, Stump Grinding, Weeding, Pressure Cleaning,etc
772-634-9299 or 803-709-2478

**PHILLIP'S TREE SERVICE DJP**
General Contracting/Hauling/ Demolition; Free Est, Reasonable; Veteran Owned
Lic/Ins **772-216-4978** SL M IR

**TREE TRIMMING & REMOVAL LAWN & LANDSCAPE**
No job too small. Lic./Ins. Martin/St. Lucie. 772-985-7794

**City Commission Regular Meeting** **12.e.**

**Meeting Date:** 06/18/2018

**Re:** Ordinance 18-021 - Abandonment - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**Submitted For:** Rebecca Grohall, Director, Planning & Zoning

---

**SUBJECT:**

Ordinance 18-021 Abandoning a portion of Georgia Avenue, now known as Avenue C, right-of-way, Lying between North 25th Street and North 26th Street; Being 50.00 feet wide; per plat, of the Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida; Providing for a replacement easement. SECOND READING

**SUMMARY:**

- The applicant, is requesting the City of Fort Pierce abandon an unopened segment of Avenue C, between N. 25th Street and N. 26th Street, which abuts their land holdings.
- Concurrent to the request for abandonment, the applicant is requesting the approval of Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments, for 2.06 acres of their property, abutting the subject alleyway. The underlying objective is to eliminate the intersection of their property, to provide a larger commercial property for the development of a church facility.
- The subject extension of Avenue C appears to have remained unopened in perpetuity, and has not been utilized for utility infrastructure. The scope of the requested abandonment would eliminate an Avenue C intersection with N. 25th Street heading west. The right-of-way segment sought for abandonment offers minimal vehicular, pedestrian, or utility design advantage to the city, especially in its unimproved state.
- All of the right-of-way segment considered for abandonment would be assumed by the applicant, based upon established policy.
- The applicant has not provided an appraised value of the subject abandonment property. The applicant asks that the City Commission waive the appraisal cost of the abandonment. The City Commission has the discretion to consider complete abandonment.
- The Fort Piece Utilities Authority (FPUA) has provided approval of the proposed abandonment with the condition that a 10 ft. easement is granted to FPUA centered on the gas main.

**RECOMMENDATION:**

Staff recommends the City Commission approve the requested abandonment with the following condition:

1) A 10 ft. easement is granted to FPUA centered on the gas main.

**ALTERNATIVES:**

Denial

**RESPONSIBLE STAFF:**
Vennis Gilmore, Planning Analyst

**COORDINATED WITH:**
Technical Review Committee
James M. Messer, Esq.; City Attorney

## Fiscal Impact

**OTHER INFORMATION:**
N/A

## Attachments

Staff Report
Ordinance 18-021
18-021 UPDATED
Aerial Map
Application
ROW Abandonment Letter
10 Ft. FPUA Easement
10 Ft. FPUA Easement Sketch
50 Ft. ROW Abandonment
50 Ft. ROW Abandonment Sketch
TRC Comments
Public Notification Certification
Proof of Publication

## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 05/29/2018 08:28 AM |

Form Started By: Vennis Gilmore
Started On: 05/22/2018 06:10 PM
Final Approval Date: 06/05/2018

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

**TO:** Nicholas Mimms, PE, City Manager

**THROUGH:** Rebecca Grohall, AICP, Planning Director

**FROM:** Vennis Gilmore, Planning Analyst

**SUBJECT:** **Ordinance 18-021, Abandonment of Unopened Right-of-Way Segment of Avenue C, between N. 25th Street and N. 26th Street**

**DATE:** May 23rd, 2018

**STAFF REPORT**

**Owners:** Fresh Wind Fresh Fire Church of God Inc.
P.O. Box 853
Fort Pierce, FL. 34947

**Representative:** Abraham Chabab, P.E. Civil Engineer
5428 NW Edgewater Avenue
Port St. Lucie, FL. 34983

**Requested Action:** Approval of Abandonment of an unopened segment of Avenue C, between N. 25th Street and N. 26th Street

**Location:** Avenue C Right-of-Way, situated between N. 25th St and N. 26th St

**Abutting Parcel IDs:** 2408-507-0133-000-5 & 2408-507-0097-000-0

**Surrounding Zoning:**

| North | East | South | West |
|---|---|---|---|
| C-3/R-3 | C-3 | R-3 | ROW |

**Land Area of Subject ROW:** Approximately .309 acres

**Staff Analysis:**

In accordance with City Code Section 17-1, Abandonment, narrowing, etc., of streets, the applicant, is requesting the City of Fort Pierce abandon an unopened segment of Avenue C, between N. 25th Street and N. 26th Street, which abuts their land holdings.

Concurrent to the request for abandonment, the applicant is requesting the approval of Comprehensive Plan Future Land Use Map and Zoning Atlas Amendments, for 2.06 acres of their property, abutting the subject alleyway. The applicant has also applied for a Development Review and Design Review application to construct a church consisting of 5,610 sq. ft. with 85 parking spaces. The underlying objective is to eliminate the intersection of their property, to provide a larger commercial property for the development of a church facility.

The subject extension of Avenue C appears to have remained unopened in perpetuity, and has not been utilized for utility infrastructure. The scope of the requested abandonment would eliminate an Avenue C intersection with N. 25th Street heading west. The right-of-way segment sought for abandonment offers minimal vehicular, pedestrian, or utility design advantage to the city, especially in its unimproved state.

**Standards for Review**

The following standards must be satisfied per Section 17-1 of the City Code prior to the approval of the requested abandonment:

(a) No street, alley or way shall be closed, abandoned, relinquished or narrowed except by ordinance.

(b) The person requesting abandonment of any street alley, or right-of-way shall be responsible for the payment of all costs involved in, or incurred by, the process of vacating and abandonment of any street, alley, or right-of-way.

The applicant has not provided an appraised value of the subject abandonment property. The applicant has submitted a letter requesting for abandonment of the subject right-of-way to the City Commission. Within the letter requesting abandonment of right-of-way; the applicant requests that the City Commission transfer ownership of the subject right-of-way at no cost.

The Fort Piece Utilities Authority (FPUA) has provided approval of the proposed abandonment with the condition that a 10 ft. easement is granted to FPUA centered on the gas main.

**Technical Review Committee**

All affected Departments have reviewed and approved the proposed Alleyway Abandonment.

**Property Owner Response Summary:**

A total of 46 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. An update will be provided to the City Commission at the public hearing.

**Planning Board Recommendation:**

The Planning Board, at their May 8th, 2018 meeting, voted unanimously to recommend **approval** of the request.

**Staff Recommendation**:

Staff recommends the City Commission **approve** the requested abandonment with the following condition:

1) A 10 ft. easement is granted to FPUA centered on the gas main.

2) Appraisal of the subject abandonment right-of-way with payment to the City of Fort Pierce.

**ORDINANCE NO. 18-021**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ABANDONING A PORTION OF GEORGIA AVENUE (NOW KNOWN AS AVENUE C) RIGHT-OF-WAY, LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; BEING 50.00 FEET WIDE (PER PLAT), OF THE FORT PIERCE HEIGHTS SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA;** PROVIDING FOR A REPLACEMENT EASEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Commission of the City of Fort Pierce, pursuant the Charter and City Code of the City of Fort Pierce, has been requested to vacate and abandon a portion of an existing right-of-way known as Georgia Avenue (Now known as Avenue C), lying between North 25th Street and North 26th Street; being 50.00 feet wide (per plat), of The Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida as recorded in Plat Book 1, Page 39, public records of St. Lucie County, Florida; and

**WHEREAS,** the City of Fort Pierce has a certain right-of-way or thoroughfare as hereinafter described, which is not needed for roadway, thoroughfare purposes, or for location and maintenance of any and all utilities by the City of Fort Pierce; and

**WHEREAS,** in consideration of the above, it is in the best interest of the general welfare of the City of Fort Pierce to vacate and abandon said right-of-way; and

**WHEREAS,** the City of Fort Pierce, in consideration of future development proposed by Fresh Wind Fresh Fire Church of God, Inc., and subject to the conditions precedent set out in this Ordinance as hereafter provided, has agreed to abandon the subject right-of-way upon the performance and happening of said conditions prior to said abandonment becoming effective.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA**;

**SECTION 1**. That portion of right-of-way generally known as Georgia Avenue (now known as Avenue C) right-of-way, Lying between North 25TH Street AND North 26TH Street within the City of Fort Pierce, Florida (more particularly described as follows), be and it is hereby vacated and abandoned, subject to the conditions set forth in this Ordinance, said right-of-way legally described as:

**ONE 50.00 FEET WIDE RIGHT OF WAY SITUATED IN PART OF GEORGIA AVENUE (NOW KNOWN AS AVENUE C), PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

**SAID RIGHT OF WAY LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; SAID RIGHT OF WAY BEING 50.00 FEET WIDE (PER PLAT):**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID "FORT PIERCE HEIGHTS SUBDIVISION", ALSO BEING THE POINT OF BEGINNING; THENCE RUN NORTH 90 DEGREES 00'00" EAST, ALONG THE NORTH LINE OF BLOCK 11, A DISTANCE OF 270.00 FEET, TO A POINT; THENCE NORTH NORTH 00 DEGREES 00'00" EAST, A DISTANCE OF 50.00 FEET, TO A POINT**

**ON THE SOUTH LINE OF BLOCK 11, OF THE AFORESAID FORT PIERCE HEIGHTS SUBDIVISION; THENCE NORTH 90 DEGREES 00'00" WEST, ALONG THE SOUTH LINE OF THE AFORESAID BLOCK 11, A DISTANCE OF 270.00 FEET; THENCE SOUTH 00 DEGREES 00'00" WEST, ALONG THE EAST RIGHT OF WAY OF NORTH 26TH STREET, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.**

**THE ABOVE DESCRIBED RIGHT OF WAY CONTAINING 13,500.00 SQUARE FET OR 0.31 ACRES MORE OR LESS.**

As depicted on Exhibit "A", attached hereto and incorporated herein.

**SECTION 2.** Abandonment of said right-of-way shall be conditioned upon the happening and fulfillment of the following conditions precedent:

1. Payment of the appraisal value of said right-of-way.

2. The provision of a replacement utility easement, more particularly described as follows, be and it is hereby provided:

**ONE 10.00 FEET WIDE UTILITY EASEMENTS SITUATED IN PART OF GEORGIA AVENUE, PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

**SAID UTILITY EASEMENTS BEING COMPRISED OF A 10.00 FEET WIDE STRIP OF LAND; SAID STRIP OF LAND BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID "FORT PIERCE HEIGHTS SUBDIVISION", RUN NORTH 00 DEGREES 00' 00" EAST, A DISTANCE OF 12.00 FEET, TO THE POINT OF BEGINNING OF THE HEREIN FOLLOWING DESCRIBED CENTERLINE:**

**FROM SAID POINT OF BEGINNING NORTH 90 DEGREES 00' 00" EAST THROUGH AFORESAID GEORGIA AVENUE, A DISTANCE OF 270.00 FEET TO THE POINT OF TERMINUS;**

**THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENTS TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND RIGHT OF WAY LINES.**

**THE ABOVE DESCRIBED EASEMENTS CONTAINING 2,700.00 SQUARE FEET OR 0.06 ACRES MORE OR LESS.**

As depicted on Exhibit "B", attached hereto and incorporated herein.

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 5.** This Ordinance shall be and become effective upon all conditions precedent heretofore described being met and fulfilled.

**APPROVED AS TO FORM & CORRECTNESS**:

_____
James M. Messer, Esq.
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-021 was duly advertised by title only in the St. Lucie News Tribune on May 20th, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 2018 by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of June, 2018.

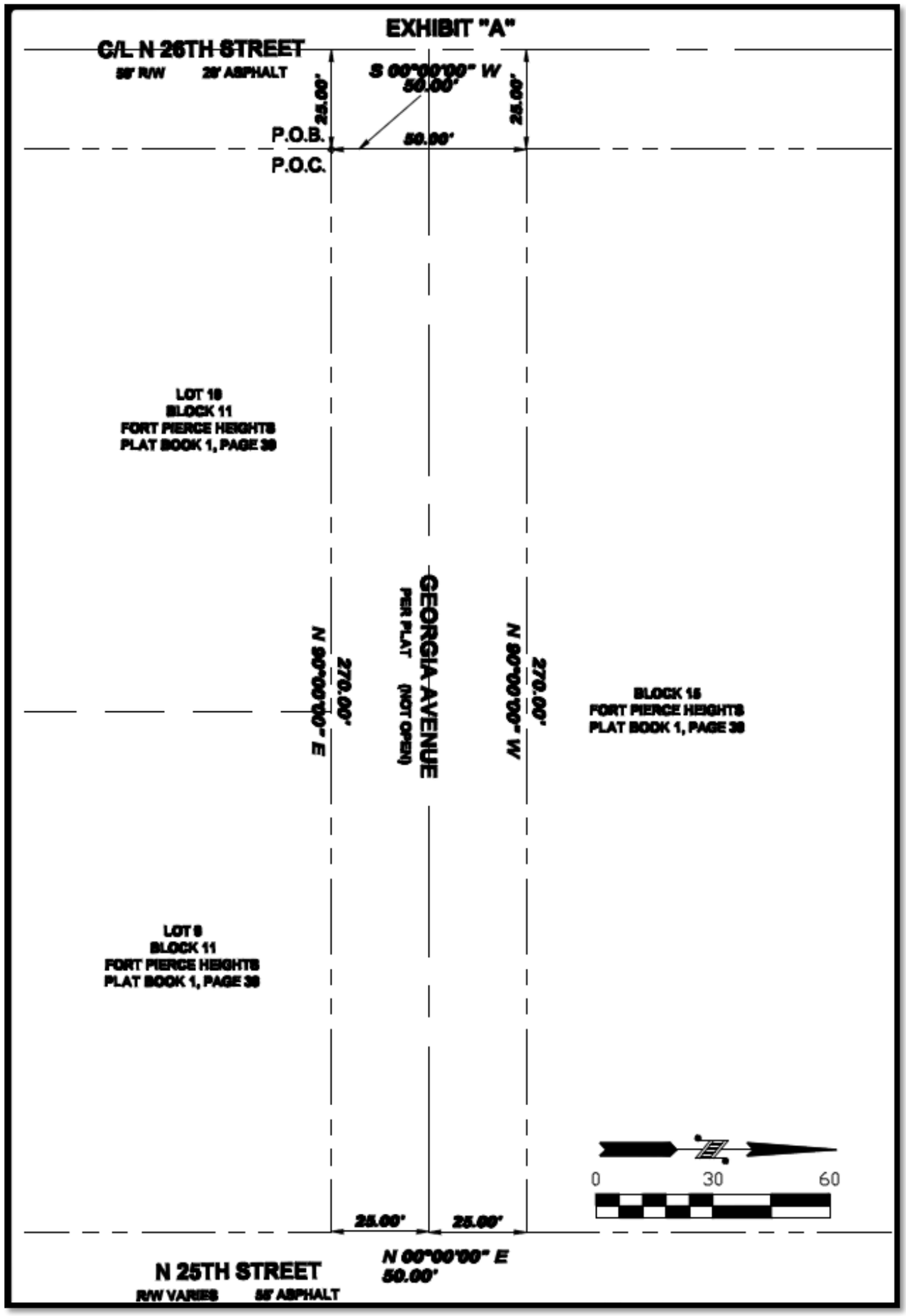
_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

_____
Linda W. Cox
CITY CLERK

**EXHIBIT A**
Sketch & Legal Description of Subject Property

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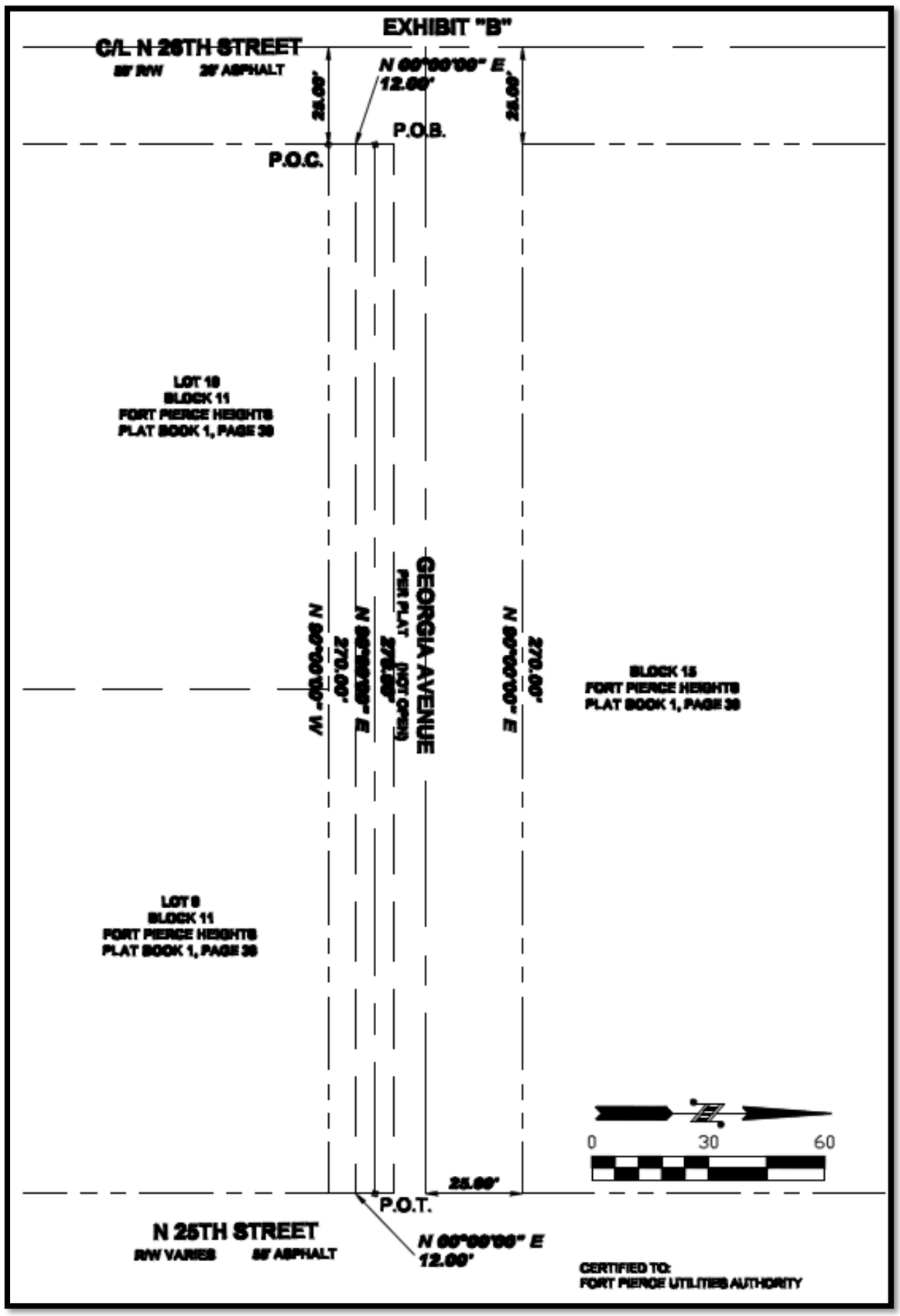
**THE ABOVE DESCRIBED RIGHT OF WAY CONTAINING 13,500.00 SQUARE FET OR 0.31 ACRES MORE OR LESS.**

**EXHIBIT B**
Sketch & Legal Description of Subject Easement

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**SAID UTILITY EASEMENTS BEING COMPRISED OF A 10.00 FEET WIDE STRIP OF LAND;**

**SAID STRIP OF LAND BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

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**FROM SAID POINT OF BEGINNING NORTH 90 DEGREES 00' 00" EAST THROUGH AFORESAID GEORGIA AVENUE, A DISTANCE OF 270.00 FEET TO THE POINT OF TERMINUS;**

**THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENTS TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND RIGHT OF WAY LINES.**

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**ORDINANCE NO. 18-021**

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**WHEREAS**, the City Commission of the City of Fort Pierce, pursuant the Charter and City Code of the City of Fort Pierce, has been requested to vacate and abandon a portion of an existing right-of-way known as Georgia Avenue (Now known as Avenue C), lying between North 25th Street and North 26th Street; being 50.00 feet wide (per plat), of The Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida as recorded in Plat Book 1, Page 39, public records of St. Lucie County, Florida; and

**WHEREAS,** the City of Fort Pierce has a certain right-of-way or thoroughfare as hereinafter described, which is not needed for roadway, thoroughfare purposes, or for location and maintenance of any and all utilities by the City of Fort Pierce; and

**WHEREAS,** in consideration of the above, it is in the best interest of the general welfare of the City of Fort Pierce to vacate and abandon said right-of-way; and

**WHEREAS,** the City of Fort Pierce, in consideration of future development proposed by Fresh Wind Fresh Fire Church of God, Inc., and subject to the conditions precedent set out in this Ordinance as hereafter provided, has agreed to abandon the subject right-of-way upon the performance and happening of said conditions prior to said abandonment becoming effective.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA**;

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**00'00" WEST, ALONG THE SOUTH LINE OF THE AFORESAID BLOCK 11, A DISTANCE OF 270.00 FEET; THENCE SOUTH 00 DEGREES 00'00" WEST, ALONG THE EAST RIGHT OF WAY OF NORTH 26TH STREET, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.**

**THE ABOVE DESCRIBED RIGHT OF WAY CONTAINING 13,500.00 SQUARE FET OR 0.31 ACRES MORE OR LESS.**

As depicted on Exhibit "A", attached hereto and incorporated herein.

**SECTION 2.** Abandonment of said right-of-way shall be conditioned upon the happening and fulfillment of the following conditions precedent:

1. The provision of a replacement utility easement, more particularly described as follows, be and it is hereby provided:

**ONE 10.00 FEET WIDE UTILITY EASEMENTS SITUATED IN PART OF GEORGIA AVENUE, PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

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As depicted on Exhibit "B", attached hereto and incorporated herein.

**SECTION 3.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**SECTION 5.** This Ordinance shall be and become effective upon all conditions precedent heretofore described being met and fulfilled.

**APPROVED AS TO FORM & CORRECTNESS**:

_____
James M. Messer, Esq.
City Attorney

STATE OF FLORIDA

COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 18-021 was duly advertised by title only in the St. Lucie News Tribune on May 20th, 2018; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 2018 by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 19th day of June, 2018.

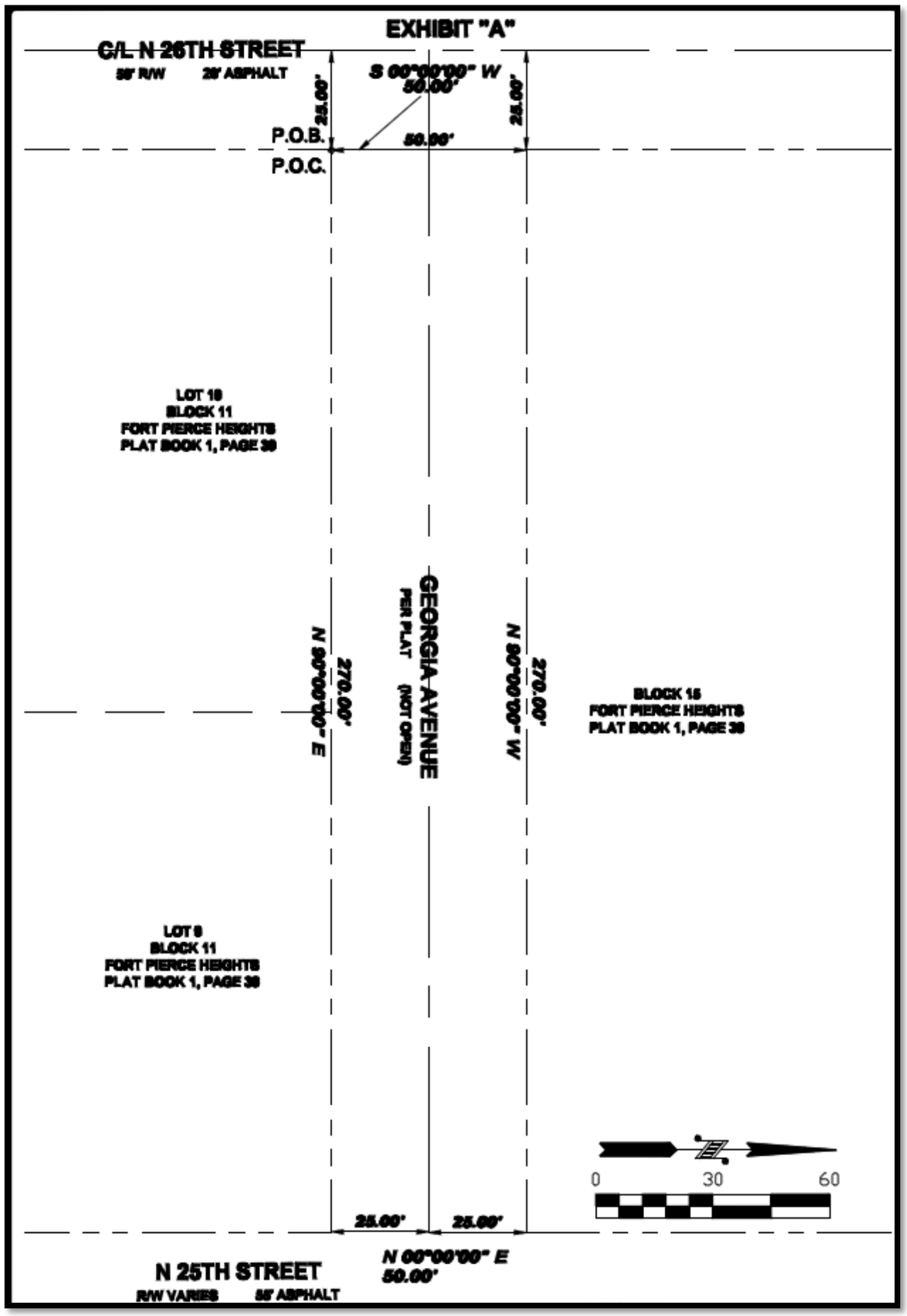
_____
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

_____
Linda W. Cox
CITY CLERK

**EXHIBIT A**
Sketch & Legal Description of Subject Property

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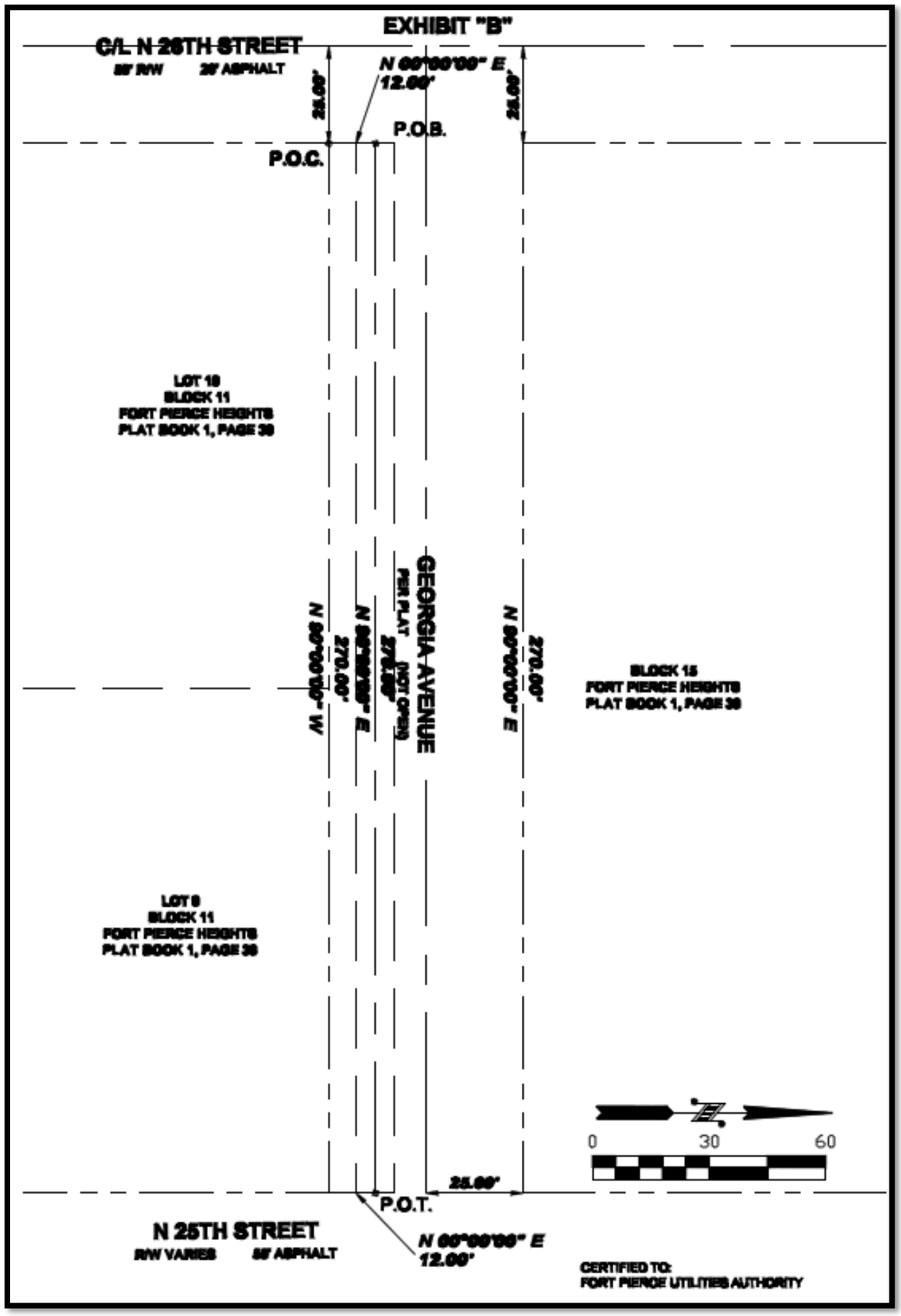


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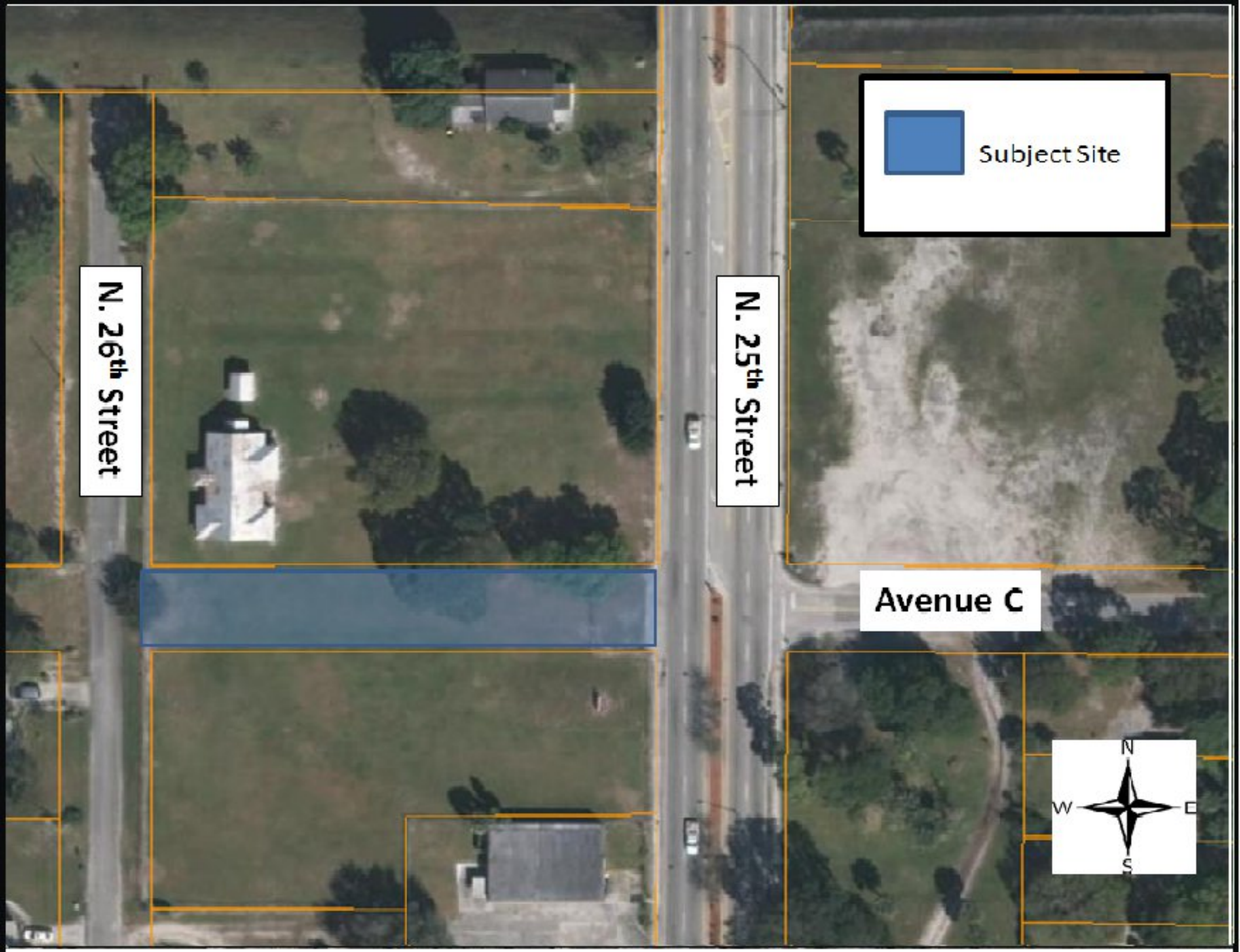
**SAID UTILITY EASEMENTS BEING COMPRISED OF A 10.00 FEET WIDE STRIP OF LAND; SAID STRIP OF LAND BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID "FORT PIERCE HEIGHTS SUBDIVISION", RUN NORTH 00 DEGREES 00' 00" EAST, A DISTANCE OF 12.00 FEET, TO THE POINT OF BEGINNING OF THE HEREIN FOLLOWING DESCRIBED CENTERLINE:**

**FROM SAID POINT OF BEGINNING NORTH 90 DEGREES 00' 00" EAST THROUGH AFORESAID GEORGIA AVENUE, A DISTANCE OF 270.00 FEET TO THE POINT OF TERMINUS;**

**THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENTS TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND RIGHT OF WAY LINES.**

**THE ABOVE DESCRIBED EASEMENTS CONTAINING 2,700.00 SQUARE FEET OR 0.06 ACRES MORE OR LESS.**




**Fresh Wind Fresh Fire Church**
**Abandonment Site Aerial**
**411 N. 25th Street**

THE SUNRISE CITY
FORT PIERCE
Florida

FORT PIERCE
PLANNING DEPARTMENT

# Abandonment

Property address or Location 400 N. 26th Street

Parcel ID #(s) Lots (H16) 2408501000300007 Lots (1,2,3,4&5) 2408507013300005

Project description Build 5610SF Church Building with 85 parking spaces on 1.78 Acres

Fresh Wind Fresh Fire Church of God Inc.
Property Owner(s)

P.O. Box 853
Street Address

Fort Pierce FL 34947
City State Zip

772.713.4879
Phone Number

arndreadampier@gmail.com
Email Address

Abraham Chabab, P.E. Civil Eng
Applicant/Representative, Title, Company

5428 N.W. Edgewater Ave.
Street Address

Port St. Lucie FL 34983
City State Zip

772.878.5079
Phone Number

agchabab1@msn.com
Email Address

***Property Owner(s) Acknowledgements:*** *- This application will not be considered complete without the signature of all property owners of record, which shall serve as an acknowledgement of the submission of this application. The property owner's signature below shall also authorize the Applicant (if other than the property owner) and/or Representative to act in his/her behalf for the purposes of seeking approval for the application described herein.*

Arndrea Dampier
*Property Owner(s) Signature(s)*

STATE OF FLORIDA -- COUNTY

The foregoing instrument was acknowledged before me this 25th day of January, 2018, by Arndrea Dampier who is personally known to me or has produced _____ as identification.

Signature of Notary

NOTARY PUBLIC STATE OF FLORIDA (Seal)
EDNA DANDRIDGE
Notary Public - State of Florida
Commission # FF 981107
My Comm. Expires Aug 3, 2020

***INTAKE MEETINGS ARE REQUIRED FOR ALL SUBMITTALS. CALL (772) 467-3729***

**TO BE COMPLETED BY STAFF**

| Zoning | Future Land Use | Total Acres | Historic District | Historic Designation |
|---|---|---|---|---|
| | | | | Contributing Individual<br>Non-Contributing None |

Pre-Application Meeting Date _____ Fees _____ Control # _____ B. Permit # _____
Intake Planner _____
Planner Assigned _____
Approved By _____ Date _____
Comments _____

Intake Date Stamp

# LEGAL DESCRIPTION & SKETCH

**LEGAL DESCRIPTION :**

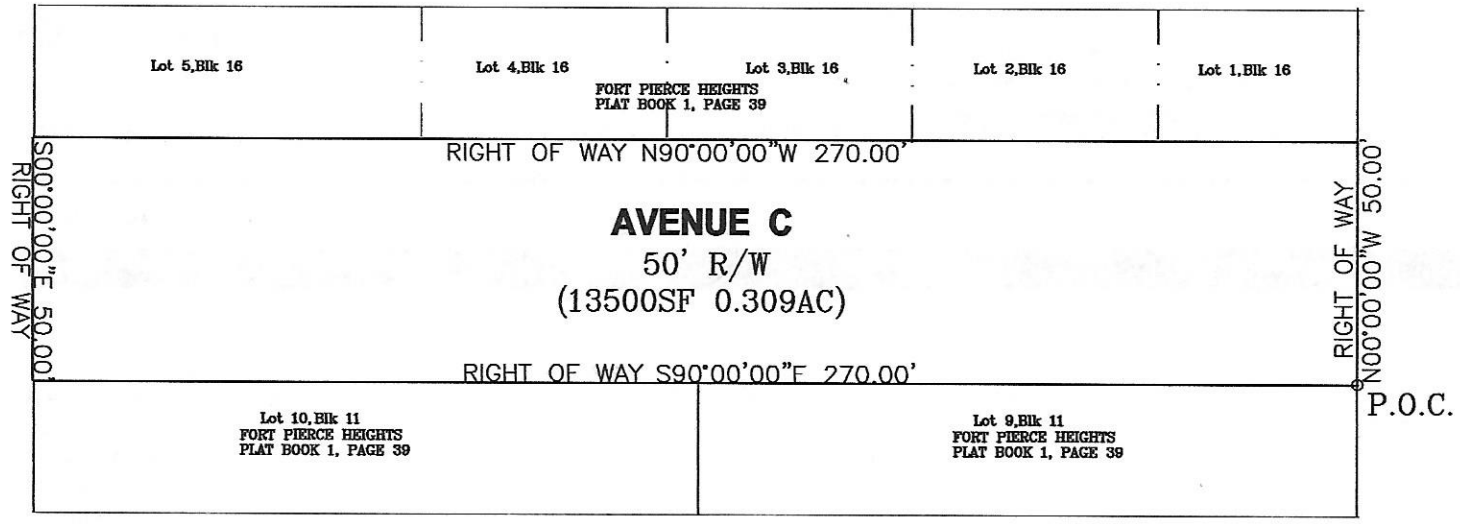
A PARCEL OF LAND KNOWN AS AVENUE C RIGHT OF WAY TO BE ABANDONED.

COMMENCING AT THE NORTH EAST CORNER OF LOT 9, BLOCK 11 FORT PIERCE HEIGHTS PLAT BOOK 1 PAGE 39, THENCE NORTH 00°00'00" WEST A DISTANCE OF 50.00 FEET TO SOUTH EAST CORNER OF LOT 1 BLOCK16, FORT PIERCE HEIGHTS PLAT BOOK 1 PAGE 39, THENCE NORTH 90°00'00" WEST A DISTANCE OF 270.0 FEET TO THE SOUTH WEST CORNER OF LOT 5, BLOCK 16 FORT PIERCE HEIGHTS PLAT BOOK 1 PAGE 39, THENCE SOUTH 00°00'00" EAST A DISTANCE OF 50.00 FEET TO THE NORTH EAST CORNER OF LOT 11 BLOCK 11 FORT PIERCE HEIGHTS PLAT BOOK 1 PAGE 39 THENCE SOUTH 90°00'00" EAST A DISTANCE OF 270 FEET TO THE POINT OF COMMENCEMENT.

SCALE 1"=40'

DRAFT

**SKETCH :**




P.O.C. POINT OF COMMENCEMENT

# Fresh Wind Fresh Fire
## Church

P.O. Box 853 ✞ Fort Pierce, FL 34954

772-713-4879
772-332-3333

**Arndrea Dampier, Pastor**


February 1, 2018

To: City Planning
From: Fresh Wind Fresh Fire Church
Re: Abandonment of Right of Way for unopened Avenue C(25th to 26th)

As you know, Fresh Wind Fresh Fire Church is building a worship and community campus at 400 South 25th Street (West side) in Fort Pierce, Florida. We own property on both the North and South sides of an unopened section of the right of way for Avenue C. Please see the attached aerial from the Property Appraiser's Office. Although you cannot see it from the attached aerial, the right of way for Avenue C is not opened anywhere West of 25th Street in the City, and actually terminates on the East side of 27th Street. Fresh Wind Fresh Fire Church is only asking for abandonment of the section of unopened right of way for Avenue C between 25th Street and 26th Street. The City may, or may not, want to consider abandoning all of it during this process, though.

This parcel that we are asking the City to abandon serves no purpose and the City derives no benefit from it. The parcel is approximately 50 feet wide by 280 feet; less than one third acre. We own all of the property on both sides of this section. No one else uses the unopened section of Avenue C today, and as best we can tell, no one ever has used this section.

The City has no plans, and has allocated no funds in any budget, to open this right of way, and clear it, build the subgrade for it, then pave it, and drain it, and light it, and put sidewalks and underground utilities next to it, and provide for bike paths along its edges. As the existing right of way is only 50 feet wide, this width is too narrow to allow for the construction of any public road meeting current City and/or County standards. Because we cannot build on, or use this right of way, we are faced with design and building obstacles that will reduce the ultimate value and efficiency of our improvements.

We believe that the City had conducted at least some initial due diligence for the abandonment that we seek. There are no utilities in it, and none are planned. We, and our paid professionals, have had several face to face conferences with the City Engineering Department and they have confirmed that there can be no future use of this property as a roadway. We have endeavored to have face to face conferences with all Commissioners, and so far we have been able to meet with four (4) of them. Without wanting to violate any

possible issues regarding Government in the Sunshine, let me simply state that we have been encouraged to file for formal abandonment of this section of the Avenue C right of way.

Our formal request is that the Right of way be abandoned for Zero value.

Phase 1 of our project is a worship campus followed by Phase 2 with a Community Help Center to service the young, the elderly, and those who have emergency needs. We suggest that our project will provide a substantial and real financial benefit to the City, and relieve some of its departments of real financial burdens once we are in operation. It is further noted, that this abandonment request at Zero dollar value will not set a new precedent to City planning procedures.

The City and Fresh Fire are both planning for and praying for City Growth. Through this abandonment process at Zero Dollars, Fresh Wind Fresh Fire will be able to convert a desolate place and wasteland into a productive property, and civic operation. Our plan is to build this One Million, five hundred thousand dollar ($1,500,000.00) structure in our City. We believe that shows our faith in our City and our City Planners and City Commissioners. Fresh Wind Fresh Fire is asking for the same consideration as others who have participated in value adding projects in our City, and asking that the application process move forward with all good and deliberate speed. Thank you for your assistance!

Serving Willingly,

Pastor Arndrea Dampier

# EXHIBIT "B"

**DESCRIPTION OF A FORT PIERCE UTILITIES AUTHORITY EASEMENTS**

**ONE 10.00 FEET WIDE UTILITY EASEMENTS SITUATED IN PART OF GEORGIA AVENUE, PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

**SAID UTILITY EASEMENTS BEING COMPRISED OF A 10.00 FEET WIDE STRIP OF LAND; SAID STRIP OF LAND BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID " FORT PIERCE HEIGHTS SUBDIVISION", RUN NORTH 00°00'00" EAST, A DISTANCE OF 12.00 FEET, TO THE POINT OF BEGINNING OF THE HEREIN FOLLOWING DESCRIBED CENTERLINE:**

**FROM SAID POINT OF BEGINNING NORTH 90°00'00" EAST THROUGH AFORESAID GEORGIA AVENUE, A DISTANCE OF 270.00 FEET TO THE POINT OF TERMINUS;**

**THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENTS TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND RIGHT OF WAY LINES.**

**THE ABOVE DESCRIBED EASEMENTS CONTAINING 2,700.00 SQUARE FEET OR 0.06 ACRES MORE OR LESS.**

**SURVEYOR'S NOTES:**

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
2. A MINIMUM SEARCH WAS MADE OF THE PUBLIC RECORDS BY THIS FIRM OR SURVEYOR FOR RIGHTS-OF-WAY; NO SEARCH WAS MADE OF THE PUBLIC RECORDS BY THIS FIRM OR SURVEYOR FOR RESERVATIONS, EASEMENTS AND RESTRICTIONS OF RECORDS.
3. ANY EXISTING IMPROVEMENTS, FOUNDATIONS AND UNDERGROUND UTILITIES WERE NOT OBSERVED OR RECORDED FOR THIS SKETCH AND DESCRIPTION.
4. BEARINGS SHOWN ARE BASED UPON NAD83/2007 FLORIDA EAST ZONE (901). THE BEARING OF NORTH 90°00'00" EAST ALONG THE SOUTH RIGHT OF WAY OF GEORGIA AVENUE.
5. THIS MAP IS A SKETCH AND DESCRIPTION OF UTILITY EASEMENTS. A BOUNDARY SURVEY WAS NOT PERFORMED TO DELINEATE THE BOUNDARY LIMITS OF SAID EASEMENTS.
6. THE DESCRIPTION SHOWN HEREON WAS DEVELOPED BY THE PROFESSIONAL SURVEYOR AND MAPPER AS DIRECTED BY THE CLIENT.

## LEGEND

| | |
|---|---|
| F.P.F.W.C.D. | FORT PIERCE FARMS WATER CONTROL DISTRICT |
| STA. | STATION |
| O.R.B. | OFFICIAL RECORD BOOK |
| R.O.W. | RIGHT OF WAY OR RIGHT OF WAY DATA |
| ST.L.CO. FL. | SAINT LUCIE COUNTY, FLORIDA |
| FL. | FLORIDA |
| PG. | PAGE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| (P) | PLAT DATA |
| P.C. | POINT OF CURVATURE |
| P.O.T. | POINT OF TERMINATION |
| P.T. | POINT OF TANGENCY |
| F.D.O.T. | FLORIDA DEPARTMENT OF TRANPORTATION |
| —x—x— | EXISTING BARBED WIRE FENCE |
| ——— | EXISTING TOP OF BANK OF DITCH |
| —SWALE— | EXISTING SWALE |
| ←——— | EXISTING ANCHOR AND GUY WIRE |
| —OE— | EXISTING OVER HEAD ELECTRIC |

THIS IS NOT A BOUNDARY SURVEY

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**CERTIFIED TO:**
**FORT PIERCE UTILITIES AUTHORITY**

CHARLES ARNOLD DATE SIGNED
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 4971

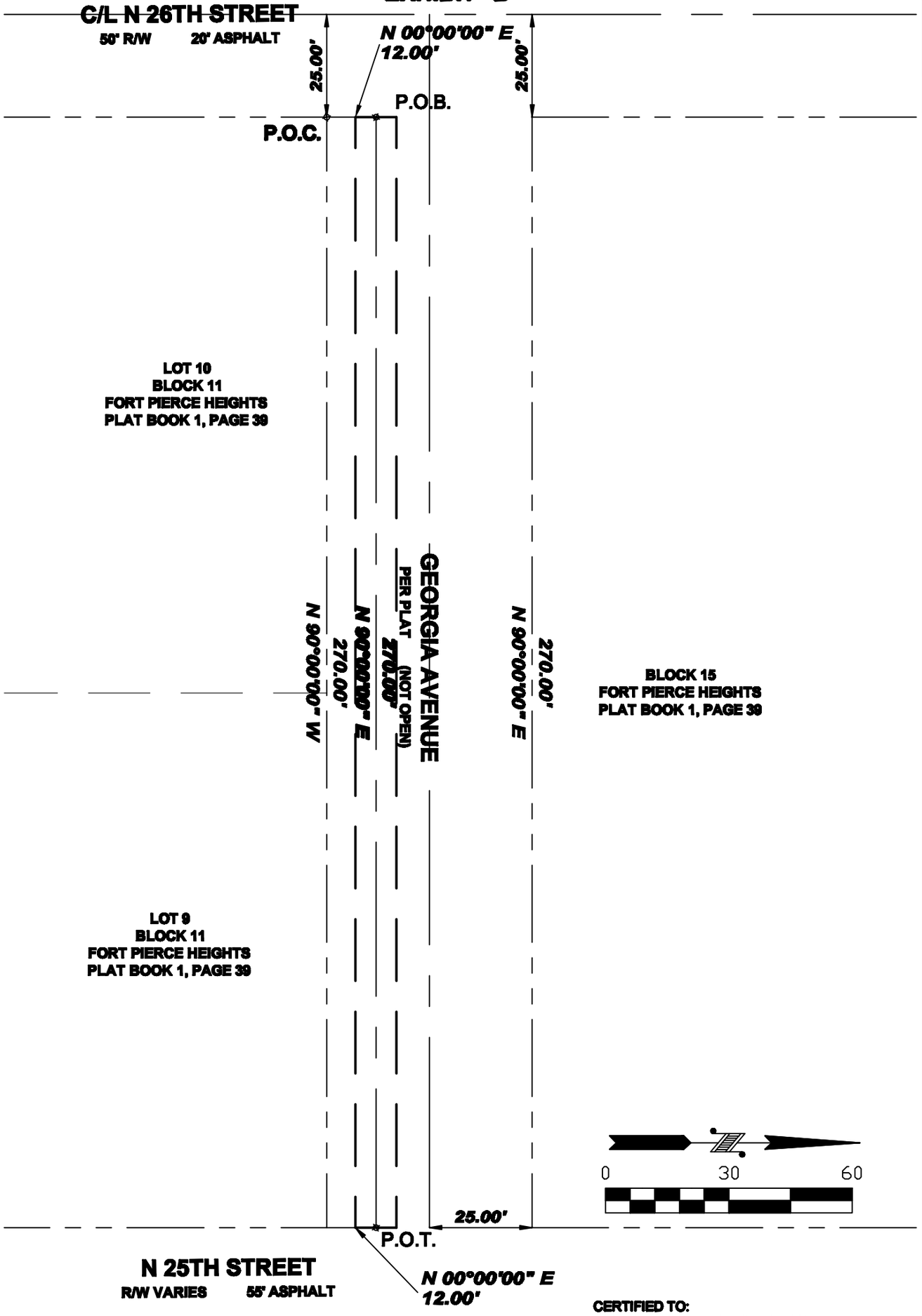
**ARNOLD SURVEYING, INC.**
PROFESSIONAL SURVEYORS & MAPPERS
FLORIDA LICENSED BUSINESS NUMBER 7563
4999 N. KINGS HWY #435, FORT PIERCE, FLORIDA 34951
24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 466-6211 SURVEY@ASI-SURVEY.COM

DATE : 03/02/2018
PROJ.# : 17-013
DRAWN BY: CA
APPD. BY : CA
REF. # : WINDFIRE
F.B. & PG. : 17-013

***SKETCH AND DESCRIPTION***
***FORT PIERCE UTILITIES AUTHORITY***
**SITUATED IN PART OF GEORGIA AVENUE**
**PER PLAT (NOT OPEN)**

SHEET
1 of 2
Dwg. #: 17-013

# EXHIBIT "B"

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24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 460-8211 SURVEY@ASI-SURVEY.COM

DATE : 09/06/2018
PROJ.# : 17-013
DRAWN BY : CA
APPD. BY : CA
REF.# : WINDFIRE
F.B. & PG. : 17-013

***SKETCH AND DESCRIPTION***
***FORT PIERCE UTILITIES AUTHORITY***
SITUATED IN PART OF GEORGIA AVENUE
PER PLAT (NOT OPEN)

SHEET
2 of 2
Dwg. #: 17-013

# EXHIBIT "A"

**DESCRIPTION OF A CITY OF FORT PIERCE RIGHT OF WAY ABANDONMENT.**

**ONE 50.00 FEET WIDE RIGHT OF WAY SITUATED IN PART OF GEORGIA AVENUE, PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

**SAID RIGHT OF WAY LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; SAID RIGHT OF WAY BEING 50.00 FEET WIDE (PER PLAT):**

**COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID " FORT PIERCE HEIGHTS SUBDIVISION", ALSO BEING THE POINT OF BEGINNING; THENCE RUN NORTH 90°00'00" EAST, ALONG THE NORTH LINE OF BLOCK 11, A DISTANCE OF 270.00 FEET, TO A POINT; THENCE NORTH NORTH 00°00'00" EAST, A DISTANCE OF 50.00 FEET, TO A POINT ON THE SOUTH LINE OF BLOCK 11, OF THE AFORESAID FORT PIERCE HEIGHTS SUBDIVISION; THENCE NORTH 90°00'00" WEST, ALONG THE SOUTH LINE OF THE AFORESAID BLOCK 11, A DISTANCE OF 270.00 FEET; THENCE SOUTH 00°00'00" WEST, ALONG THE EAST RIGHT OF WAY OF NORTH 26TH STREET, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.**

**THE ABOVE DESCRIBED RIGHT OF WAY CONTAINING 13,500.00 SQUARE FEET OR 0.31 ACRES MORE OR LESS.**

**SURVEYOR'S NOTES:**

1. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
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6. THE DESCRIPTION SHOWN HEREON WAS DEVELOPED BY THE PROFESSIONAL SURVEYOR AND MAPPER AS DIRECTED BY THE CLIENT.

## LEGEND

| | |
|---|---|
| F.P.F.W.C.D. | FORT PIERCE FARMS WATER CONTROL DISTRICT |
| STA. | STATION |
| O.R.B. | OFFICIAL RECORD BOOK |
| R.O.W. | RIGHT OF WAY OR RIGHT OF WAY DATA |
| ST.L.CO. FL. | SAINT LUCIE COUNTY, FLORIDA |
| FL. | FLORIDA |
| PG. | PAGE |
| P.O.B. | POINT OF BEGINNING |
| P.O.C. | POINT OF COMMENCEMENT |
| (P) | PLAT DATA |
| P.C. | POINT OF CURVATURE |
| P.O.T. | POINT OF TERMINATION |
| P.T. | POINT OF TANGENCY |
| F.D.O.T. | FLORIDA DEPARTMENT OF TRANPORTATION |
| —X—X— | EXISTING BARBED WIRE FENCE |
| ——— | EXISTING TOP OF BANK OF DITCH |
| —SWALE— | EXISTING SWALE |
| ←——— | EXISTING ANCHOR AND GUY WIRE |
| —OE— | EXISTING OVER HEAD ELECTRIC |

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**CERTIFIED TO:**
**CITY OF FORT PIERCE**

CHARLES ARNOLD DATE SIGNED
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA LICENSE NUMBER 4971

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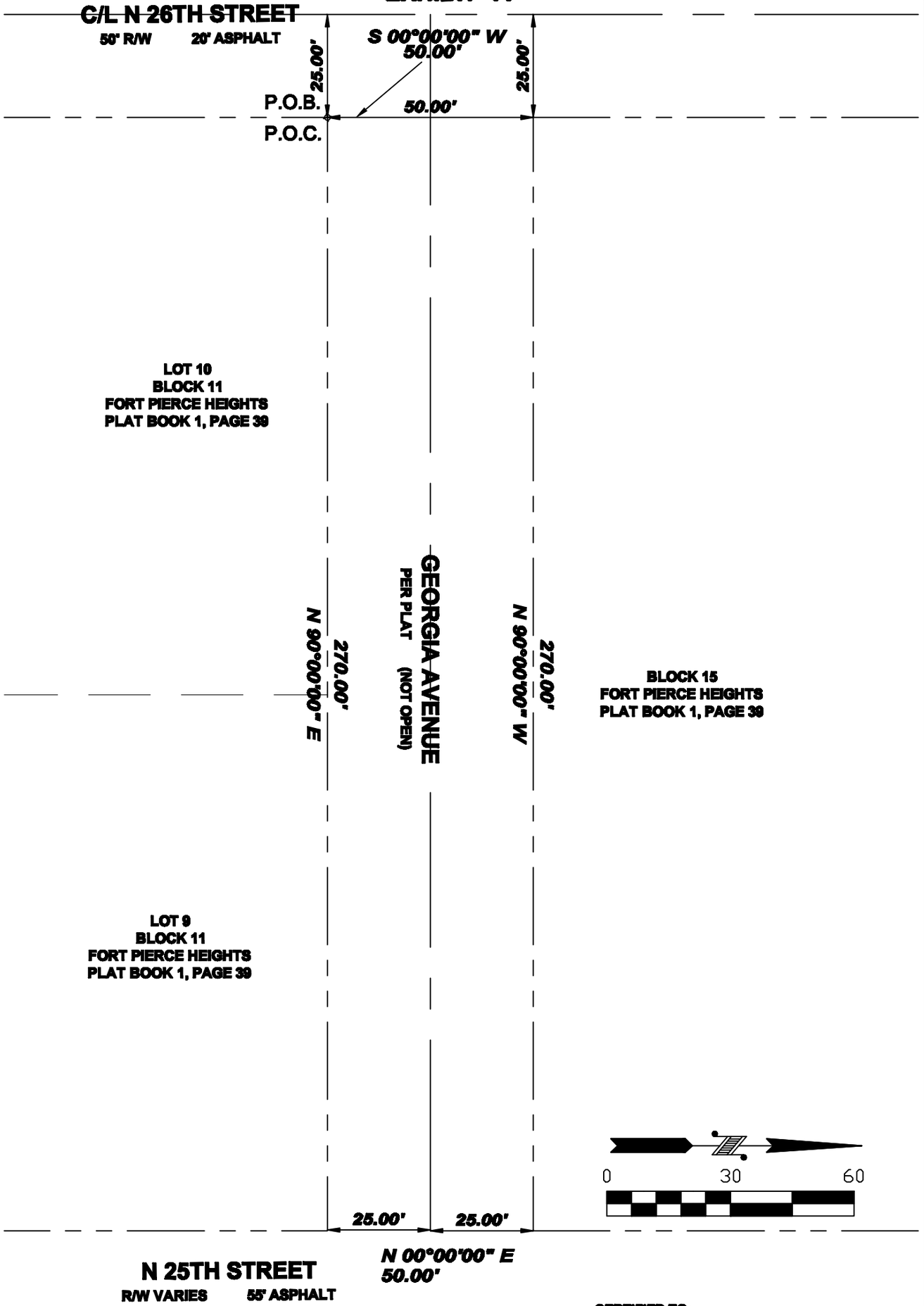
**PROFESSIONAL SURVEYORS & MAPPERS**
**FLORIDA LICENSED BUSINESS NUMBER 7563**
4999 N. KINGS HWY #435, FORT PIERCE, FLORIDA 34951
24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 466-6211 SURVEY@ASI-SURVEY.COM

DATE : 03/02/2018
PROJ.# : 17-013
DRAWN BY: CA
APPD. BY : CA
REF. # : WINDFIRE
F.B. & PG. : 17-013

***SKETCH AND DESCRIPTION***
***FOR THE CITY OF FORT PIERCE***
**PART OF GEORGIA AVENUE PER PLAT (NOT OPEN)**
**RIGHT OF WAY ABANDONMENT**

SHEET
1 of 2
Dwg. #: 17-013

# EXHIBIT "A"

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CITY OF FORT PIERCE

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24 VERDE VISTA, FORT PIERCE, FLORIDA 34951
PHONE (772) 460-8211 SURVEY@ASI-SURVEY.COM

DATE : 08/08/2018
PROJ.# : 17-613A
DRAWN BY : CA
APPD. BY : CA
REF.# : GEORGIAVE
F.B. & PG. : 17-613A

***SKETCH AND DESCRIPTION***
***FOR THE CITY OF FORT PIERCE***
PART OF GEORGIA AVENUE PER PLAT (NOT OPEN)
RIGHT OF WAY ABANDONMENT

SHEET
2 of 2
Dwg. #: 17-613A

Fresh Wind Fresh Fire Church
411 N. 25th Street
Fort Pierce, FL. 34949

**Re: Site Plan –Fresh Wind Fresh Fire**

Dear Mr. Chabab,

The following are comments from the Planning Department's review of the applications for the Site Plan of Church Facility (Please Provide a Written Response to all responsible Departments):

**1) Per City Code Section 22-62 Sidewalks -**

***Applicability:*** **In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant when one of the following events occur:**

- **Whenever a permit is issued for the construction of a new duplex, multi-family, commercial, or office structure or use;**
- **When the valuation of a building permit for construction, additions, and renovations to structures or uses are more than thirty-five thousand dollars ($35,000.00);**
- **Plans submitted for site plan, conditional use, PUD/PUR, and subdivision review. Plans shall reflect all proposed sidewalk improvements.**

**Please add a sidewalk to the western portion of the subject property that aligns N. 26th Street. As an applicant, you also have an option for payment in-lieu to the City's Sidewalk Fund.**

**2) Staff recommends that the applicant re-submit an updated capacity analysis to reflect the intensity of future commercial uses.**

If deemed necessary, please provide a written response to each comment in order to expedite the review of any subsequent submittals. Please contact me should you have any questions regarding the project at (772) 467-3741 or by e-mail: vgilmore@city-ftpierce.com.

Sincerely,

Vennis Gilmore
Planning Analyst

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 411 N. 15th St. – Fresh Wind, Fresh Fire Church – Site Plan, RZ, Future Land Use Amd.**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

THE SUNRISE CITY
FORT PIERCE
BUILDING DEPARTMENT
Florida

# TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS FORM

**FROM : Paul Thomas, CBO, CFM, Building Official**

**RE : 25th & 26th Streets – Fresh Wind, Fresh Fire Church - Abandonment**

**DATE : April 19, 2018**

The Building Official has no comment.

PT/km

Good afternoon,

Below are FPUA comments regarding the submissions for the TRC meeting on April 19, 2018.

Future Land Use Map Amendment, Rezoning, Site Plan - Fresh Wind, Fresh Fire Church -411 N. 25th Street - (Vennis Gilmore)

a. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

b. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet.

Abandonment - Fresh Wind, Fresh Fire Church - Section of Avenue C between 25th and 26thStreets - (Vennis Gilmore)

c. W/WW Engineering: Water and wastewater are available for this site. Please contact James Carnes, P.E. with any questions at (772) 466-1600 x 3472

d. Electric & Gas Engineering: Electric is approved.

Gas is approved with the understanding that a 10' utility easement will be granted to FPUA centered on the gas main per exhibit B in the TRC packet:

Thank you

Regards,

Martha Kerr

*Staff Assistant*

*W/WW Engineering Department*

*Fort Pierce Utilities Authority*

*1701 S. 37th Street*

*Fort Pierce, FL 34947*

*Telephone: (772) 466-1600, Ext. 3473*

*Fax: (772) 468-2414* *mkerr@fpua.com*

ST. LUCIE COUNTY FIRE DISTRICT
FIRE PREVENTION BUREAU
Office of the Fire Marshal

Telephone: (772) 621-3322
Fax: (772) 621-3604

Check with Kelly for Payment!

## BUREAU OF FIRE PREVENTION

## SITE PLAN REVIEW

**TO: Site Plan Applicant**

**SITE PLAN: Fresh Wind Fresh Fire Church**

**REVIEW DATE: 2/12/2018**

**PLANNER: KORI BENTON**

**REVIEWED BY: Captain Paul Langel**

---

**Site Plan Approved: _____**

**Site Plan Approved with conditions: ___X___**

**Site Plan Approval withheld pending written acknowledgement of conditions: _____**

**Site Plan Rejected: _____**

---

**The Following Revisions Are Necessary:**

1. **Please submit a completed application for Development/Site Plan Review (St. Lucie County Fire District Development & Site Plan Review Application). This form is available on-line athttp://www.slcfd.com/permits.htm**

2. **Fire District review fees are due at the time of submittal. An abbreviated fee schedule is included on the application form.**

3. ~~**Please provide an electronic copy of the Site Plan (pdf format)**~~ **Received 2/12/2018**

4. **A separate review and permit is required for Underground Fire Mains connected to standpipes or sprinkler systems.**

**ST. LUCIE COUNTY FIRE DISTRICT**
FIRE PREVENTION BUREAU
Office of the Fire Marshal

**Telephone:** **(772) 621-3322**
**Fax:** **(772) 621-3604**

5. **Provide fire flow calculations for the building and all hydrants within 1000' of the site used for fire flow calculations.**

The School District does not have any comments or concerns regarding the request.

Please feel free to call me if you have any questions.

Marty E. Sanders, P.E.
Growth Management, Land Acquisition & Inter-Governmental Relations
School Board of St. Lucie County

cell 772.216.5755

THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer**

**RE : Fresh Wind, Fresh Fire R/W Abandonment - 411 N 25th Street**
**TRC No. 18-01000001**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- [x] R/W Abandonment
- [ ] P/D Drawings
- [ ] Test Reports & Related Documents
- [ ] Certificate of Completion
- [ ] Record Drawings
- [ ] Permits from applicable Local, State & Federal Agencies
- [ ] Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- [x] Recommend
- [ ] Do Not Recommend

- [x] Approval of Abandonment
- [ ] Building Permit
- [ ] C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

- [ ] See attached for engineering comments

JRA/tst/dhr

Q:\ENGINEERING\Site Development Projects\F\Fresh Wind, Fresh Fire Church\RW Abandonment\Submittal No. 2 - 040618\Abandonment Approval- 041818.docx

**Project:** **FRESH WIND, FRESH FIRE CHURCH R/W ABANDONMENT**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

**SKETCH AND LEGAL DESCRIPTION:**

1) Please provide Sketch and Legal Description of the proposed abandonment area prepared by a surveyor licensed in the State of Florida.
2) If there is existing utilities located in the portion of the R/W to be abandoned, a Sketch and Description will need to be prepared.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
St. Lucie County, Fl.
2300 Virginia Avenue
Ft. Pierce, Fl. 34982-5652
www.stlucieco.org
Ph. (772) 462-1721
E-mail reedr@stlucieco.org

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Abandonment – Fresh Wind, Fresh Fire Church – Section of Avenue C between 25th & 26th Streets** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECT# 18-01000001.

The applicant is requesting the City's abandonment of a Section of unopened and unimproved right-of-way known as Avenue C between 25th and 26th Streets.

The St. Lucie County Planning & Development Services Department has no comments.

**Project:** **FRESH WIND, FRESH FIRE CHURCH REZONING**

Subject: Review Comments
To: Vennis Gilmore
From: Rod Reed, County Surveyor
PW-Engineering Division
Date February 14, 2018 Resubmitted April 6, 2018

All comments are based on the Standards of Practice per 5J-17.050 thru 5J-17.052

1) I have no comments.

Please provide a written response to all comments

**Rod Reed, County Surveyor**
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THE SUNRISE CITY
FORT PIERCE
Florida
ENGINEERING
DEPARTMENT

**TO : Vennis Gilmore, Planning Analyst**

**FROM : John R. Andrews, P.E., City Engineer** JRA

**RE : Fresh Wind, Fresh Fire Church – 411 N 25th Street – Site Plan**
**TRC No. 18-06000003**

**DATE : April 18, 2018**

This is to advise you that we have completed the review of the following documents as received by this office on April 10, 2018:

- ☑ Site Plan
- ☐ P/D Drawings
- ☐ Test Reports & Related Documents
- ☐ Certificate of Completion
- ☐ Record Drawings
- ☐ Permits from applicable Local, State & Federal Agencies
- ☐ Clearances from all applicable Local, State and Federal Agencies

Based on our reviews and appropriate site final inspection, we

- ☑ Recommend
- ☐ Do Not Recommend

- ☑ Approval of Site Plan
- ☐ Building Permit
- ☐ C/O

Developer, Owner, Engineer, Contractor and other members of the Development Team must be aware, the above recommendation is based only on the construction requirements of the engineering plans and other engineering documentation approved by this department. The Development Team shall be responsible for the compliance with other City department requirements and all approved documents, as well as Local, State and Federal regulations. The development requirements for this project may necessitate additional construction requirements that are not subject to this department's review for approval.

☑ See attached for engineering comments



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 • CITYOFFORTPIERCE.COM • TEL: 772.467.3000 • FAX: 772.460.6847

ENGINEERING COMMENTS:

1. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a Unity of Title combining the developed parcels shall be recorded and submitted.
2. Advisory Comment: Prior to issuance of the Certificate of Occupancy, a recorded sketch and description along with a recent Owners and Encumbrances search shall be submitted encompassing the proposed 5' sidewalk easement along 26th Street.
3. Advisory Comment: The submitted Grading, Drainage and Utility Plan was reviewed for conceptual compliance only and will be thoroughly reviewed at time of Building Permit submittal.
4. Advisory Comment: This site plan review is contingent on the R/W abandonment of Avenue C between 25th Street and 26th Street.

JRA/tst/dhr



100 NORTH US 1, FORT PIERCE, FLORIDA 34950 ▪ CITYOFFORTPIERCE.COM ▪ TEL: 772.467.3000 ▪ FAX: 772.460.6847

| | |
|---|---|
| **TO:** | Brandon Creagan, LEED Green Associate, Planner<br>Vennis Gilmore, Planning Analyst |
| **THROUGH:** | Mayte Santamaria, Assistant Director |
| **FROM:** | Kori Benton, Senior Planner |
| **DATE:** | April 18, 2018 |
| **SUBJECT:** | **Site Plan, Rezoning, Future Land Use Map Amendment – Fresh Wind, Fresh Fire Church – 411 N. 25th Street** |

**Background**

The St. Lucie County Planning & Development Services Department has completed a review of the April 6, 2018 distribution of TECHNICAL REVIEW PROJECTS #18-06000003 (Site Plan), #18-06000003 (Rezoning & FLUMA)

The request seeks to construct a new church facility at the subject site. Due to split zoning and land use designations of the encompassed lots, the applicant is requesting Rezoning of 1.16 acres of the subject property from R-3, Single-Family Moderate Density Zone to C-3 (General Commercial Zone) and a Future Land Use Amendment from RL, Low Density Residential to GC, General Commercial.

**Review Comments**

1. The TRC Distribution memo notes the subject site has a total of .138 acres, which is seemingly in error.

2. The proposed "Site Plan" was not included in the enclosed distribution packet, therefore the review comments are limited to review of the paving & drainage/landscape plan.

3. The applications for Zoning Atlas Amendment & Future Land Use Map Amendment present analysis of capacity simply upon the proposed site plan, and specific use, whereas the analysis should compare reasonable build-out scenarios for each designation or district to compare potential impacts to public facilities. The City's CG, Commercial General Land Use provides capacity for a FAR of 1.0.

4. The provided site plan package contained the sketch and legal description for the right-of-way proposed for abandonment, whereas it is more appropriately included in the application for abandonment.

5. The subject site has been developed previously, therefore is a disturbed site. Is the City seeking mitigation for the proposed removal of a 30" oak?

Please contact Kori Benton at 772-462-2518 if you have any questions or would like to discuss the presented comments.

THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT Florida

## PUBLIC NOTIFICATION CERTIFICATION

**PROJECT NAME:** Abandonment - Fresh Wind Fresh Fire Church - 411 N. 25th Street

**NOTICES PROVIDED PURSUANT TO:** City Code Sections 17-1, 22-143. Public Hearings A, B, C, & D

**NOTICE BY NEWSPAPER:** May 20th, 2018

**NOTICE BY MAIL:** May 9th, 2018

**NOTICE BY SIGNS:** Planning Board - May 3rd, 2018 ; City Commission - May 24th, 2018

**VERIFIED BY:** Vennis Gilmore **TITLE:** Planning Analyst

**SIGNATURE:** **DATE:** May 23rd 2018

# Treasure Coast Newspapers | TCPALM

St. Lucie News-Tribune
1939 SE Federal Highway, Stuart, FL 34994

## AFFIDAVIT OF PUBLICATION

**STATE OF FLORIDA**
**COUNTY OF ST. LUCIE**

**Before the undersigned authority personally appeared, Natalie Zollar, who on oath says that she is Classified Inside Sales Manager of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.**

| Customer | Ad Number | Copyline | PO # |
|---|---|---|---|
| 463454 - CITY OF FORT PIERCE (LEGALS) | 2019128 | ABANDONMENT GEORGIA AVE C | |

**Pub Dates**
May 20, 2018

Sworn to and subscribed before me this day of, May 21, 2018, by

Natalie Zollar, who is

Natalie Zollar

(X) personally known to me or

( ) who has produced _____ as identification.

Karol E Kangas

**Karol Kangas** **Notary Public**

KAROL E KANGAS
Notary Public - State of Florida
Commission # GG 126041
My Comm. Expires Jul 29, 2021
Bonded through National Notary Assn.

# MONEY&MARKETS EXTRA

## MarketPulse

**SHIFTING GEARS**




Uber's ride-hailing service is giving its U.S. passengers and drivers more leeway to pursue claims of sexual misconduct. The shift announced this week will allow riders and drivers to file allegations of rape, sexual assault and harassment in courts and mediation, rather than being locked into an arbitration hearing. The company is also scrapping a policy requiring all settlements of sexual misconduct to be kept confidential, giving victims the choice of whether they want to make their allegations public. The move is a conciliatory step from CEO Dara Khosrowshahi, who was hired last August amid a wave of revelations and allegations about rampant sexual harassment in Uber's workforce, the cover-up of a massive data breach and stolen trade secrets.

**PRIME PERK**




Amazon is giving its Prime members extra discounts at Whole Foods. The new benefits rolled out this week at the grocery chain's stores in Florida and will expand nationwide this summer. Prime members get an additional 10 percent off sale items and exclusive deals on certain items. This week in Florida, for example, Prime members can get $2 off a pound of organic strawberries or save $10 a pound on wild halibut steaks. Amazon didn't say if it plans to offer the benefits at Whole Foods stores in Canada and the United Kingdom. The move is aimed at luring new Prime subscribers while giving current members another reason to stay on, even as Amazon raises the service's price.

**MARKET DEJA VU**

BJ's Wholesale Club is going public – again. The company, which operates 215 wholesale membership warehouses on the East Coast, is expected to complete its initial public offering this year. The Westborough, Massachusetts company was acquired in 2011 for $2.8 billion by CVC Capital Partners and Leonard Green & Partners. Those owners reportedly put BJ's up for sale last year for more than $4 billion but found no takers. Before going private in the fall of 2011, the retailer rejected an offer of $3 billion from Walmart, according to FactSet.




AP

## Weekly Stock Winners & Losers

### 15 BEST LARGE-CAP STOCKS

| COMPANY | TICKER | FRIDAY CLOSE | $CHG 1WK | %CHG 1WK | %CHG 1MO | %RTN 1YR |
|---|---|---|---|---|---|---|
| China Lodging Grp | HTHT | 173.93 | 22.93 | **15.2** | 37.5 | 125.4 |
| Macy's Inc | M | 33.96 | 4.32 | **14.6** | 13.4 | 53.6 |
| Symantec Corp | SYMC | 22.19 | 2.67 | **13.7** | -19.9 | -24.9 |
| Altice USA Inc | ATUS | 20.69 | 2.46 | **13.5** | 4.8 | -999.0 |
| NXP Semiconductors | NXPI | 111.02 | 12.01 | **12.1** | 5.6 | -0.6 |
| BeiGene Ltd | BGNE | 194.55 | 20.41 | **11.7** | 15.8 | 388.2 |
| Williams Partners LP | WPZ | 41.23 | 3.74 | **10.0** | 17.1 | 8.3 |
| Target Corp | TGT | 75.94 | 6.31 | **9.1** | 8.0 | 42.3 |
| Diamondback Energy | FANG | 134.58 | 10.89 | **8.8** | 4.8 | 33.9 |
| Adv Micro Dev | AMD | 13.00 | 1.05 | **8.8** | 30.1 | 14.5 |
| Gap Inc | GPS | 31.57 | 2.38 | **8.2** | 11.0 | 37.3 |
| Caesars Entertain | CZR | 12.85 | 0.95 | **8.0** | 11.7 | 19.6 |
| Holly Frontier Corp | HFC | 72.96 | 5.34 | **7.9** | 25.2 | 178.6 |
| Wstn Digital | WDC | 84.75 | 5.95 | **7.6** | -5.4 | 3.9 |
| Nektar Therapeutics | NKTR | 85.30 | 5.86 | **7.4** | -1.1 | 319.2 |

### 15 BEST MID-CAP STOCKS

| COMPANY | TICKER | FRIDAY CLOSE | $CHG 1WK | %CHG 1WK | %CHG 1MO | %RTN 1YR |
|---|---|---|---|---|---|---|
| Bright Scholar Educ | BEDU | 20.23 | 4.93 | **32.2** | 32.7 | -999.0 |
| Sea Ltd | SE | 13.07 | 2.55 | **24.2** | 14.9 | -999.0 |
| CRISPR Therapeutics | CRSP | 64.68 | 11.95 | **22.7** | 19.6 | 321.7 |
| Loxo Oncology Inc | LOXO | 170.44 | 30.99 | **22.2** | 28.1 | 285.6 |
| GreenTree Hospitalit | GHG | 16.33 | 2.84 | **21.1** | 51.1 | -999.0 |
| Chesapk Engy | CHK | 4.06 | 0.70 | **20.8** | 35.3 | -21.9 |
| Amicus Therapeutics | FOLD | 16.74 | 2.73 | **19.5** | 17.8 | 118.8 |
| Huya Inc | HUYA | 19.04 | 2.98 | **18.6** | 18.6 | -999.0 |
| Endocyte Inc | ECYT | 14.45 | 2.24 | **18.3** | 53.6 | 380.8 |
| World Wrestling Ent | WWE | 51.42 | 7.91 | **18.2** | 30.7 | 164.8 |
| Abaxis Inc | ABAX | 83.32 | 12.47 | **17.6** | 14.6 | 79.3 |
| Atara Biotherpeutics | ATRA | 50.05 | 7.30 | **17.1** | 26.7 | 223.7 |
| CVR Refining LP | CVRR | 21.90 | 3.20 | **17.1** | 36.0 | 128.3 |
| Hollysys Autom Tech | HOLI | 25.19 | 3.35 | **15.3** | 9.1 | 51.7 |
| Noble Corp plc | NE | 5.98 | 0.78 | **15.0** | 25.6 | 34.5 |

### 15 BEST SMALL-CAP STOCKS

| COMPANY | TICKER | FRIDAY CLOSE | $CHG 1WK | %CHG 1WK | %CHG 1MO | %RTN 1YR |
|---|---|---|---|---|---|---|
| Seadrill Ltd | SDRL | 0.63 | 0.31 | **98.7** | 110.0 | 0.2 |
| MEI Pharma | MEIP | 3.46 | 1.23 | **55.2** | 60.9 | 97.9 |
| Tandem Diabetes Cre | TNDM | 12.83 | 3.93 | **44.2** | 72.4 | 29.9 |
| TransEnterix Inc | TRXC | 3.04 | 0.92 | **43.4** | 60.0 | 427.7 |
| Medallion Financial | MFIN | 5.32 | 1.56 | **41.5** | 21.5 | 141.1 |
| Eiger BioPharmaceuti | EIGR | 13.90 | 3.90 | **39.0** | 33.0 | 135.0 |
| Vaalco Energy | EGY | 2.08 | 0.57 | **37.7** | 114.4 | 67.0 |
| Essendant Inc | ESND | 13.72 | 3.63 | **36.0** | 45.3 | -15.2 |
| Galectin Therap | GALT | 4.56 | 1.20 | **35.7** | 31.8 | 93.8 |
| BioDelivery Sciences | BDSI | 2.30 | 0.60 | **35.3** | 2.2 | 12.2 |
| Cytosorbents Corp | CTSO | 10.55 | 2.50 | **31.1** | 37.0 | 145.1 |
| NL Industries | NL | 9.60 | 2.25 | **30.6** | 15.0 | 0.0 |
| Lonestar Resour US | LONE | 7.18 | 1.67 | **30.3** | 46.2 | 88.2 |
| Drive Shack Inc | DS | 6.75 | 1.54 | **29.6** | 30.3 | 92.3 |
| LiveXLive Media Inc | LIVX | 4.94 | 1.11 | **29.0** | 33.5 | -88.4 |

### 10 WORST LARGE-CAP STOCKS

| | | | | | | |
|---|---|---|---|---|---|---|
| Campbell Soup | CPB | 34.37 | -6.31 | **-15.5** | -14.8 | -29.3 |
| Viacom Inc B | VIAB | 27.24 | -2.98 | **-9.9** | -11.2 | -13.9 |
| Applied Matls | AMAT | 49.51 | -5.33 | **-9.7** | -3.1 | 27.1 |
| Deutsche Bank AG | DB | 12.71 | -1.15 | **-8.3** | -10.9 | -29.2 |
| Tesla Inc | TSLA | 276.82 | -24.24 | **-8.1** | -4.6 | -7.1 |
| Agilent Tech | A | 64.32 | -5.13 | **-7.4** | -4.8 | 15.0 |
| Celgene Inc | CELG | 78.37 | -6.17 | **-7.3** | -11.9 | -31.7 |
| Invitation Homes Inc | INVH | 21.98 | -1.59 | **-6.7** | -2.6 | 4.6 |
| America Movil ADS A | AMOV | 16.17 | -1.07 | **-6.2** | -15.9 | 7.4 |
| Boston Prop | BXP | 117.09 | -7.29 | **-5.9** | -1.4 | -0.1 |

### 10 WORST MID-CAP STOCKS

| | | | | | | |
|---|---|---|---|---|---|---|
| Azul SA ADS | AZUL | 21.25 | -4.11 | **-16.2** | -34.2 | -17.1 |
| Flowers Foods | FLO | 19.29 | -3.34 | **-14.8** | -13.3 | 4.3 |
| Kemet Corp | KEM | 17.86 | -2.78 | **-13.5** | -4.5 | 40.7 |
| Dynavax Technologies | DVAX | 17.10 | -2.43 | **-12.4** | -5.4 | 200.9 |
| Itron Inc | ITRI | 58.35 | -7.90 | **-11.9** | -15.6 | -10.2 |
| Opko Health Inc | OPK | 3.99 | -0.53 | **-11.7** | 29.5 | -26.5 |
| Centrais El Brasil B | EBR/B | 5.30 | -0.69 | **-11.5** | -15.6 | -5.4 |
| Jack In The Box Inc | JACK | 80.72 | -9.80 | **-10.8** | -9.2 | -20.7 |
| DineEquity Inc | DIN | 67.73 | -7.25 | **-9.7** | -8.6 | 53.4 |
| Loma Negra Compania | LOMA | 15.26 | -1.64 | **-9.7** | -28.3 | -999.0 |

### 10 WORST SMALL-CAP STOCKS

| | | | | | | |
|---|---|---|---|---|---|---|
| Jounce Therapeutics | JNCE | 11.37 | -5.41 | **-32.2** | -41.6 | -51.9 |
| NII Holdings Inc | NIHD | 2.13 | -0.83 | **-28.0** | -26.0 | 334.5 |
| American Realty Inv | ARL | 13.75 | -5.04 | **-26.8** | -29.3 | 87.1 |
| resTORbio Inc | TORC | 9.24 | -2.72 | **-22.7** | 5.4 | -999.0 |
| Rimini Street | RMNI | 5.30 | -1.53 | **-22.4** | -32.3 | -46.3 |
| Transctl Rlty | TCI | 41.25 | -10.35 | **-20.1** | -17.8 | 90.7 |
| China Int Natnwd Fin | CIFS | 24.53 | -6.09 | **-19.9** | 8.2 | -999.0 |
| Myers Inds | MYE | 18.35 | -4.35 | **-19.2** | -24.2 | 20.4 |
| Nthn Dynasty Min | NAK | 0.67 | -0.15 | **-18.4** | -31.6 | -62.0 |
| Remark Holdings Inc | MARK | 5.04 | -1.13 | **-18.3** | -24.8 | 68.8 |

## Best Funds - One Month

### U.S. general stock funds

| FUND | TICKER | CAT | ($MIns) | NAV | %RTN 1WK | %RTN 1MO | %RTN 1YR | RANK 1YR | %RTN 5YRS* | EXP RATIO | MIN. INIT. INVST. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Jacob MicroCpGrInv m | JMCGX | SG | 1 | 14.02 | 3.3 | **8.8** | 32.3 | | 5.3 | 2.76 | 2500 |
| Schneider SmCpVal d | SCMVX | SV | 43 | 16.03 | 5.4 | **6.9** | 14.7 | | 8.5 | 1.15 | 20000 |
| Kinetics SmCptlOppsNLd d | KSCOX | SB | 190 | 60.17 | 1.9 | **7.1** | 47.3 | | 12.5 | 1.64 | 2500 |
| Kinetics ParadigmInstl d | KNPYX | MG | 174 | 55.03 | 1.9 | **8.9** | 40.6 | | 13.2 | 1.44 | 100k+ |
| Meridian EqIncLegacy d | MEIFX | LG | 49 | 17.83 | -0.2 | **8.0** | 33.1 | | 12.9 | 1.23 | 1000 |
| Kinetics SpOf&CrpRstInst d | LSHUX | MB | 13 | 11.91 | 1.5 | **6.2** | 30.3 | | 6.2 | 1.25 | 100k+ |
| Vanguard CnvrtSecInv | VCVSX | CV | 1,103 | 13.76 | -0.1 | **1.0** | 9.1 | | 5.1 | 0.35 | 3000 |
| Hotchkis & Wiley MidCpValI | HWMIX | MV | 1,600 | 40.76 | 1.8 | **5.8** | 19.0 | | 9.8 | 1.04 | 100k+ |
| Schwartz MariaRisingDiv | AVEDX | LB | 976 | 18.93 | 0.4 | **2.6** | 17.0 | | 10.1 | 0.92 | 2500 |
| INVESCO ComStkA m | ACSTX | LV | 6,448 | 27.48 | 0.0 | **2.1** | 20.3 | | 10.5 | 0.83 | 1000 |
| Greenspring Greenspring d | GRSPX | MA | 257 | 24.79 | 0.4 | **1.6** | 9.7 | | 5.4 | 0.98 | 5000 |
| PIMCO EqSLSI2 | PMHBX | LO | 117 | 11.89 | 0.3 | **1.7** | 5.6 | | 4.4 | 1.60 | 100k+ |
| QCI BalIns | QCIBX | CA | 61 | 12.13 | -0.2 | **0.7** | 8.2 | | NA | 1.00 | 25000 |
| TIAA-CREF LfcycIId2010I | TLTIX | TA | 256 | 15.02 | -0.4 | **-0.3** | 6.1 | | 5.3 | ... | 100k+ |
| Comstock CptlValA m | DRCVX | BM | 8 | 4.90 | 0.6 | **0.2** | -13.4 | | -16.0 | 2.00 | 1000 |

### U.S. industry stock funds

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| John Hancock RegionalBankA m | FRBAX | SF | 1,211 | 29.58 | 0.1 | **5.7** | 22.6 | | 17.9 | 1.24 | 1000 |
| BlackRock NatrlResTrInstl | MAGRX | SN | 78 | 34.28 | 2.9 | **8.0** | 25.1 | | 0.3 | 0.92 | 100k+ |
| Hartford HCHLSIA | HIAHX | SH | 276 | 23.87 | 1.6 | **3.2** | 13.3 | | 15.7 | 0.89 | |
| Jacob InternetInv m | JAMFX | ST | 44 | 4.96 | 0.2 | **3.8** | 25.3 | | 16.4 | 2.54 | 2500 |
| World Funds RlEstValOppIns | HLRRX | SR | 102 | 11.83 | -2.5 | **1.4** | -5.3 | | 2.5 | 1.37 | 50000 |
| Hennessy GasUtilityInv b | GASFX | SU | 965 | 27.78 | -1.9 | **-0.8** | -3.3 | | 5.7 | 1.01 | 2500 |
| T. Rowe Price Comm&TeInv | PRMTX | SC | 4,848 | 101.14 | -1.1 | **-1.1** | 18.6 | | 16.2 | 0.78 | 2500 |
| U.S. Global Investor GoldPrcMtls b | USERX | SP | 90 | 7.59 | -2.4 | **-1.2** | 6.6 | | 1.1 | 1.65 | 5000 |

### International stock funds

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Hennessy JapanInstl | HJPIX | JS | 347 | 37.05 | 0.4 | **1.1** | 23.0 | | 14.3 | 1.05 | 100k+ |
| Alger GlbGrA m | CHUSX | WS | 19 | 25.50 | -0.6 | **2.4** | 19.2 | | 9.1 | 1.50 | 1000 |
| Franklin Templeton IntlGrA m | FNGAX | FG | 120 | 15.29 | -0.1 | **2.9** | 22.6 | | 8.3 | 1.25 | 1000 |
| Guinness Atkinson AsiaFoc d | IASMX | PJ | 19 | 22.73 | -1.2 | **1.4** | 26.5 | | 6.5 | 1.98 | 5000 |
| Fidelity PacificBasin | FPBFX | DP | 1,000 | 35.34 | -0.7 | **0.6** | 20.9 | | 10.1 | 1.10 | 2500 |
| Hartford GlbRlAsstY | HRLYX | IH | 135 | 9.87 | 0.7 | **3.0** | 15.5 | | 0.5 | 0.90 | 100k+ |
| Franklin Templeton MutEuropeanR6 | FMEUX | ES | 285 | 21.65 | -0.5 | **1.6** | 6.4 | | 5.5 | 0.88 | 100k+ |
| PIMCO StksPLUSIUSDHC m | PIPCX | FB | 158 | 7.68 | 1.3 | **5.1** | 10.6 | | 6.9 | 1.90 | 1000 |
| Guinness Atkinson AltEngy | GAAEX | FA | 11 | 3.30 | 0.6 | **3.4** | 26.3 | | 1.5 | 1.98 | 5000 |
| Tweedy, Browne GlbVal d | TBGVX | FV | 9,940 | 29.44 | -0.3 | **2.5** | 8.4 | | 6.0 | 1.37 | 2500 |
| Oppenheimer IntlSmMidCoA m | OSMAX | FR | 2,385 | 53.06 | 0.8 | **1.6** | 24.1 | | 16.1 | 1.39 | 1000 |
| PIMCO RAEFdmPLEMGIns | PEFIX | EM | 2,710 | 11.24 | -0.7 | **-0.2** | 15.6 | | 4.6 | 1.15 | 100k+ |
| Deutsche LtnAmrcEqS | SLAFX | LS | 281 | 24.55 | -5.1 | **-7.9** | 20.6 | | -1.7 | 1.48 | 2500 |

### Taxable bond funds

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| PIMCO ShrtTrmAdm b | PSFAX | UB | 1,919 | 9.90 | 0.2 | **0.6** | 2.3 | | 1.4 | 0.70 | 100k+ |
| Eaton Vance FltngRtInstl | EIBLX | BL | 6,543 | 9.06 | 0.1 | **0.4** | 4.5 | | 3.6 | 0.79 | 100k+ |
| Thompson Bd | THOPX | CS | 2,869 | 11.47 | 0.1 | **0.3** | 3.1 | | 2.9 | 0.71 | 250 |
| M.D. Sass TrUSGvAgInIns | MDSIX | GS | 23 | 9.36 | 0.0 | **0.9** | 1.2 | | 0.8 | 0.55 | 10000 |
| Franklin Templeton RlRetAdv | FARRX | IP | 27 | 10.15 | 0.1 | **0.4** | 3.5 | | 0.3 | 0.65 | 100k+ |
| Highland FIY | HFBYX | CI | 34 | 12.67 | -0.1 | **-0.1** | 0.8 | | 2.3 | 0.65 | |
| Fairholme Funds FcdInc | FOCIX | HY | 227 | 10.86 | 0.9 | **2.7** | 1.2 | | 4.8 | 1.00 | 10000 |
| Angel Oak MltStratIncIns | ANGIX | MU | 6,017 | 11.22 | 0.2 | **0.4** | 4.7 | | 3.6 | 0.95 | 100k+ |
| Spirit of America IncA m | SOAIX | CL | 175 | 11.65 | -0.3 | **-0.2** | 1.8 | | 3.4 | 1.05 | 500 |
| American Century ZeroCoup2025Adv b | ACTVX | GL | 1 | 90.59 | -0.5 | **-1.6** | -3.6 | | 1.2 | 0.80 | 2500 |
| Aberdeen GlUncnFxIncInsS | CGFIX | IB | 9 | 10.39 | 0.3 | **0.6** | 1.9 | | 1.4 | 1.02 | 100k+ |

### Tax-exempt bond funds

| | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Nuveen LtdTrmMnBdC2 m | FLTCX | MS | 287 | 10.81 | -0.1 | **0.3** | 0.1 | | 0.8 | 0.97 | |
| Goldman Sachs HYMuniInstl d | GHYIX | HM | 5,097 | 9.63 | -0.3 | **0.6** | 6.1 | | 4.7 | 0.56 | 100k+ |
| Oppenheimer Rocheste CAMnC m | OCACX | MC | 205 | 8.30 | -0.4 | **0.2** | 1.3 | | 3.0 | 1.62 | 1000 |
| Goldman Sachs DynMuniIncA m | GSMIX | MI | 327 | 15.68 | -0.2 | **0.4** | 3.7 | | 2.6 | 0.77 | 1000 |
| MainStay MKTxFrBdA m | MTBAX | ML | 1,535 | 9.91 | -0.4 | **0.2** | 2.6 | | 3.1 | 0.81 | 15000 |

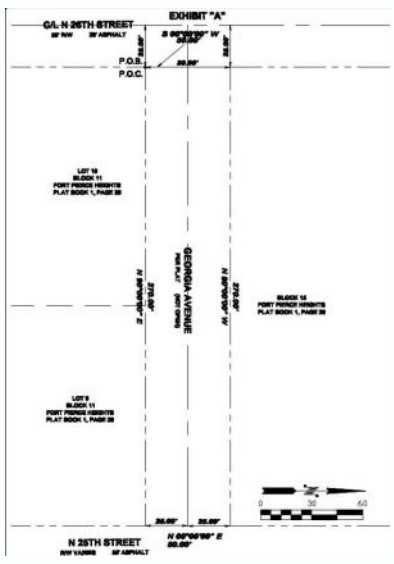
* - Annualized. **Footnotes:** b - Fee covering market costs is paid from fund assets. d - Deferred sales charge, or redemption fee. f - front load (sales charges). m - Multiple fees are charged, usually a marketing fee and either a sales or redemption fee. NA - not available. p - previous day´s net asset value. s - fund split shares during the week. x - fund paid a distribution during the week. **Source:** Morningstar and the Associated Press.

# CITY OF FORT PIERCE NOTICE OF PUBLIC HEARING FOR AN ABANDONMENT

The City Commission of the City of Fort Pierce, Florida, pursuant to City Charter and Florida Statute 166.041, will hold Public Hearings on Monday, June 4th, 2018 and Monday, June 18th, 2018 in the City Hall Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida, at their meeting which begins at 6:30 p.m., to consider review and approval of the following:

ORDINANCE 18-021 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ABANDONING A PORTION OF GEORGIA AVENUE, NOW KNOWN AS AVENUE C, RIGHT-OF-WAY, LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; BEING 50.00 FEET WIDE; PER PLAT, OF THE FORT PIERCE HEIGHTS SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A REPLACEMENT EASEMENT;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

All interested parties may appear at the meeting and be heard with respect to the abandonment. Said




Ordinance will be available for inspection in the City Clerk's Office, City Hall, 100 North U.S. #1, Fort Pierce, Florida.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO INSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

/s/ Linda W. Cox, City Clerk
May 20, 2018

TCN-2019128

get more at TCPALM.com

**City Commission Regular Meeting** **13.a.**

**Meeting Date:** 06/18/2018

**Re:** FDOT Joint Participation Agreement (JPA) Amendment Number 1 - Ohio Avenue and US Highway 1 Intersection Improvements

**Submitted For:** John Andrews, City Engineer, Engineering

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**SUBJECT:**

Resolution 18-R30 authorizing the execution of FDOT's Joint Participation Agreement (JPA) Amendment No. 1 which provides an agreement termination date of June 30, 2020.

**SUMMARY:**

The original JPA failed to stipulate an expiration date for the agreement and therefore, FDOT has requested the City approve the attached Amendment No. 1 and Resolution providing an agreement ending date of June 30, 2020.

**RECOMMENDATION:**

Staff recommends approval

**ALTERNATIVES:**

Do not sign and risk losing the State delegated $150,000

**RESPONSIBLE STAFF:**

Engineering

**COORDINATED WITH:**

FDOT

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**Fiscal Impact**

| | |
|---|---|
| **Budgeted Y/N:** | N/A |
| **Fiscal Year:** | N/A |
| **Account:** | N/A |
| **Amount:** | N/A |

**OTHER INFORMATION:**

No fiscal impacts proposed with this amendment

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**Attachments**

City Attorney Executed Amendment No. 1 - 060518

Executed JPA - 022318

18-R30

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**Form Review**

| Inbox | Reviewed By | Date |
| --- | --- | --- |
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |

Form Started By: Tracy Telle
Started On: 06/05/2018 03:13 PM
Final Approval Date: 06/08/2018

Contract No.: AS-917
FM No: 441862-1-58-01
Vendor No: F 596-000-322

# STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
# AND
# CITY OF FORT PIERCE
# JOINT PARTICIPATION AGREEMENT
# AMENDMENT NUMBER ONE

THIS AMENDMENT, made and entered into this _____ day of_____, 20__, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, hereinafter called the DEPARTMENT, and City of Fort Pierce, located at 100 North U.S. 1, Fort Pierce, FL 34950 hereinafter called the PARTICIPANT.

WITNESSETH

WHEREAS, on February 23, 2018, the parties entered into a Joint Participation Agreement, hereinafter referred to as the Agreement, wherein the PARTICIPANT agreed to provide improvements in connection with Financial Management (FM) No. 441862-1-58-01 for intersection improvements at Ohio Avenue and US-1 in St. Lucie County, Florida and hereinafter referred to as the Project; and

WHEREAS, the parties desire to further amend the Agreement; and

WHEREAS, the parties hereto mutually agree that this Amendment is in their best interest;

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations herein, the parties agree to further amend the Agreement dated February 23, 2018 and subsequent amendments, as follows:

1. The recitals set forth above are true and correct and are deemed incorporated herein

2. Except as otherwise set forth herein, this Agreement shall continue in effect and be binding to both the PARTICIPANT and the DEPARTMENT until the Project is completed as evidenced by the written acceptance of the DEPARTMENT or **June 30, 2020**, whichever occurs first.

3. The Scope of Services (**Exhibit A**) of the Agreement are unchanged and shall remain in full force and effect.

4. The Deliverables (**Exhibit B**) of the Agreement are unchanged and shall remain in full force and effect.

All provisions, covenants, terms and conditions of the AGREEMENT between the parties theretofore entered into on February 23, 2018, as originally set forth therein, which are not hereby expressly amended or modified and not in conflict with the terms hereof, are hereby ratified and confirmed and shall remain the same and be unaffected by these presents.

IN WITNESS WHEREOF, this Amendment is to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Amendment by Resolution No. _____, hereto attached.

CITY OF FORT PIERCE

BY: _____
NAME: _____
TITLE: MAYOR
_____ day of _____, 20_____

ATTEST:

_____
CLERK (SEAL)

LEGAL REVIEW

BY: _____
CITY ATTORNEY

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
STACY L. MILLER, P.E.
DIRECTOR OF TRANSPORTATION DEVELOPMENT

LEGAL REVIEW:

BY: _____
OFFICE OF THE GENERAL COUNSEL

APPROVED:

BY: _____
DISTRICT PROGRAM MANAGEMENT ADMINISTRATOR

**Contract No.:**_____
**FM Nos.:** 441862-1-58-01
**FEID No.:** VF-596-000-322

# STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
# JOINT PARTICIPATION AGREEMENT

THIS Joint Participation Agreement (hereinafter referred to as "Agreement"), entered into this 23 day of February, 2018, by and between the State of Florida Department of Transportation hereinafter called the DEPARTMENT, and City of Fort Pierce located at 100 North U.S. 1, Fort Pierce, FL 34950, hereinafter called the PARTICIPANT.

WITNESSETH

WHEREAS, the DEPARTMENT and the PARTICIPANT are desirous of having the PARTICIPANT perform services in connection with Financial Management (FM) Number(s): 441862-1-58-01, (Funded in Fiscal Year 2017/2018) for intersection improvements at Ohio Avenue and US-1 in St. Lucie County, Florida. Refer to **Exhibit A,** Scope of Services, attached hereto and made of part hereof; and

WHEREAS, for purposes of this Agreement, the improvements as stated above are hereinafter referred to as the Project; and

WHEREAS, the improvements are in the interest of both the PARTICIPANT and the DEPARTMENT and it would be more practical, expeditious, and economical for the PARTICIPANT to perform such services; and,

WHEREAS, the PARTICIPANT by Resolution No.: 18-R03 on the 5th day of February, 2018, a copy of which is attached hereto and made a part hereof, has authorized the Mayor of its Board of Commissioners or designee to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the parties agree to the following:

1. The recitals set forth above are true and correct and are deemed incorporated herein.

2. The PARTICIPANT shall be responsible for assuring that the Project complies with all applicable Federal, State and Local laws, rules, regulations, guidelines and standards. The PARTICIPANT shall also be responsible for the administration and overall coordination required for the Project.

3. The DEPARTMENT agrees to make all previous studies, maps, drawings, surveys and other data and information pertaining to the Project available to the PARTICIPANT at no extra cost.

4. The PARTICIPANT shall have the sole responsibility for resolving claims and requests for additional work for the Project. The PARTICIPANT will make best efforts to obtain the DEPARTMENT input in its decisions.

5. The DEPARTMENT agrees to pay the PARTICIPANT for the work described in **Exhibit A** of this Agreement. The cost of the work is estimated to be THREE HUNDRED FORTY NINE THOUSAND FOUR HUNDRED THIRTY FOUR DOLLARS AND NO CENTS ($349,434.00). The DEPARTMENT will pay the PARTICIPANT an amount not to exceed ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS ($150,000.00) for actual costs incurred, as

detailed in monthly progress reports. Any Project cost in excess of ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS ($150,000.00) shall be the sole responsibility of and shall be paid by the PARTICIPANT.

6. The PARTICIPANT acknowledges and agrees that the DEPARTMENT's obligation to pay any sum set forth in this Agreement is contingent upon an annual appropriation by the Florida Legislature.

7. In the event the Project's costs or Project's modifications increase or exceed the amount authorized in paragraph 6, the DEPARTMENT and the PARTICIPANT shall meet and attempt to mutually agree to the amount and distribution of the additional funding needed to complete the Project. Any funding increase or modifications to the Project shall be added by means of an Amendment to the Agreement to be signed by both parties before work is undertaken. However, in the event the PARTICIPANT and the DEPARTMENT fail to negotiate an Amendment for any reason whatsoever, then the increase in the Project's costs will be the sole responsibility of the PARTICIPANT.

8. The PARTICIPANT shall provide quantifiable, measurable, and verifiable units of deliverables. Each deliverable must specify the required minimum level of service to be performed and the criteria for evaluating successful completion. The deliverables for the Project are shown in **Exhibit B**, Deliverables attached hereto and a made apart hereof. The PARTICIPANT will need written approval from the DEPARTMENT's Director of Transportation Development or Designee, if deviating from the Deliverables set forth in **Exhibit B**.

9. This Agreement and compliance with the requirements of **Exhibit C**, attached hereto and made a part hereof shall act to supersede the normal requirements of PARTICIPANT to secure separate DEPARTMENT permits for drive-way connection, right-of-way utilization, storm-water discharge and utilities and this Agreement, when executed by the PARTICIPANT and the DEPARTMENT, shall be deemed to constitute those permits.

10. The PARTICIPANT must certify that the consultant has been selected in accordance with the Consultants Competitive Negotiation Act (Section 287.055, Florida Statutes). Consultants must be prequalified by the DEPARTMENT for design and construction engineering and inspection services, respectively.

11. Contractors must be prequalified by the DEPARTMENT, unless requested in writing and approved by the DEPARTMENT, as required by Section 2 of the Standard Specifications for Road and Bridge Construction (2018), as amended.

12. The CEI services will be provided by hiring a DEPARTMENT prequalified consultant firm including one individual that has completed the Advanced Maintenance of Traffic Advanced Level Training. The CEI staff shall be present on the Project at all times that the contractor is working. Administration of the CEI staff shall be under the responsible charge of a State of Florida licensed Professional Engineer. The DEPARTMENT shall approve all CEI personnel in writing. The COUNTY is hereby precluded from hiring the same consulting firm providing design services.

The DEPARTMENT pre-qualified CEI services requirements may be waived, if a written request from the PARTICIPANT is received and approved by either the DEPARTMENT's Director of Transportation Operations, District Program Management Administrator, or designee.

13. The PARTICIPANT shall furnish Construction Engineering Inspection (CEI) Services for the Project at its sole cost and expense.

14. The PARTICIPANT will be reimbursed only for actual expenses incurred during the Agreement time period that are directly related to the Project as set forth in this Agreement. The PARTICIPANT will submit a written progress report by the 15th day of each month attesting to the actual services performed. Upon completion, the PARTICIPANT will notify the DEPARTMENT's Operations Engineer or designee, who will be responsible for verifying and accepting the services contemplated in this Agreement.

15. Invoices shall be submitted by the PARTICIPANT, on a quarterly basis, in detail sufficient for proper preaudit and postaudit thereof, based on the quantifiable, measurable, and verifiable units of deliverables as established in **Exhibit B.** Deliverables must be received and accepted in writing by the PARTICIPANT's Project Manager prior to payments.

    Supporting documentation must establish that the deliverables were received and accepted in writing by the PARTICIPANT and that the required minimum level of service to be performed based on the criteria for evaluating successful completion as specified in Paragraph 9 has been met.

16. The PARTICIPANT must submit the final invoice to the DEPARTMENT within 180 days after the final acceptance of the Project. Invoices submitted after the 180 days time period may not be paid. The final balance due under this Agreement will be reimbursed upon the completion of all Project services, receipt of final cost documentation, proper submission of a detailed invoice and when the Project has been inspected, approved, and accepted to the satisfaction of the DEPARTMENT in writing.

17. Payment shall be made only after receipt and approval of goods and services unless advance payments are authorized by the Department of Financial Services under Section 215.422(14), Florida Statutes, or by the Department's Comptroller under Section 334.044(29), Florida Statues.

18. The PARTICIPANT providing goods and services to the DEPARTMENT should be aware of the following time frames. Upon receipt of an invoice from the PARTICIPANT, the DEPARTMENT has five (5) business days to inspect and approve the goods and services where business day is defined as any day of the week excluding Saturday, Sunday and any legal holiday as designated in Section 110.117, Florida Statutes. The DEPARTMENT has twenty (20) calendar days to deliver a request for payment (voucher) to the Department of Financial Services. The twenty (20) calendar days are measured from the latter of the date the invoice is received or the goods or services are received, inspected and approved.

19. If payment is not available within forty (40) calendar days, a separate interest penalty at a rate as established pursuant to Section 55.03(1), Florida Statutes, will be due and payable, in addition to the invoice amount, to the PARTICIPANT. Interest penalties of less than one (1) dollar will not be enforced, unless the PARTICIPANT requests payment. Invoices that have to be returned to the PARTICIPANT because of PARTICIPANT preparation errors will result in a delay in the payment. The invoice payment requirements do not start until a properly completed invoice is provided to the DEPARTMENT.

20. A Vendor Ombudsman has been established within the Department of Financial Services. The duties of this individual include acting as an advocate for contractors/vendors who may be experiencing

problems in obtaining timely payment(s) from a state agency. The Vendor Ombudsman may be contacted at (850) 413-5516.

21. Records of costs incurred under the terms of this Agreement shall be maintained and made available upon request to the DEPARTMENT at all times during the period of this Agreement and for five (5) years after final payment is made. Copies of these documents and records shall be furnished to the DEPARTMENT upon request. Records of costs incurred includes the PARTICIPANT's general accounting records and the Project records, together with supporting documents and records, of the contractor and all subcontractors performing work on the Project, and all other records of the contractor and subcontractors considered necessary by the DEPARTMENT for a proper audit of costs.

22. In the event this contract is for services in excess of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) and a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes, are hereby incorporated:

> "The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that such funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding one year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) and which have a term for a period of more than one year."

23. The PARTICIPANT shall comply with all federal, state, and local laws and ordinances applicable to the work or payment of work thereof, and will not discriminate on the grounds of race, color, religion, sex, national origin, age, or disability in the performance of work under this Agreement.

24. The PARTICIPANT warrants that it has not employed or obtained any company or person, other than bona fide employees of the PARTICIPANT, to solicit or secure this Agreement, and it has not paid or agreed to pay any company, corporation, individual or firm, other than a bona fide employee employed by the PARTICIPANT. For breach or violation of this provision, the DEPARTMENT shall have the right to terminate the Agreement without liability.

25. The PARTICIPANT agrees to include the following indemnification in all contracts with contractors/subcontractors, and consultants/sub consultants who perform work in connection with this Agreement.

26. To the fullest extent permitted by law, the PARTICIPANT's contractor shall indemnify and hold harmless the PARTICIPANT, the DEPARTMENT, and its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused by the negligence, recklessness or intentional wrongful misconduct of contractor and persons employed or utilized by contract in performance of this contract.

This indemnification shall survive the termination of this Agreement. Nothing contained in this paragraph is intended to nor shall it constitute a waiver of the DEPARTMENT's and the PARTICIPANT's sovereign immunity.

To the fullest extent permitted by law, the PARTICIPANT's consultant shall indemnify and hold harmless the PARTICIPANT, the DEPARTMENT, its officers and employees, from liabilities, damages, losses and costs, including, but not limited to, reasonable attorney's fees, to the extent caused, in whole or in part, by the professional negligence, error or omission, recklessness, or intentional wrongful misconduct of the consultant and persons employed or utilized by the consultant in performance of this Agreement.

This indemnification shall survive the termination of this Agreement. Nothing contained in this paragraph is intended to nor shall it constitute a waiver of the DEPARTMENT's, and the PARTICIPANT's sovereign immunity.

27. The PARTICIPANT/ Vendor/ Contractor:

a. shall utilize the U.S. Department of Homeland Security's E-verify system to verify the employment eligibility of all new employees hired by the PARTICIPANT/ Vendor/ Contractor during the term of the contract; and

b. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

28. In the event it becomes necessary for the DEPARTMENT or the PARTICIPANT to institute suit for the enforcement of the provisions of this Agreement, each party shall be responsible to pay their own attorney fees and court costs. Venue with respect to any such litigation shall be in Broward County.

29. This Agreement is governed by and construed in accordance with laws of the State of Florida.

30. This Agreement and any interest herein shall not be assigned, transferred or otherwise encumbered by the PARTICIPANT under any circumstances without the prior written consent of the DEPARTMENT. However, this Agreement shall run to the DEPARTMENT and its successors.

31. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein, and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representation or agreements whether oral or written. It is further agreed that no modification, amendment, or alteration in the terms and conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

32. Any or all notices (except invoices) given or required under this Agreement shall be in writing and either personally delivered with receipt acknowledged or sent by certified mail, return receipt requested. All notices delivered shall be sent to the following addresses:

If to the DEPARTMENT:

Florida Department of Transportation - District Four
3400 West Commercial Blvd.
Fort Lauderdale, Florida 33309-3421
Attn: Leos A. Kennedy, Jr.
With a copy to: Fernando Morales
A second copy to: Office of the General Counsel

If to the PARTICIPANT:

City of Fort Pierce
100 North U.S. 1
Fort Pierce, Florida 34950
Attn: Tracy S. Telle, Asst. City Engineer
With a copy to: City Attorney

**The remainder of this page is intentionally left blank.**

IN WITNESS WHEREOF, this Agreement is to be executed by the parties below for the purposes specified herein. Authorization has been given to enter into and execute this Agreement by Resolution No. 18-R03 _____, hereto attached.

CITY OF FORT PIERCE

BY: Linda Hudson
NAME: Linda Hudson
TITLE: MAYOR
5th day of Feb, 2018

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

BY: _____
For STACY L. MILLER, P.E.
DIRECTOR OF TRANSPORTATION DEVELOPMENT

ATTEST:

_____
CLERK (SEAL)

LEGAL REVIEW:

BY: _____
OFFICE OF THE GENERAL COUNSEL

LEGAL REVIEW

BY: _____
CITY ATTORNEY

APPROVED:

BY: _____
DISTRICT PROGRAM MANAGEMENT ADMINISTRATOR

# EXHIBIT A

## SCOPE OF SERVICES

**FM# 441862-1-58-01**

The Project shall include but not be limited to the following services:

1. Construction (installation) of three (3) mast arm signal poles [ 2-single, 1- double] complete with applicable traffic signals, video detection, conduit, fiber optics, pull boxes, and electrical supply.
2. Construction (installation) of Type F curb and gutter, sidewalks, curb ramps, pedestrian signals, and sod
3. Asphalt pavement, signing, and striping with the US-1 right of way.

# Exhibit B
# DELIVERABLES

The Department's total contribution for the Project is an amount not to exceed ONE HUNDRED FIFTY THOUSAND DOLLARS ($150,000.00) in accordance with this Agreement. The deliverables for this project are:

| PAY ITEM NO. | DESCRIPTION | UNIT | PROJECT QUANTITY |
|---|---|---|---|
| | **ROADWAY PAY ITEMS** | | |
| 101-1 | MOBILIZATION | LS | 1 |
| 102-1 | MAINTENANCE OF TRAFFIC | LS | 1 |
| 104-10-3 | SEDIMENT BARRIER (SILT FENCE TYPE III) | LF | 200 |
| 104-18 | INLET PROTECTION SYSTEM | EA | 1 |
| 110-1-1 | CLEARING & GRUBBING | LS | 1 |
| 108-1 | AS-BUILTS/RECORD DRAWINGS | LS | 1 |
| 120-1 | REGULAR ESCAVATION | CY | 23 |
| 120-6 | ENBANKMENT | CY | 10 |
| 160-4 | TYPE "B" STABILIZATION | SY | 253 |
| 285-706 | CEMENTED COQUINA LBR 100 (8') | SY | 225 |
| 334-1-13A | SUPERPAVE ASPHALT CONCRETE (TYPE SP-9.5) (TRAFFIC C) (1.0') | TN | 13 |
| 334-1-13B | SUPERPAVE ASPHALT CONCRETE (TYPE SP-12.5) (TRAFFIC C) (1.5') | TN | 19 |
| 425-6 | VALVE BOX (ADJUST) | EA | 3 |
| 520-1-10 | CONCRETE CURB & GUTTER (TYPE F) | LF | 71 |
| 522-1 | CONCRETE SIDEWALK 4" THICK (FIBER, 1.0 LB/CY) | SY | 118 |
| 527-2 | DETECTABLE WARNINGS | SF | 35 |
| 570-1-2A | PERFORMANCE TURF, SOD (BAHIA) | SY | 100 |
| | | | |
| | **SIGNING AND PAVEMENT MARKING PAY ITEMS** | | |
| 706-3 | RETRO-REFLECTIVE PAVEMENT MARKERS | EA | 10 |
| 711-11-121 | THERMOPLASTIC PAVEMENT MARKINGS (6" SOLID) (WHITE) | LF | 36 |
| 711-11-125 | THERMOPLASTIC PAVEMENT MARKINGS (24" SOLID) (WHITE) | LF | 195 |
| 711-11-221 | THERMOPLASTIC PAVEMENT MARKINGS (6" SOLID) (YELLOW) | LF | 89 |
| 711-11-224 | THERMOPLASTIC PAVEMENT MARKINGS (18" SOLID) (YELLOW) | LF | 21 |
| | | | |
| | **SIGNALIZATION PAY ITEMS** | | |
| 630-2-11 | CONDUIT (SIGNAL) (F & I) (OPEN TRENCH) | LF | 170 |
| 630-2-12 | CONDUIT (SIGNAL) (F & I) (DIRECTIONAL BORE) | LF | 1,185 |
| 632-7-1 | CABLE (SIGNAL( (F & I) | PL | 1 |
| 632-7-6 | SIGNAL CABLE (REMOVE) (INTERSECTION) | PL | 1 |
| 635-2-11 | PULL BOX (F & I) (TRAFFIC SIGNAL) | EA | 19 |
| 639-1-112 | ELECTRICAL POWER SERVICE (SIGNALS) (ABOVE GROUND) (METER PURCHASED BY CONTRACTOR) | AS | 1 |
| 639-1-610 | ELECTRICAL POWER SERVICE (REMOVE) (OVERHEAD) | AS | 1 |
| 639-2-1 | ELECTRICAL SERVICE WIRE (F & I) | LS | 1 |
| 639-3-11 | ELECTRICAL SERVICE DISCONNECT (F & I) (POLE MOUNTED) | EA | 1 |
| 641-2-12 | PRESTRESSED CONC. POLE (TYPE P-II SERVICE POLE) | EA | 1 |
| 641-2-80 | PRESTRESSED CONCRETE POLE (COMPLETE POLE REMOVAL) | EA | 4 |
| 646-1-11 | ALUMINUM SIGNALS POLE (PEDESTAL) | EA | 5 |
| 646-1-60 | ALUMINUM SIGNALS POLE (REMOVE) | EA | 1 |
| 649-21-1 | STEEL MAST ARM ASSEMBLY (F & I) (SINGLE ARM) (30") | EA | 1 |
| 649-21-9 | STEEL MAST ARM ASSEMBLY (F & I) (SINGLE ARM) (50"-50") | EA | 1 |
| 649-21-10 | STEEL MAST ARM ASSEMBLY (F & I) (SINGLE ARM) (60") | EA | 1 |
| 650-1-24 | TRAFFIC SIGNAL (F & I) (POLYCARBONATE W/ ALUM TOP) (3-SECTION) (1-WAY) | AS | 4 |
| 650-1-29 | TRAFFIC SIGNAL (F & I) (POLYCARBONATE W/ ALUM TOP) (5-SECTION) (1-WAY) (CLUSTER) | AS | 4 |
| 653-1-11 | PEDESTRIAN SIGNAL (F & I) (LED-COUNTDOWN) (1-WAY) | AS | 8 |
| 660-4-11 | VEHICLE DETECTION SYSTEM (F & I) (VIDEO) (CABINET EQUIPMENT) | EA | 1 |
| 660-4-12 | VEHICLE DETECTION SYSTEM (F & I) (VIDEO) (ABOVE GROUND EQUIPMENT) | EA | 4 |
| 663-1-111 | SIGNAL PRIORITY AND PREEMPTION (F & I) (OPTICAL) (CABINET ELECTRONICS) | EA | 1 |
| 663-1-112 | SIGNAL PRIORITY AND PREEMPTION (F & I) (OPTICAL) (DETECTOR) | EA | 4 |
| 665-1-11 | PEDESTRIAN DETECTOR (F & I) (STANDARD) | EA | 8 |
| 670-5-111 | TRAFFIC CONTROLLER ASSEMBLY (F & I) (ONE PREEMEPTION PLAN) | AS | 1 |
| 670-5-600 | TRAFFIC CONTROLLER ASSEMBLY (REMOVE CONTROLLER WITH CABINET) | AS | 1 |
| 684-1-1 | MANGED FIELD ETHERNET SWITCH (F & I) | EA | 1 |
| 685-1-11 | UNINTERRUPTIBLE POWER SUPPLY (F & I) (LINE INTERACTIVE) | EA | 1 |
| 700-5-21 | INTERNALLY ILLUMINATED SIGN (F & I) (OVERHEAD MOUNT, UP TO 12 SF) | EA | 2 |
| 700-5-22 | INTERNALLY ILLUMINATED SIGN (F & I) (OVERHEAD MOUNT, 12 - 18 SF) | EA | 2 |
| 715-1-11 | LIGHTING CONDUCTORS (F & I) (INSULATED, No. 10 OR <) | LF | 1,149 |
| 715-5-11 | LUMINAIRE & BRACKET ARM (F & I) (ALUMINUM) | EA | 3 |

# Exhibit C

1. The Project shall be designed and constructed in accordance with the latest edition of the DEPARTMENT'S Standard Specifications for Road and Bridge Construction and DEPARTMENT Design Standards and Manual of Uniform Traffic Control Devices ("MUTCD"). The following guidelines shall apply as deemed appropriate by the DEPARTMENT: the DEPARTMENT Structures Design Manual, AASHTO Guide Specifications for the Design of Pedestrian Bridges, AASHTO LRFD Bridge Design Specifications, the DEPARTMENT Plans Preparation Manual ("PPM") Manual for Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (the "Florida Green Book") and the DEPARTMENT Traffic Engineering Manual. The PARTICIPANT will be required to submit any construction plans required by the DEPARTMENT for review and approval prior to any work being commenced. Should any changes to the plans be required during construction of the Project, the PARTICIPANT shall be required to notify the DEPARTMENT of the changes and receive approval from the DEPARTMENT prior to the changes being constructed. The PARTICIPANT shall maintain the area of the project at all times and coordinate any work needs of the DEPARTMENT during construction of the project.

2. The PARTICIPANT shall notify the DEPARTMENT a minimum of 48 hours before beginning construction within DEPARTMENT right of way. The PARTICIPANT shall notify the DEPARTMENT should construction be suspended for more than 5 working days. The DEPARTMENT contact person for construction is **Mr. Daniel Hiden** located at **3601 Oleander Avenue, Fort Pierce, Florida 34982-6594**, Telephone number **772-465-7396**, Email address **daniel.hiden@dot.state.fl.us**.

3. The PARTICIPANT shall be responsible for monitoring construction operations and the maintenance of traffic ("MOT") throughout the course of the project in accordance with the latest edition of the DEPARTMENT Standard Specifications, section 102. The PARTICIPANT is responsible for the development of a MOT plan and making any changes to that plan as necessary. The MOT plan shall be in accordance with the latest version of the DEPARTMENT Design Standards, Index 600 series. Any MOT plan developed by the PARTICIPANT that deviates from the DEPARTMENT Design Standards must be signed and sealed by a professional engineer. MOT plans will require approval by the DEPARTMENT prior to implementation.

4. The PARTICIPANT shall be responsible for locating all existing utilities, both aerial and underground, and for ensuring that all utility locations be accurately documented on the construction plans. All utility conflicts shall be fully resolved directly with the applicable utility.

5. The PARTICIPANT will be responsible for obtaining all permits that may be required by other agencies or local governmental entities.

6. It is hereby agreed by the parties that this Agreement creates a permissive use only and all improvements resulting from this agreement shall become the property of the DEPARTMENT. Neither the granting of the permission to use the DEPARTMENT right of way nor the placing of facilities upon the DEPARTMENT property shall operate to create or vest any property right to or in the PARTICIPANT, except as may otherwise be provided in separate agreements. The

PARTICIPANT shall not acquire any right, title, interest or estate in DEPARTMENT right of way, of any nature or kind whatsoever, by virtue of the execution, operation, effect, or performance of this Agreement including, but not limited to, the PARTICIPANT use, occupancy or possession of DEPARTMENT right of way. The parties agree that this Agreement does not, and shall not be construed to, grant credit for any future transportation concurrency requirements pursuant to chapter 163, Florida Statutes.

7. The PARTICIPANT shall perform all required testing associated with the design and construction of the project. Testing results shall be made available to the DEPARTMENT upon request. The DEPARTMENT shall have the right to perform its own independent testing during the course of the Project.

8. The PARTICIPANT shall exercise the rights granted herein and shall otherwise perform this Agreement in a good and workmanlike manner, with reasonable care, in accordance with the terms and provisions of this Agreement and all applicable federal, state, local, administrative, regulatory, safety and environmental laws, codes, rules, regulations, policies, procedures, guidelines, standards and permits, as the same may be constituted and amended from time to time, including, but not limited to, those of the DEPARTMENT, applicable Water Management District, Florida Department of Environmental Protection, Environmental Protection Agency, the Army Corps of Engineers, the United States Coast Guard and local governmental entities.

9. If the DEPARTMENT determines a condition exists which threatens the public's safety, the DEPARTMENT may, at its discretion, cause construction operations to cease and immediately have any potential hazards removed from its right of way at the sole cost, expense, and effort of the PARTICIPANT. The PARTICIPANT shall be solely responsible for all construction delay costs as a result of the DEPARTMENT's action.

10. The PARTICIPANT shall be responsible to maintain and restore all features that might require relocation within the DEPARTMENT right of way.

11. The PARTICIPANT will be responsible for clean up or restoration required to correct any environmental or health hazards that may result from construction operations.

12. The PARTICIPANT will be required to maintain the Project at its sole cost and expense. The obligation of the PARTICIPANT to maintain the Project shall survive the termination of this Agreement. The acceptance procedure will include a final "walk-through" by PARTICIPANT and DEPARTMENT personnel. Upon completion of construction, the PARTICIPANT will be required to submit to the DEPARTMENT final as-built plans and an engineering certification that construction was completed in accordance to the plans. Submittal of the final as-built plans shall include one complete set of the signed and sealed plans on 11" X 17" plan sheets and an electronic copy prepared in Portable Document Format (PDF). Prior to the termination of this Agreement, the PARTICIPANT shall remove its presence, including, but not limited to, all of the PARTICIPANT's property, machinery, and equipment from DEPARTMENT right of way and shall restore those portions of DEPARTMENT right of way disturbed or otherwise altered by the Project to substantially the same condition that existed immediately prior to the commencement of the Project. In the event the above requirements are not met, upon completion of the Project, the DEPARTMENT will not accept and sign the final approval of the Project.

13. If the DEPARTMENT determines that the Project is not completed in accordance with the provisions of this Agreement, the DEPARTMENT shall deliver written notification of such to the PARTICIPANT. The PARTICIPANT shall have thirty (30) days from the date of receipt of the DEPARTMENT's written notice, or such other time as the PARTICIPANT and the DEPARTMENT mutually agree to in writing, to complete the Project and provide the DEPARTMENT with written notice of the same (the "Notice of Completion"). If the PARTICIPANT fails to timely deliver the Notice of Completion, or if it is determined that the Project is not completed in accordance with the terms of this Agreement, after receipt of the Notice of Completion, the DEPARTMENT, within its discretion may: 1) provide the PARTICIPANT with written authorization granting such additional time as the DEPARTMENT deems appropriate to correct the deficiency(ies); or 2) correct the deficiency(ies) at the PARTICIPANT's sole cost and expense, without DEPARTMENT liability to the PARTICIPANT for any resulting loss or damage to property, including, but not limited to, machinery and equipment. If the DEPARTMENT elects to correct the deficiency(ies), the DEPARTMENT shall provide the PARTICIPANT with an invoice for the costs incurred by the DEPARTMENT and the PARTICIPANT shall pay the invoice within thirty (30) days of the date of the invoice.

14. The PARTICIPANT shall implement best management practices for erosion and pollution control to prevent violation of state water quality standards. The PARTICIPANT shall be responsible for the correction of any erosion, shoaling, or water quality problems that result from the construction of the Project.

15. Portable Traffic Monitoring Site (PTMS) or a Telemetry Traffic Monitoring Site (TTMS) may exist within the vicinity of your proposed work. It is the responsibility of the PARTICIPANT to locate and avoid damage to these sites. If a PTMS or TTMS is encountered during construction, the Planning and Environmental Management Office (PL&EM) must be contacted immediately at 954-777-4601.

16. During construction, highest priority must be given to pedestrian safety. If permission is granted to temporarily close a sidewalk, it should be done with the express condition that an alternate route will be provided, and shall continuously maintain pedestrian features to meet Americans with Disability Act (ADA) standards.

17. Restricted hours of operation will be from 9:00am to 3:30 pm, (Monday-Friday), unless otherwise approved by the Operations Engineer, or designee.

18. Lane closures on the state road system must be coordinated with the Public Information Office at least two weeks prior to the closure. The contact information for the public information office is as follows:

Barbara Kelleher
Florida Department of Transportation
Public Information Office
3400 West Commercial Blvd.
Fort Lauderdale, Florida 33309
954-777-4090
Barbara.kelleher@dot.state.fl.us

**RESOLUTION NO. 18-R03**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE EXECUTION OF THE **JOINT PARTICIPATION AGREEMENT (JPA)** BETWEEN THE CITY OF FORT PIERCE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE **INTERSECTION IMPROVEMENTS OF OHIO AVENUE AND U.S. HIGHWAY ONE (SR 5)** AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the purpose of entering into this Agreement is to authorize the City to provide intersection improvements within the intersection of Ohio Avenue and U.S. Highway One (SR 5) in accordance with the Joint Participation Agreement.

**WHEREAS**, the Florida Department of Transportation will provide construction funding in accordance with said Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Fort Pierce, Florida, as follows:

1. That the City of Fort Pierce will enter into a Joint Participation Agreement with the Florida Department of Transportation for the Ohio Avenue and Improvements.

2. That a copy of said Agreement shall be attached to this Resolution.

3. This Resolution shall become effective immediately upon adoption.

4. That the Mayor, City Clerk, and City Attorney are hereby authorized to enter into said agreement and to execute said agreement on behalf of the City of Fort Pierce.

**IN WITNESS WHEREOF**, this Resolution has been duly adopted this 5th day of February, 2018.

Linda Hudson
LINDA HUDSON, MAYOR

Attest:

Linda W. Cox
LINDA COX, CITY CLERK

(CITY SEAL)

Approved as to Form and Correctness:

JAMES M. MESSER, CITY ATTORNEY

**RESOLUTION NO. 18-R30**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AUTHORIZING THE EXECUTION OF THE **JOINT PARTICIPATION AGREEMENT (JPA) AMENDMENT NUMBER ONE** BETWEEN THE CITY OF FORT PIERCE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE **INTERSECTION IMPROVEMENTS OF OHIO AVENUE AND U.S. HIGHWAY ONE (SR 5)** AND AUTHORIZING THE MAYOR, CITY CLERK, AND CITY ATTORNEY TO EXECUTE SAID AGREEMENT ON THE PART OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, On February 18, 2018 the City of Fort Pierce entered into an Agreement with the State of Florida Department of Transportation via Resolution 18-R03; and

**WHEREAS,** it has become necessary for the DEPARTMENT to modify the Agreement in order to provide a project agreement termination date of **June 30, 2020**.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Fort Pierce, Florida, as follows:

1. That the City of Fort Pierce will enter into said Agreement with the Florida Department of Transportation.

2. That a copy of said Agreement shall be attached to this Resolution.

3. This Resolution shall become effective immediately upon adoption.

4. That the Mayor, City Clerk, and City Attorney are hereby authorized to enter into said agreement and to execute said agreement on behalf of the City of Fort Pierce.

**IN WITNESS WHEREOF**, this Resolution has been duly adopted this 18th day of June, 2018.

_____
LINDA HUDSON, MAYOR

Attest:

_____
LINDA COX, CITY CLERK

(CITY SEAL)

Approved as to Form and Correctness:

_____
JAMES M. MESSER, CITY ATTORNEY

**City Commission Regular Meeting** **13.b.**

**Meeting Date:** 06/18/2018

**Re:** 1635 Thumb Point Drive - Demolition Hearing

**Submitted For:** Peggy Arraiz, Code Compliance Manager, Code Enforcement

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**SUBJECT:**

Resolution No. 18-R31 and Quasi-Judicial Hearing - A hearing to allow the owners and/or parties of interest in the property identified as 1635 Thumb Point Drive to show cause why the structure located on the premises should not be condemned and demolished.

**SUMMARY:**

1. The structure located at 1635 Thumb Point Drive was damaged during the twin hurricanes in 2004.
2. June 2005, the structure was condemned by Building Official John Alcorn.
3. March 2009, due to no action by the owner, a 2nd condemnation order was signed by Building Official Marc Meyers.
4. April 2009, a permit to rehabilitate the structure was submitted to the City. It expired without the work being completed.
5. April 2010, a permit to rehabilitate the structure was submitted to the City. It also expired without the work being completed.
6. February 2014, the structure damaged in the 2004 hurricanes was demolished.
7. March 2014, a permit to rehabilitate the structure was submitted to the City. This permit remains active today and will not expire until July 2018.
8. July 2015, a petition signed by forty-five (45) neighbors was submitted to the City.
9. February 2016, the City and Mr. Culverhouse signed an agreement with an action plan for the completion of the project with the stipulation that failure to comply with the timeframe would result in the revocation of the permit, the condemnation of the structure and the demolition of all the structural elements.
10. January 2018, condemnation procedures were initiated against the property due to the continued nuisance conditions that have existed and the multiple complaints recieved from the neighbors.
11. April 2018, at the request of Mr. Culverhouse, the nuisance condition was appealed and heard before Special Magistrate Ross. Special Magistrate Ross determined the property was a nuisance and forwarded the matter to the City Commission for a final determination.

**RECOMMENDATION:**

Staff recommend the City Commission approve Resolution No. 18-R31 declaring that the structure located at 1635 Thumb Point Drive is a nuisance and should be condemned and demolished in accordance with the Rules of Procedure for Condemnation and Demolitionl

**ALTERNATIVES:**

Amend Resolution No 18-R31 by condemning the property and ordering its rehabiliation by a date certain.
Deny Resolution No. 18-R31

**RESPONSIBLE STAFF:**

Margaret M. Arraiz, Code Compliance Manager

**COORDINATED WITH:**

Nicholas Mimms, City Manager
James Messer, City Attorney
Iola Mosely, Sr. Assistant City Attorney

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## Fiscal Impact

**OTHER INFORMATION:**

The cost of demolition, if required to be completed by the City, wil be funded by the Clean & Safe Initiative and shall become a lien against the property.

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## Attachments

Special Magistrate Order
Hearing Minutes
City Exhibit #11 - Timeline
City Exhibit 1-3: Photos from 05-16
City Exhibit #4 - Signed Petition
City Exhibit #5 - Signed agreement
City Exhibit #6 - Friendly reminder
City Exhibit #7 - Rules of Procedure for Demo
City Exhibit #8 - Posting documents
City Exhibit #9 - Certified Mail documents
City Exhibit #10 - Photos from Feb 2018
Culverhouse Exhibit #1 - Sowerby Tax ID Card
Culverhouse Exhibit #2 - Photos pre Irma
Culverhouse Exhibit #3 - Photos post Irma
Culverhouse Exhibit #4 - Emails with Insurance
Culverhouse Exhibit #5 - Notice to Correct
Culverhouse Exhibit #6 - Photos post Irma repairs
Culverhouse Exhibit #7 - Photos of current condition
Culverhouse Exhibit #8 - Map of petitioners addresses

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## Form Review

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 06/08/2018 04:55 PM |

Form Started By: Peggy Arraiz
Started On: 05/29/2018 10:40 AM
Final Approval Date: 06/08/2018

THE SUNRISE CITY
FORT PIERCE
CODE ENFORCEMENT
Florida

Violator: JOHN B CULVERHOUSE SR
JOHN B CULVERHOUSE JR
1635 THUMB POINT DR
FT PIERCE, FL 34949

RE: Violation of Section(s): 16-46 Maintenance of Nuisance on Property Prohibited, 16-47 Removal of Nuisance, 16-48 Nuisance as a Condition

Re:
Appeal of Declaration of Nuisance CASE 18-0139
1635 Thumb Point Drive Fort Pierce Florida

## ORDER OF SPECIAL MAGISTRATE

This cause came for hearing on the 18th day of April 2018, before the Special Magistrate of the City of Fort Pierce, Florida upon the petition of the Respondent, and the Special Magistrate having heard the testimony of the respective parties present and the evidence presented, the following Findings of Fact and Conclusions of Law are made:

## FINDINGS OF FACT

1. The violation which is the subject of this proceeding is:

   Property Address: 1635 THUMB POINT DR
   Tax ID #: 2401-605-0030-000/3
   Legal Description: THUMB POINT BLK 1 LOT 30 (OR 258-845)

2. The Property owner was properly served notice on January 16, 2018 in accordance with §16-49 of the City Codes for the City of Fort Pierce, Florida.

3. The parties appeared in the Commission Chambers of the City of Fort Pierce, Florida on April 18, 2018 at 9:00 AM.

4. The City of Fort Pierce was represented by Sr. Assistant City Attorney Iola Mosley, Esq. The Property Owner J Brad Culverhouse Sr. Esq. represented himself in the proceedings.

5. The Special Magistrate, Fran Ross, Esq., found the following:

   a. The testimony of the residents who live on Thumb Point Drive is sufficient evidence that they have had to tolerate this property in this condition since the

2004 hurricane destruction. All of the residents got the repairs done and moved back into their homes except Mr. Culverhouse.

b. Mr. Culverhouse experienced several hardships; however, it does not appear much of anything has been done in the past 13 years to repair this home.
c. February 19, 2016 Respondent signed an agreement with the City giving a timeline for which the repairs would be completed.
d. April 21, 2016 a friendly letter was sent to Mr. Culverhouse from Marc Meyers, City of Fort Pierce Building Official, asking the project be brought back up to the agreed upon schedule. The Respondent did not comply with the agreement.
e. The Respondent did make some effort by obtaining a permit although it expired and had to be renewed. The permit is current at this time, but still there has not been any substantial attempts to repair or replace the structure.
f. I find the property is a nuisance and order the case be forwarded to the City Commission for a final determination.

## CONCLUSIONS OF LAW

The Property Owner John B Culverhouse, Sr. has maintained a Nuisance as a Condition on the property located a 1635 Thumb Point Drive in violation of the provisions of §16-46 and §16-48 of the City Codes for the City of Fort Pierce Florida.

DONE and ORDERED at City of Fort Pierce, St Lucie County, Florida, this 16th day of April 2018, Nunc Pro Tunc April 18, 2018.

Fran Ross

Fran Ross, Esq., Special Magistrate

I CERTIFY THAT THE ABOVE ORDER WAS MAILED TO THE RESPONDENT ON THIS

16th DAY OF May, 2018

Colleen Greer

Colleen Greer, Code Enforcement Clerk

MINUTES OF A REGULAR MEETING OF THE SPECIAL MAGISTRATE OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 9:00 A.M. ON WEDNESDAY, **APRIL 18, 2018.**

| | |
|---|---|
| Present: | Fran O. Ross, Special Magistrate |
| Staff Present: | Margaret Arraiz, Code Compliance Manager |
| | Colleen Greer, Code Enforcement Clerk |
| | Heather Debevec, Code Enforcement Officer |
| | Isaac Saucedo, Code Enforcement Officer |
| | Janey Vanderhorst, Sr Code Enforcement Officer |
| | Iola Mosley, Sr Asst City Attorney |
| Attendees: | Jose Maldonado |
| | Olin Carilus - Sec Guard |
| | Attorney John D Culverhouse |

**1. CALL TO ORDER:**
**9:10 AM**

**2. PLEDGE OF ALLEGIANCE**

**3. ADMINISTRATIVE BUSINESS**

**A. ADMINISTRATION OF OATH TO DEPARTMENTAL WITNESSES:**
**Code Compliance Manager: Margaret Arraiz**
**Code Enforcement Officer: Heather Debevec**
**Code Enforcement Officer: Isaac Saucedo**

**ADMINISTRATION OF OATH TO CASE WITNESSES:**
Witness: John D Culverhouse II
Witness: Charlene Adair
Witness: Christopher Hodge (signed petition)
Witness: Janice Hodge (signed petition)
Witness: John Wolsiefer (signed petition)
Witness: Sylvia Krchnak
Witness: John Northen (signed petition)
Witness: Sally Griffith (signed petition)
Witness: David Sowerby
Witness: Dan Deiulio
Witness: Charles Hayak
Witness: Richard Reed

**B. IDENTIFICATION OF CASES IN COMPLIANCE OR RESCHEDULED**

4. PUBLIC HEARINGS - CITATIONS

**5. PUBLIC HEARINGS - VIOLATION CASES**

**6. PUBLIC HEARINGS - MASSEY HEARINGS (FINE REDUCTIONS)**

**7. PUBLIC HEARINGS - LIEN REDUCTION REQUESTS**

**8. OTHER CASES**

0.

| | | | |
|---|---|---|---|
| 18-0139 CE | 1635 Thumb Point Dr | Culverhouse, John | Margaret Arraiz |

| | | | |
|---|---|---|---|
| Case Initiated: | January 16, 2018 | Type of Presentation: | Nuisance Appeal |

| | |
|---|---|
| VIOLATOR<br>John B Culverhouse Sr<br>John B Culverhouse Jr<br>1635 Thumb Point Dr<br>Fort Pierce, FL 34949 | |

*Sec. 16-46. - Maintenance of nuisance on property prohibited.*
*Sec. 16-47. - Removal of nuisance.*
*Sec. 16-48 – Nuisance as a Condition*
(6) Interferes with the comfortable and quiet enjoyment of life or property.
(7) Current condition of property tends to or could depreciate the value of property of any person.
(9) Any trash, litter, debris, garbage, bottles, paper, plastic, metals, cans, rags, offal, bricks, concrete, lumber, building materials, or dead or decaying plants or animals of any kind.
*Section 16-48 – Nuisance as an Object*
(1) Junk, consisting of unsightly, worn-out or discarded material of little or no residual value including scrap metal, scrap lumber, wastepaper products, discarded building materials or other debris, the accumulation of which has an adverse effect upon neighborhood or city property values, health, safety or general welfare.
(6) Any building or structure, or part thereof, which is in a dilapidated, unsanitary or unsafe condition, or which constitutes a fire hazard.
(7) Any building, structure, lot, place or location where any activity in violation of law is conducted, performed, maintained or allowed.

Attorney at Law Culverhouse asked that all witnesses be sworn at the same time along with himself. He said Mrs. Arraiz had told him prior to today's hearing that the only people who would be testifying was Mr. and Mrs. Hodge and Charlene Adair. He objected to the other people as witnesses and felt this was a trial by ambush. Mrs. Arraiz said she only knew of the Hodges and Ms. Adair but this is a publicly advertised hearing and they had the right to attend and testify. Special Magistrate Ross said she had reviewed the file and many of the people present had signed the petition. She said those people who intended to testify would be sworn in. The witnesses were sworn in. Special Magistrate stated for the record that she ran into Mr. Reed, Commissioner Sessions and Ex-Commissioner Nelson at the courthouse a week or so ago and the subject of this case was brought up; however, she did not say anything.

Mr. Culverhouse objected again to anyone who was not identified to him and that he was not being granted due process. Special Magistrate Ross said she would recess to give Mr. Culverhouse time to interview the witnesses. He questioned the constitutionality of the IPMC being flawed and objected to it. He asked that she reserve ruling on his objections until the hearing is over. She said she noted the objections.

Assistant City Attorney Mosley stated that due process involves notice and the opportunity to be heard and both requirements have been met. Secondly, this is a fact finding tribunal and not the final determination hearing. That will be in front of the commission and every one of these

individuals will have an opportunity to speak at the commission meeting however the matter is decided. There is simply no denial of due process.

THE HEARING WAS RECESSED TO ALLOW ATTORNEY CULVERHOUSE TO QUESTION THE WITNESSES. ASSISTANT CITY ATTORNEY MOSELY WAS PRESENT DURING QUESTIONING.

Following the recess, Attorney Culverhouse objected to the insufficiency of the Affidavit of Posting dated January 17, 2018 as it was signed and dated January 17, 2017. Per the International Property Maintenance Code as adopted by the city, the photos are supposed to be dated stamped. This was not followed and he made a motion to dismiss the proceedings and requested the Special Magistrate to reserve ruling on it. She agreed to do that and the proceedings continued.

Code Compliance Manager Arraiz read the facts of the case. She submitted a copy of the time line of events and presented photos of the hurricane damage. Part of the nuisance is that it has an adverse affect on the community and nothing has been done since 2005. At this time, Mr. Culverhouse asked that Special Magistrate invoke the rule of sequestration. She agreed and all witnesses left the chambers.

Mrs. Arraiz continued her presentation submitting Exhibits 1-3, which are photos showing the condition of the property from 2005 through 2016. Due to non-compliance with the City Code, fines started in October 2007 at $250.00 per day. The lien was recorded in November 2007. Numerous permits were granted over several years but expired without the work being completed. Eventually, the structure was demolished in February 2014. In March 2014 a permit application to rebuild was submitted and granted. In June 2015, the city received a petition signed by 45 of the neighboring property owners, which was submitted as the City's Exhibit 4. Mr. Culverhouse objected to the petition being admitted as evidence but would accept it as hearsay. In January 2016, the City received a request for a partial release from Mr. Culverhouse from the spreading lien. This was approved by the City Commission for the settlement amount of $5,000. and the lien would remain in affect against the subject property. The City Attorney finalized an agreement to release all liens from the property.

In February 2016, an action plan outlining steps to be taken with specific deadlines, which the City submitted as Exhibit 5, was agreed to by all parties. This agreement specifically states that "Failure to comply will result in the revocation of the permit, condemnation of the structure and the ordered removal of all structural elements on the property". This agreement was signed by Mr. Culverhouse and Marc Meyers and was notarized. A friendly letter, submitted as City's exhibit 6, was sent by Building Official Marc Meyers in April 2016 because Mr. Culverhouse failed to adhere to the timeframe agreed upon. In January 2018, due to continued non-compliance with the agreement, the City has taken steps to declare the property as a nuisance and begin the condemnation of the building. The City submitted exhibit 7: Resolution No. 17-R3 - Rules of Procedure for Condemnation and Demolition, exhibit 8: photos dated January 17, 2018 of the posting of the property in question declaring the property a nuisance and the condemnation notice as well as the signed and notarized Affidavit of Posting and exhibit 9: signed certified mail return receipts addressed to Mr. Culverhouse. Mr. Culverhouse objected to each item introduced as evidence and called it hearsay. He again pointed out the date on the Affidavit was signed as January 2017 rather than January 2018. Mrs. Arraiz said this was a scrivener's error. Attorney Mosley asked if Mrs. Arraiz witnessed the signing, which she had, and asked on which day it was signed, which she stated was January 17, 2018. Special Magistrate said she would reserve her ruling for after Officer Debevec testified. Mrs. Arraiz submitted photos dated February 8, 2018, as composite Exhibit 10, showing the present condition of the property. She summarized the action taken again stating the owner has the opportunity to appeal and that is why we are here today.

The City called Janice Hodge, 1622 Thumb Point Dr, as a witness for the City. Under direct examination by Sr. Assistant City Attorney Iola Mosley, Ms. Hodge stated she lived there since 2011 and was aware of the property located at 1635 Thumb Point. She said her property was across the street and every time she leaves her house she sees the property which has been an eyesore since she's before they lived there. The owner of the property has neglected it for as long as they have owned the property. When asked how her security in her own home was affected due to the property across the street, Ms. Hodge said because it's very unkept and although there are signs saying "no trespassing" there's been many trespassers, people from all over driving onto the property bringing coolers, fishing, leaving trash and debris. There are youth and adults and they use the property as recreational. She questioned whether roof rats were coming across the street to her house and stated that she doesn't walk on the property but she has observed a boat there with people working on it. A contractor was hired to build the house and he used the property as a dump site. This went on consistently for the past 5 years. She called them lackies as they had total disregard for the people living on the street. ACA Mosley asked if their guests made comments about the property and how often and she said 20 to 30 times. ACA Mosley asked Ms. Hodge to describe what an eyesore is and she said the grass is unkept, no paved driveway, no roof, half built walls, no doors, etc. It's a house going nowhere. ACA Mosley asked Ms. Hodge to validate the petition and if she signed it. Ms. Hodge said she was the one who sent the letter to Marc Myers, Linda Cox, and Peggy Arraiz as well as others at the City. Throughout the testimony Mr. Culverhouse made multiple objections, which were noted on the record.

Under cross examination by Attorney Culverhouse, he asked Ms. Hodge if she recalled the emails between them about the storage trailer. She said the storage trailer was an issue for years but agreed that he had it removed at this time. He next asked if she recalled the email about Steve Weaver using the property as a dump site and that in May 2017 he had fired Mr. Weaver, asking him to remove all of the debris. She said she did not have knowledge of that but mentioned all of the other emails she had sent to him but he did not respond. When asked if he authorized her in writing to call the police if she saw anyone on the property, Ms. Hodge stated that has called the police on trespassers but the police said she doesn't have the authority to do anything. She said it has taken years to do anything and he said since the time they started emailing each other it only took a few months, to which she agreed. Attorney Culverhouse asked how the property disturbed her quiet enjoyment of her property and she said it's ugly and attracts people who do not live in the neighborhood. She said she doesn't keep a log or journal when he asked how many each week and each month. In response to being asked about the value of her home being affected, she did not know because she wasn't looking to sell the property. He asked if she was aware the property had increased in value each year. She said she assumed it did but she did have concerns that it will impact the value of the entire property on the street when the time comes to sell if desired.

Ms. Mosley redirected by asking how many emails she received from Mr. Culverhouse. Ms. Hodge replied about 3 or 4 times but there were at least 3 or 4 more sent with no replies. She was asked how many times she called the police and she replied 4 times over several years but no one was arrested. She was asked why she had no authority to call the police and she said she was not the owner of the property.

Christopher Hodge, 1622 Thumb Point Dr. was called as a witness for the City. He has lived at this address since September 2011 and when asked if he is familiar with 1635 Thumb Point and he said yes because it has been a nuisance ever since he lived there. He mentioned the storage unit being on the property and used as a dump site by the contractor. There were trucks and equipment all over. He was asked how offensive he found the property and he said very offensive because the property was supposed to be built on but nothing was being done. He said it would have been different if he thought something was going to be done. Every six months we found the building permit expired and everything would start again. We were concerned if a hurricane came the debris would be blown all over and create damage on ours

and other residents property. Regularly we would see people jumping over the fence and fishing on the property. I saw a boat that had people working on it. ACA Mosley asked how many times friends had made comments regarding the property and he replied 3 or 4 times. Ms. Mosley asked what safety concerns he had in regards to people coming onto the property. He said its been a while now because there has been attempts at burglary, seeing strangers, there's been several instances over the last 6 months.

Ms. Mosley asked if Mr. Hodge recognized the petition and he said it was the petition the neighborhood was sending around to sign. She asked if that was the document he sent to Marc Myers, Linda Cox, Peggy Arraiz and others and he said yes.

Under cross examination, Mr. Culverhouse asked if the value of Mr. Hodge's home was affected after he purchased it. Mr. Hodge said the property (1635 Thumb Point) was an unsightly mess, with grass overgrown, and debris all over the grounds; everything the same as it was in 2011. Mr. Culverhouse asked Mr. Hodge if, after an email was sent to him (Mr. Culverhouse) that he (Mr. Culverhouse) took care of the matter? Mr. Hodge said yes, but it took years to get rid of it. Mr. Culverhouse asked Mr. Hodge if he was aware that he had given Mr. Weaver an order to remove the dumpster and clean up all debris. Mr. Hodge said the debris had been sitting there for at least 2 years. Mr. Culverhouse asked what kind of people Mr. Hodge has seen on the lot. He said people fishing, people dealing with the boat. Mr. Culverhouse asked what damage to his property has any of those people done and Mr. Hodge replied none. Mr. Culverhouse asked about the burglaries that took place, but Mr. Hodge didn't know what addresses, or if they were arrested. Mr. Culverhouse asked if he knew that he had told the people with the boat to remove it. Mr. Hodge was not aware of it. He asked Mr. Hodge what his safety concerns were and he said during hurricane season and the debris would blow around and affect other properties including his. He asked about Mr. Hodge's friends making comments about the property and what affect that caused to his life. Mr. Hodge said he had to tolerate the situation and nothing was going to be done. There was no nervous breakdown, he didn't leave his home and go someplace else. Mr. Culverhouse asked what kind of nuisance he had to put up with. Mr. Hodge said he shouldn't have to tolerate the messy property, watching people come and go, working on the boat and people trespassing in general. Mr. Hodge was asked if he knew the property was damaged by Hurricane Irma and he stated that he did not.

On redirect, ACA Mosley asked Mr. Hodge how often he sees workers working around the house. He said maybe every 6 months to move a couple of blocks around so they can get another building permit.

David Sowerby, 1626 Thumb Point Drive was called as witness for the City. Through direct examination by ACA Mosley, he stated that he has lived there for around 29 years and that Mr. Culverhouse was living at 1635 when they moved in. They were neighbors until the storms of 2004. Everyone on the street got damage from the hurricanes. Most everyone had to leave and it took several years to get the property into shape. It was not until 2006 before they could start working on the homes. He said he and his wife were very conflicted with his relationship with the Culverhouses. They (the Culverhouse's) also owned the property next to them because when they bought the property it was a nice view from his veranda looking over the vacant property. Now its going through several stages of construction, the trucks and other vehicles, the debris all over the property caused a big eyesore. But, after 13 1/2 years, they need to finish the project. Ms. Mosley asked how the property located at 1635 Thumb Point Drive affects the value of his property. He said he has no intention to sell but still has concerns for the future. Ms. Mosley asked if he was familiar with property assessment and he said he was a board certified real estate attorney. She asked him how the property appraiser gives an appraised value and how does that compare to the selling price of the property. Mr. Culverhouse objected to this line of questioning because Mr. Sowerby was caused as a fact witness; not an expert witness. Special Magistrate overruled the objection.

He stated that the appraisal affects the sale of a piece of property from a financing stand point because the buyers, with a low appraisal, are not able to obtain the funds that they need to purchase under the contract. He said buyers are going to take into consideration the entire surroundings including what the view is so the condition of 1635 Thumb Point Drive has to affect the sale of the property and the value.

Through cross examination, Mr. Culverhouse asked Mr. Sowerby if the property appraiser appraises lower than the fair market value and he replied yes. He handed Mr. Sowerby the property ID card on his house and noted that his property has increased in value from 2016 to 2017. The property ID card was admitted as Defendant's Exhibit #1. Mr. Sowerby said the property appraiser only takes into consideration square footage, location of the lot, number of bathrooms and bedrooms and is more like a "drive by" appraisal.

Under redirect, ACA Mosley asked if he looked out the window and saw nothing but bricks, blocks, and no landscaping - would that affect how he would sell his house and how much he could get for it? He said it wouldn't affect the value.

SPECIAL MAGISTRATE ROSS RECESSED THE HEARING FOR ONE HOUR FOR LUNCH.

Upon reconvening, Attorney Culverhouse requested permission to allow his witness to testify out of turn due to the need for his witness to return to work. The City did not object and it was allowed by the Special Magistrate.

Richard B Reed II came forward for testimony on behalf of the Respondent. Mr. Culverhouse asked him if he recalled a discussion between them in which Mr. Culverhouse asked to borrow $300,000 to complete the house. Mr. Reed said that he recalled the conversation and the he decline. He did not loan the money. His partner, Foglio Construction, had obtained the permits to move forward but the condemnation that was posted in January 2018 affected Mr. Reed on his decision not to loan the money. He did take into account the present improvements on the property but the posting of the property made it unwise to do so. Mr. Culverhouse asked Mr. Reed if he observed anything while outside waiting. He said he overheard Mrs. Arraiz speaking to one of the other witnesses about the property and whether there were any fines or liens on the property. The witness was surprised there were no liens.

Mr. Culverhouse said he thought Mr. Reed was talking about Mrs. Krchnak and wanted to dismiss her as a witness. Ms. Mosley said Mrs. Arraiz was speaking to the witness while she was waiting to be questioned during the initial recess prior to the rule of sequestration. Mr. Reed said she was out speaking after the sequestration. Mrs. Arraiz said she had been in chambers the entire time the hearing was taking place except to check on the lunch time for everyone. Special Magistrate Ross asked what Mrs. Arraiz's reply was and Mr. Reed said that she referred Mrs. Krchnak's to the City Attorney. The Special Magistrate agreed that Mrs. Arraiz, to the best of her knowledge, has been in the Chambers throughout the hearing and that the stated conversation in no way has a negative impact on the case. Mr. Culverhouse maintained his objection and said the cameras would tell us what happened.

The City called John Wolsiefer, 1625 Thumb Point Road, to testify. Mr. Wolsiefer said he was familiar with 1635 Thumb Point but he moved to Vero Beach about 3 months ago. He said the Culverhouse's owned the property. He was asked what condition the property was in and he stated everything was good until Hurricanes Francis and Jean came through and did quite a bit of damage to the property. He went over to look at the home and there was an odor, which he could smell in his backyard when the wind was right and the swimming pool was in bad shape. At this time, due to Mr. Wosiefer's ill health and what appeared was some confusion, ACA Mosely requested permission for Mr. Wolsiefer to speak in the narrative or answer leading questions. The Special Magistrate allowed the use of leading questions, but cautioned Ms. Mosley to be direct in her questions. ACA Mosely asked if there was a storage

unit on the property that had been there for years. He said besides furniture, there was building supplies and the contractor was using the property as a staging area but the storage units are not there now. The property has deteriorated more with all kinds of debris that blew all over the neighborhood. It was concrete block walls on an existing slab. Mr. Wolsiefer said his property is for sale but with the neighboring property looking the way it does has an affect on the value of his home. He and other neighbors have approached the City with their claims. Mr. Culverhouse objected to the witness using notes. Special Magistrate Ross overruled stating Mr. Wolsiefer's testimony is consistent with all the other testimonies they have heard and Mr. Wolsiefer presented the hearing cover sheet which he was holding. Mr. Culverhouse objected to the leading questions from Ms. Mosley, which was overruled.

ACA continued her direct examination of Mr. Wolsiefer and he stated when he pulls out of the driveway and comes home he passes the property each time. The appearance is why he moved. He said Mr. Culverhouse made a deal with the City last year and was supposed to have the property completed by December 2017. It wasn't done. The permits were applied for, then expired, and applied for again; but nothing has been done.

Under cross examination, Mr. Culverhouse asked how much Mr. Wolsiefer's house is worth. He said he paid a little under $500,000 and put $100,000's into the house. It is worth 1.4 million but he has had no offers. Mr. Culverhouse asked for more details about the mold and odor coming from 1635 Thumb Point Drive and Mr. Wolsiefer said it had been there for years but it's gone now. Mr. Culverhouse asked if he knew they had been in litigation. He said no, but the debris is still there. He was asked how the appearance of Mr. Culverhouse's property affects his property. He says it has affected the sale of the property and nothing has been done. That's what annoys him. He was asked if he lived there when Mr. Weaver moved all of his stuff out. He said yes. The storage units were moved out sometime last year. He said he didn't worry about the paper and lumber but the bare concrete block wall is still there and it looks disgusting. He said he has not suffered any adverse affects like his health and mental anguish.

ACA Mosley called Charlie Hayak to testify however he was not present at the time. Ms. Sylvia Krchnak was called as the City's next witness. Under direct examination, she stated that she lives at 1522 Thumb Point Drive and moved there in 1973. She was familiar 1635 Thumb Point Drive because it's directly across the street and she's known Brad and Susan for a long time. She was asked how the property is since the 2004 hurricanes. She said it was in a derelict state. She was asked about the current state of the property. She said it was concrete block partially completed. It is a reminder of the tragic circumstances everyone went through after Francis and Jean. There is no landscaping. She was asked how the condition of the property affects her quiet comfortable enjoyment of her property. She was concerned about the Zika mosquito problem because of the condition of the swimming pool. It was black and stagnant and she was concerned about the health issues that could occur. She had concern that children might get on the property and into the pool; possibly drowning. They would cross the Culverhouse property to get into another vacant property to use the pool. When asked about trespassers she said a neighbor had her call the police because children were crossing over onto the other property. The police gave them a warning about being on the property. She's called the police department as well as the Citizens on Patrol who were keeping their eye on the property and the trespassers. She was asked if she signed the petition concerning 1635 Thumb Point but said she had intentions but didn't sign. She said its been 13 years and it's incomplete and distressing to look at.

On cross examination, Mr. Culverhouse asked when Ms. Krchnak had called the cops. She said she called the cops for the neighbors who saw the children crossing his property onto the Yanaros property. He asked what other health issues she was concerned about besides the Zika virus. She said there was none that she was aware of. He asked about the safety concerns on his property. She said she was concerned about the children hurting themselves

and she was also concerned about the liability Mr. Culverhouse might face. There is a sign posting no trespassing but the gates were left unlocked and open. She said the pool was green, slimy, yucky and only about 3 or 4 feet of dirty water. She observed this from next door looking over the fence into his yard.

Ms. Mosley released the remaining civilian witnesses and allow them to come back into the chambers.

Heather Debevec was called to testify. Under direct examination she stated that she worked for the City of Fort Pierce for 18 years and Department of Code Enforcement just over a year. Among her duties, she is responsible for posting properties and taking photos. She was asked about the photos which were dated January 17, 2018. They are pictures of the notice for nuisance and the red one is for condemnation. Ms. Mosley showed her the Affidavit of Posting and asked about the date it was signed and she said it was dated 2017 by mistake. Peggy Arraiz, her manager, notarized the document. Mr. Culverhouse said he was okay with the Affidavit being admitted as non-hearsay to show it was posted but objected that it was IPMC. Ms. Mosley said they were not operating under the IPMC but the Resolution by the City which requires posting with a condemned notice per the City Commission. Special Magistrate Ross admitted the evidence. Ms. Mosley said by the record Resolution 17- R38 by the City requires a posting of the notice prior to condemnation proceedings which will occur before the City Commission. Resolution 17-R38 has been admitted as Exhibit 7. Mr. Culverhouse clarified the resolution that the property had not been condemned yet. Ms. Mosley said it would not be condemned until the City Commission approved it. Special Magistrate Ross said Mr. Culverhouse's objections have been noted.

During cross examination, Mr. Culverhouse asked Ms. Debevec when was the last time she took the pictures? She said in January 2018. He asked her what else she did on Thumb Point Drive after signing the affidavit? She said she went with Peggy in February to take other pictures. She said she had very little to do with this case. The photos were taken from the street and city right of way. They did not enter the posted property. He asked her if she took photos before and after Hurricane Irma in 2017 and she said no, not until January 2018. He asked if she observed anyone on the property while she was there and she said no.

Margaret (Peggy) Arraiz was called for testimony. Ms. Mosley asked her about Exhibit 4, which was the letter sent by Mr. & Mrs. Hodge and to describe its contents. Mrs. Arraiz explained that the letter was addressed to the building official Marc Myers describing the deplorable condition of the property at 1636 Thumb Point Drive and asking him to do something about it. Attached to it were 3 pages of signatures from local residents. She received the letter as a part of her job as Code Enforcement Manager and the keeper of the files.

Mr. Culverhouse cross examined Mrs. Arraiz by asking her if she prepared the document and she said no, all she did was stamp that she received it. He asked about the City Clerk being the record's keeper. Mrs. Arraiz said yes but each department maintains there own records and if a public records request comes in, the City Clerk contacts the departments. He asked where it is kept in the office and she said in her office in a drawer. He asked if it had been scanned and she no she doesn't scan until the case is closed. Record keeping is a part of her job description. He asked if she knew, of her own personal knowledge, that the allegations contained in the document are true. She said she believes they are true because she knew Mr. Weaver had a building permit, equipment, and material at the location. There are parts of the letter that she can confirm as true and parts of the letter that were opinions made by the person who drafted the letter. He had no objection to the petition being admitted into evidence as a part of business records and no objection of the cover page going in as business records as non-hearsay to show it was received and the reason code enforcement did something but not that the front page is true. Special Magistrate said he couldn't have it both ways and that

the petition was being admitted as a business records exemption.

At this time the City rested their case.

Mr. Culverhouse called Mrs. Arraiz as his adverse party witness. He showed her the approved plans for the reconstruction of his house, however, she stated that she had no knowledge of that. He asked if she went to the property during September 2017? She said no, after the hurricane she was assigned to Ocean Drive but not the side streets and she had not been to the property prior to the hurricane. The night of the South Beach meeting she did a drive-by and took photos on February 8, 2018. She was asked if she was aware of the damage from Hurricane Irma and she said she had seen photos of the walls that were partially fallen over. He put up photos as Composite Exhibit 1 showing the photos of the walls that had fallen. He showed the photos with the pool and she said she did not remember seeing those particular pictures with the pool. He said he was being cited as a nuisance and he can show he had a valid permit and the property had been completed with the walls going up but Irma caused the damage. He was fighting with the insurance company and could not correct the problem until they adjusted the claim. He said he would go into these things when he testifies.

He asked again if the nuisance was the structure. She said the nuisance is the property and the adverse affect that it is having on the community. The City Commission adopted a rule that said that we can move forward with condemnation and demolition based on the adverse impact of a property on the community. It specifically indicates due to numerous complaints from residents which is the basis for the action that was initiated under Chapter 16 of the City Ordinances which is our nuisance ordinance and also through the Charter. The Charter of the City of Fort Pierce grants the City Commission the authority to condemn and demolish the structure due to the nuisance condition. It's spelled out very clearly in the City Charter. The Resolution was adopted November 2017. He asked about the complaints in 2015. She said the petition that was received in 2015 was just one of the complaints that Staff has received over a very long period of time and it was the accumulation of those complaints that have initiated this process. He asked for the other complaints. She said there had been phoned in complaints of which there is no record of and multiple emails and I have provided you copies of them. He asked if any of them were made after the Resolution was adopted. She said no, but she knew the City Manager's office received one because she was called to a meeting. He said that was hearsay. She said she did not read the complaint but was called to the City Manager's office to discuss it and she had to report to him in writing, which was what generated the timeline. He asked if the timeline was prepared as participation of the litigation and she said no, the timeline was prepared because she was instructed by the City Manager to do it. He asked if she was aware that at the time she posted the property a building permit was issued on the property? She said yes. Was she aware that the City Building Department noted that the property passed inspection and that it did not expire until July 24, 2018? She said yes. Was she aware of the posting on the property by the building department on November 20, 2017? She said no she wasn't aware of that. He asked about the sub-divisions of the resolution and that division 3 states that any proceedings will be suspended if a building permit has been issued. She replied that it says it "may" be suspended, not that it will. He asked if she had been back to the property after February 8 and she said no. He asked her what she had observed as adverse affects of the neighborhood. She said she knew she had been handling this case since 2006. It has been brought to the Special Magistrate... He said she was being non-responsive. He wants to know what her personal observations was not as a part of the City Hall department. She said she knows the condition of the property has caused hardship on the neighbors because they have complained to her office for several years. Her office has been handling this case based on complaints since 2006. The impact on the neighborhood has been negative and the neighbors felt compelled to contact her office and that is why she has continued to follow the case for 12 years now. He asked again what she personally observed in the neighborhood? Special Magistrate Ross said he should realize

her knowledge comes by way of her employment not her personal knowledge. Ms. Arraiz was asked to answer about the personal knowledge and she said she had no personal knowledge because she had no reason to be in that neighborhood outside of her employment with the City of Fort Pierce. She does not know if the property values have had any affect. She does not know anything about any adverse health issues. He was instructed to move on. She said that adverse impacts that she has knowledge of are based upon communication of her code officers and the residents and she has worked closely with the building department and has been an active part of this case, although it's the administrative side as manager. The adverse impact has been brought directly from the residents who expressed their opinions and thoughts to me, which resulted in us moving forward with this matter. The adverse impact is the property value, it is a constant disruption from the people using the property illegally, whether true or not; the outside storage, although you complied it, was a major issue for several years; the unsightliness of the property has caused major hardship on the neighbors who have come to the office, called me, emailed, and she has received multiple complaints.

He asked if she knew what the hardships were and Mrs. Arraiz said they have told her how they have been upset about the people who have walked across the Culverhouse property because they don't know whether that person decided to come onto their property and try to do something. They have told her how friends and neighbors made negative comments about what's going on across the street. It's caused them to become upset having to answer these questions. This is the type of things that has been brought to her attention. It has been time and time again that my office has received these types of complaints.

John Bradford Culverhouse Sr, presented testimony on his own behalf. He is 71 years of age and his legal residence is 1635 Thumb Point Drive, Fort. Pierce. That is where he receives his mail and the address listed on his driver's license. He has always had the intent to rebuild and return to this property. He presented what is listed as Exhibit 1 in the binder presented to the Special Magistrate of the plans and the building code that the permit was issued under and governed by the Florida Building Code of 2014. Ms. Mosley had concerns that it was not a complete document and Special Magistrate Ross agreed, she could not accept a part of a document as evidence. Mr. Culverhouse said he asked for the complete certified document from the City and they didn't give it to him. They had him photograph what was being presented on his iPhone. Special Magistrate Ross reminded him that he the hearing was originally scheduled for March 21 and he asked for an extension until today, the 18th and had sufficient time to get a copy of the complete document from the City to present at today's hearing. He asked that someone from the City come down to testify about the document. Ms. Mosley said she didn't know what relevance it presents as far as if a nuisance exists. He said it is part of his affirmative defense that as long as he has a valid permit they can't do a nuisance. The Special Magistrate reminded him the it "may" be suspended. He said the building permit was issued in August 2014 and issued under the 2010 building code and is still an active permit.

Special Magistrate Ross stated the permit was a part of the timeline, which is a public record. He said the timeline doesn't show they received the permit and passed an inspection by the City on January 27, 2018 and the permit is good through July 27. ACA Mosely agreed to stipulate that there was a valid permit. Special Magistrate Ross said this also listed in the timeline, however, under the Resolution that was passed by the City, section 3 reads that the procedures "may" be suspended with the issuance of a valid building permit that will abate the violations or a stipulation of remediation that clearly outlines the steps required to remedy the violations and a timeline cut for compliance. He said it is his contention there was no violation, which is part of his affirmative defense. Ms. Mosley said she was willing to stipulate that he has the permit that was issued from August 2014, that's a part of our proof and timeline. She stipulated that this was all part of the evidence through the timeline.

He presented photos that were taken by him the day before Irma struck showing the walls had been put up through the first floor and ready to go up for the second floor. They were braced for the hurricane; showing the condition of the walls, no hanging shards, no debris and shows the improvements that they were proceeding in regards to the building permit. He submitted the photographs as composite exhibit 2. There are no time stamps on the photos, however he testified that he took the photos and they accurately portray the scene. Ms. Mosley said if he's showing the condition of the walls and the the interior of the property was braced, she had no objection.

It was noted at this time by the Special Magistrate that the exhibit #s were not matching because of an exhibit that was not properly entered. The Clerk was to number them and make any corrections needed.

Exhibit #3 photos taken September 14, 2017 showing the damage done by the hurricane to the structure. The photos were taken by Mr. Culverhouse and he testified that they accurately show the damage to the property by Hurricane Irma. No date stamp but Ms. Mosley had no objection. The Special Magistrate again instructed the Clerk to make any corrections needed to the exhibit numbers. Exhibit #4 is a series of emails between Mr. Culverhouse and his contractors requesting the estimate of what it would take to repair the damage and emails to the insurance company requesting they adjust it quickly so they can move forward with the repairs. Ms. Mosley objected saying they are not relevant to the existence of the nuisance. Mr. Culverhouse said they show an attempt to move forward. Special Magistrate asked what work was being done now? He said not today, no work has been done since the inspection because of the condemnation posting. Ms. Mosley objected to these documents and concluded it was hearsay. Mr. Culverhouse said he could establish a foundation. He is his own records custodian both personally and as the President and Director of Brad Culverhouse Attorney at Law Charter whose emails were drafted by him and sent by him via gmail under the electronic laws of presumption that they were received. There are emails back to him in the ordinary course of this business in regard to the loss and conducting of his personal affairs and from the insurance adjuster and showing that in regards to the loss and his efforts to get an adjustment beginning in October through December of 2017. Each one of the emails is a true and correct copy of the emails sent and received both as John B Culverhouse Sr and also as Brad Culverhouse, Attorney of Brad Culverhouse, Attorney at Law Chartered. An adjuster came out on October 30 and he did not get an offer until sometime in December. The offer was around $8,000 or $9,000, after the deductible, but the case was left open in case there is damage underneath the slab. Special Magistrate Ross asked is he received the check from the insurance company and he said yes but it was forwarded to PNC for them to endorse and they decided to keep it. Mr. Culverhouse said he came out of pocket to make the repairs. Special Magistrate Ross asked if PNC have a mortgage on the property. He said yes. Special Magstrate Ross said it is typical for a mortgage holder to have the owner sign the check and it is deposited to a trust account and money is disbursed in increments as the work is done. Mr. Culverhouse stated that was requested of the bank but they declined and applied it to the loan. She said she was reserve ruling on the emails and Ms. Mosley said she objected to putting the emails into evidence as a defense for the nuisance. She said you just don't co-mingle business and personal records. Special Magistrate Ross asked if the policy presented by Mr. Culverhouse from Lexington Insurance Company, was for 1635 Thumb Point Drive. Mr. Culverhouse said yes and the emails are all under the signature of Brad Culverhouse, Attorney at Law Chartered and the Florida Supreme Court has ruled that a professional corporation, which Brad Culverhouse, Attorney at Law Chartered is, can represent the sole shareholder in matters, so Brad Culverhouse Attoreny at Law Chartered was representing John B. Culverhouse Sr. in this matter and they are business records. He said he has a contract with Joseph Foglia and they are the contractor on the permit. Special Magistrate Ross said she would admit the email that is a proposal from Foglia Contracting. Ms. Mosley said she had no objection to this email. The gmail from Culverhouse to Jennifer Rosignal assigning the claim to an adjuster will be admitted. There was no objection. The October 10 email with a mention

of the wrong number asking for policy showing coverage that would be covered and issued the prior year was admitted. This was showing he had insurance coverage but switched over to a builders risk policy. She had no problem with the email showing the coverage by the policy. Other emails from Lexington Insurance were admitted with no objection but there were several emails that were repetitious of emails already admitted into evidence that were denied.

The next item that was presented and marked as Exhibit #5 is a Notice to Correct dated 11/20/2017 and email from Charlene Adair along with a photo. Exhibit #6 (Section 7 from the book) are photos taken January 27, 2018 showing the repairs completed from the damage of Hurricane Irma, correcting the items addressed in the Notice to Correct. The photos include the dumpster that was being used to haul debris away. From Section 11 of the book, Exhibit #7 are photos showing the condition of the property taken April 17, 2018. There was no objection. The email telling Steve Weaver that he was fired and to clean up the debris was not accepted. Mr. Culverhouse argued that is shows the date of when he told Mr. Weaver to clean up the property and address the issues raised in the nuisance. Special Magistrate Ross stated that this has been testified to and all the witnesses agreed that this occurred and is no longer relevant. Section 17 of the book has all the property cards from the people on the petition. This shows the value of of the properties along with a map of the properties of the people from the petition. Special Magistrate Ross found this to be irrelevant. It is public record and anyone can locate it. ACA Mosely stated that she had is no objection to the map. Mr. Culverhouse proferred the information that he downloaded all of these property appraisers records, the Assistant City Attorney did not object; therefore, he did not get the records certified. This shows for the last 3 years that the residents property value has risen rather than devalue it. Special Magistrate Ross stated that it is possible the values could have risen even more if not for your property. For the record, Ms. Mosley said she did not object to the authenticity of the records, but she did not stipulate to the admittance of the records. Special Magistrate Ross said it can be a proffer but it is not going into the record. Mr. Culverhouse included as part of the proffer that he is submitting these records because there has been testimony today that 1635 Thumb Point Dr might affect their property values.

The items from Section 18 of the evidence book shows the work being done according to the permit, starting in 2009 when the plans were upgraded to the 2010 code that required the building to be raised above the flood plain, revisions, contracts, release documents and records relating to the work on the property. Ms. Mosley objected and said it was not relevant. Additionally the timeline that was submitted states a permit was issued in 2009, expired, a new permit was issued. Special Magistrate Ross said she didn't see anything else in the notebook was relevant to the timeline proposed by the City. We know you obtained permits. The issue is the time lapse.

Mr. Culverhouse continued his testimony. Regarding the boat, it was tied up to the dock while in distress without his knowledge. He has notified the owner and posted the boat in an attempt to evict the boat but state statute requires 60 days notice before he can take action. In October 2017 he was diagnosed with cancer and went through surgery. He went through another surgery in December and in January he was sent to Moffitt Center and continues to receive treatment. He placed his son's name on the title after his wife died in January 2015. He developed heart problems in November 2017. Either he or his son go to the property every day because he still receives his mail at this address.

Special Magistate Ross said she was concerned that this action starting in 2005 and here we are in April of 2018 and nothing has been done. Mr. Culverhouse stated his testimony will explain the delay. He said in 2005 he was in litigation with USAA involving the money from Hurricanes Francis and Jean, which was not settled until 2007. We were also under the old building code, which would have allowed the building to be rebuilt without raising it. Special Magistrate Ross stated that she has heard testimony from his neighbors today that they also

suffered the same or similar damage from the hurricanes, maybe not as bad, but they suffered damage also. They got their houses in order and up to code and you, over a thirteen year period of time, haven't. He said the negotiation with the insurance company resulted in a law suit and finally settled for about $400,000. She asked what improvements were made with the $400,000 settlement. He said the money was paid to us and to National City or Harbor Bank. At that time they did not have a building permit, he retained an architect and engineer who did not do anything. He fired them and had to get someone else. The bank took the money and reduced the amount of the mortgage - they applied it to the line of credit. Special Magistrate Ross questioned this as the money was designated for repairs and the bank is to hold the money, making disbursements as the work and inspections are completed - but they cannot take the funds and apply it to the mortgage. Mr. Culverhouse stated that this was during the time that Harbor went to National City and then PNC took them over.

AT THIS TIME, AT THE REQUEST OF STAFF, THE HEARING WAS RECESSED FOR A FIVE MINUTE BREAK.

After reconvening, Special Magistrate summarized her questions regarding the use of the insurance money. Mr. Culverhouse said from the 2004 hurricanes to the present date he has spent about $240,000 and during that time period they demolished the property down to the slab so they could increase the height of the slab. The photos show how high the floor of the present structure is as opposed to the deck below. She asked if this was required by the City or was it something he decided to do himself. He said it was a combination of both. She asked about the swimming pool and he said he had planned to get a variance for the screen enclosure, but the engineer he hired drug his feet. We did not get the permit until 2009 but at that time his wife became ill in 2009 and during this time period his bank was taken over by PNC. He understood they would loan him the money but it didn't take place. He demolished the structure in 2014 and used the slab as the footers. His wife died in January, 2015 and he didn't have the heart to do anything after that for 8 to 9 months. He had arranged financing with Mr. Reed in 2018 but the posting made him say no.

Special Magistrate Ross asked him about the letters from City of Fort Pierce. One is dated February 19, 2016. She read directly from the letter, "As per our meeting, both parties agreed to the following action plan to avoid the city moving forward with the condemation of the above referenced property. 1) Submit a timeline by February 16, 2016, indicating a reasonable completion date for this project. 2) All exterior work including landscaping in conjunction with this permit shall be completed and inspected by January 1, 2017. Failure to comply will result in the revocation of the permit, condemnation of the structure and the ordered removal of all structural elements on the property. Sincerely, Marc Myers, Building Official." You signed this agreement saying "I, the owner of this property, am in agreement with this action plan and agree to the terms above". Your signature is here and it was admitted as exhibit 5, notarized, and attached was a timeline for construction and repair of your house. Exhibit 6 is a letter dated April 21, 2016 that is a friendly reminder that the project has begun to fall behind. Mr. Culverhouse said on December 11, 2014 he filed a Chapter 11 and it was prior to the confirmation of the Chapter 11 plan and that agreement was rejected by operational law when it was not assumed in the Chapter 11 plan. This relieved him of any obligation of the agreement by the US Bankruptcy Code. She asked if he informed the City of this. He said the City got a copy of everything that was filed in the bankruptcy case. She asked if he told the City that he could not live up to this agreement. He said the bankruptcy provides that any electatory contract whether there is performance to be done relating to a prepetitioned obligation that if that agreement is not assumed in the Chapter 11 plan it is automatically rejected. She said this was not a part of his bankruptcy because he had received insurance money to make the repairs. This was not a part of bankruptcy. He said it was. The City was listed as a creditor. The consensus was that the stipulation was in violation of the 2010 building code that required that an inspection be performed. He said he filed in December 2014 and she said the stipulation was done in February. She asked if he added this to the

bankruptcy petition. He said he did not assume the contract in the Chapter 11 plan and upon entry of the confirmation order by operation of law it was rejected. It was no longer binding. He could not without prior court approval take any action in regard to expenditure of any money on Thumb Point Drive. He said the City knew as well as he did that he was in this bankruptcy before he signed the contract. When he signed it he had intentions to honor the contract.

Special Magistrate Ross called for closing statements.

In closing ACA Mosley stated that in breaking the case down, this is the maintnence of a nuisance on property owned by Mr. Culverhouse in violation of City Code 16-46. Section 16-48 the Fort Pierce Code that deals with definitions, a nuisance as a condition means a certain state of being or situation located on property which: Injures or endangers the comfort, repose, health, or safety of any person and every witness spoke about how their comfort and quiet enjoyment of their property was affected by being unable to utilize their property. The witnesses testified that it was an eyesore, its a vacant property, it attracted trespassers, having to call the police, etc. The neighbors complained about the smell from the mold, comments made by the guests and family when the visit and one neighbor is attempting to sell his house and has not had an offer on it yet. It has been 13 years since 1635 Thumb Point Drive was damaged by the 2004 hurricanes and very little has been done to repair the property. Nuisance as a condition defines property that "tends to or could" depreciate the value of property of any persons. The residents testified to the fact when they had company visit they would get negative comments and it made them feel uncomfortable. It "could" depreciate the value of their property because its next to an eyesore that included trash, litter, and debris from 2005 up until this time. We heard complaints about rats coming from this property and while they could not say they actually saw this, a nuisance as a condition is a condition that provides "or could provide" harborage for rats, mice, snakes, insects or other vermin. The pool that is sitting stagnant is an attraction for mosquitos and the property is overgrown with grass and weeds that "attracts or could attract" rats, snakes, mice, and other vermin. Nuisance as a condition includes landscaping that is not well maintained including lawns, hedges, bushes, and trees. The witnesses said the property was a mess, overgrown and full of weeds. All of this testimony constitutes credible evidence of what constitutes a condition of nuisance per our ordinances. Resolution 17-R38 does not define a condition of nuisance; that definition has existed since 1999. This resolution describes the procedures that are to be followed in determining a nuisance. In these procedures, the City may or may not proceed if a valid permit is issued. During the last 13 years permit after permit has been pulled and they expired and then would be renewed to expire again and no real action has taken place, nothing moving forward, the property is still an eyesore and the neighbors are continuing to complain about the condition of this property. In July 2014 the residents put together a petition and presented it to the City for action to be taken on this property. We recommend that you find that this property is a nuisance and that you move this matter forward to the Commission.

Mr. Culverhouse's closing statements started with reasserting the constitutional issues he raised in the beginning so there's no issue of waiver on them. And also assert the affirmative defense that because there is an active building permit that is an offense against the City's action in declaring it a nuisance. The City issued a building permit in 2014. The permit has remained active, inspections have taken place, progress has been made in regard to its reconstruction. According to the time line, the last inspection was on January 27, 2018 which was after the posting and at that time the City of Fort Pierce Building Department passed the property and now the next inspection is due on or before July 26, 2018. Nobody testified they saw any rats or raccoons on his property. No one testified they got ill from it. They did testify about friends who made comments about the property but there was no adverse affects from it as far as health is concerned. He said he was the sole responsible person for this property and his son had nothing to do with it. The neighbors testified about several problems that have been resolved. When they complained directly to me, I took care of it. I terminated the

contractor who was responsible for the problems that occurred there. There's no basis that the value of the homes are affected by his property. He said when someone couldn't sell their property and put the blame on his property, that was pure conjecture. There was no proof that his property brought down the value of other residents property. And to say the mosquitoes or other conditions "could" cause a problem is not right. He said the value of the improvements are in excess of $100,000 and he needs that to borrow the money in order to finish the project. After Hurricane Irma, there was damage but he had the insurance adjuster come out and they made the necessary repairs. He said he's been moving ahead with the repairs and improvements but the posting in January has brought things to a stand still. He said as far as enjoyment and comfort is concerned, there's nothing that has actually kept them from enjoying the quiet comfort in their own homes. He was in the process of getting the boat removed but he has to follow the law to get it out. It is his contention that the property does not constitute a nuisance and should not have been condemned. He requested that it be denied.

Special Magistrate Ross said with regards to the testimony and evidence presented, her findings were that the residents that live on Thumb Point Drive have had to tolerate Mr. Culverhouse's house since it's destruction after the 2004 hurricanes. Those residents testified themselves that they all suffered damage and had to leave for more than a year. All of them slowly got back into their houses and resumed a normal lifestyle. His house has been in a state of disrepair for more than 13 years. The regulations for how we take care of our properties affect each of us, no matter where they live. There's been many unfortunate incidents including his wife dying, but you received more than $400,000 in insurance proceeds and she didn't know where the money went but it does not appear that the money was used to significantly try to repair the home. The structure is still at ground level and there's no excuse anymore. The boat that is moored on your property is still there. He signed an agreement with the City agreeing to do repairs within a certain amount of time that you agreed to, you signed and it was notarized - but you did nothing. You sent notice to the City that the bankruptcy you filed rendered the agreement void. Where is your intention to ever improve the property? The neighborhood appears to be a close knit neighborhood. They call each other when there are trespassers in the area. She said you made some attempt by pulling permits but that is all you did. You were given 13 years to correct this situation but so far you haven't put a dent in making any repairs. Children have gone from kindergarten through 12th grade in 13 years. It is a long time.

Based on those facts I am going to delcare the property a nuisance and to forward it to the City Commission for final determination. This is a recommendation only. The Commission is free to do whatever they will. Good luck to you.

MEETING WAS ADJOURNED.

nt of

**9. NEW BUSINESS**

**10. OLD BUSINESS**

Adjourned: 6:50 PM
Respectfully submitted:
Colleen Greer
Code Enforcement Clerk

PLAINTIFF'S EXHIBIT
tabbies
#11
Case 18-0139

TO : Nicholas Mimms, City Manager

FROM : Peggy Arraiz, Code Compliance Manager

SUBJECT : 1635 Thumb Point Drive

DATE : February 28, 2018

As requested, below is a summary of the events that have taken place at 1635 Thumb Point Drive.

## Background – 2004 to 2007

- The residence at this location was severely damaged by the twin hurricanes of 2004.
- May 2005 – the property was cited due to the unsafe condition of the building, a damaged fence and stagnant water in the pool.
- June 2005 – the Building Official John Alcorn initiated action to demolish the building, which was appealed by Mr. & Mrs. Culverhouse.
- The appeal was scheduled for August 30, 2005.
    - M/M Culverhouse requested continuation to September 27, 2005 – granted.
    - M/M Culverhouse requested continuation to October 25, 2005 – granted.
    - M/M Culverhouse requested continuation to November 29, 2005 – granted.
    - M/M Culverhouse requested continuation in December 2005 – granted.
    - M/M Culverhouse requested continuation to February 2006 – granted.
    - M/M Culverhouse requested continuation to June 2006.
- March 2007 - Due to no action to the property, the matter was scheduled before the Special Magistrate on April 11, 2007.
- Property was found in violation, given 120 days to apply for a permit. Failure would result in a $250.00 per day fine.
- Fines started on October 26, 2007 and a Lien was recorded on November 20, 2007.

## Actions – 2009 to 2014

- March 2009 – a new condemnation order was signed by Building Official Marc Meyers due to no action taken by the owner.
- April 2009 – a permit application was submitted to rehabilitate the structure.
- December 2009 – the permit expired without the work being completed.
- June 2010 – another permit application was submitted to rehabilitate the structure.
- At the request of M/M Culverhouse, a lien reduction hearing was scheduled for September 8, 2010.
    - M/M Culverhouse requested continuation to November 10, 2010 – granted.
    - M/M Culverhouse requested continuation to January 12, 2011.

- M/M Culverhouse requested continuation – granted (no reduction hearing ever heard)
- August 2011 – the permit expired without the work being completed.
- July 2013 – multiple complaints from neighbors that the shell of a building was being used for storage, but no action taken because our code only addresses outside storage.
- October 2013 – demolition permit application submitted.
  - January 2014 – contractor requested a thirty (30) day extension to the permit – granted.
  - February 2014 – contactor requested an additional extension to the permit – granted.
- December 2013 – multiple complaints from neighbors about the outside storage at the property, but due to an active demolition permit, no action could be taken.
- February 2014 – The structure that was damaged in 2004 was demolished.
- March 2014 – application to rebuild a single family residence was submitted and approved in August 2014.
- June 2014 – multiple complaints from neighbors received due to the condition of the property but no action could be taken due to an active building permit.
- July 2015 – A petition signed by forty-five (45) of the neighboring property owners was submitted to the City requesting the City take action to compel the owners to bring the property into compliance.

## Current status – 2016 to present

- January 2016, Staff received a request to issue a partial release of properties previously owned by M/M Culverhouse located in St. Lucie County from the spreading lien attached to 1635 Thumb Point Drive.
  - Staff and the Special Magistrate both recommended approval of the request to the City Commission with the stipulation that the lien would remain against 1635 Thumb Point Drive.
  - The City Commission also approved the request with payment of $5,000.00 and that the lien would remain in affect against 1635 Thumb Point Drive.
  - The City Attorney finalized an agreement to release all liens from 1635 Thumb Point Drive as part of the settlement of $5,000.00.
- February 2016 – Mr. Culverhouse and Mr. Steve Weaver submitted an action plan outlining steps to be taken with specific deadlines. Building Official Marc Meyers agreed with the submitted action plan with the stipulation that failure to comply with the timeframe would result in the revocation of the permit, the condemnation of the structure and the demolition of all the structural elements. Per this timeline, house would be completed by Fall 2016.
- April 2016 – Mr. Culverhouse was notified that they had not fulfilled their agreement but granted a one week extension to bring up to date.
- March 2017 – due to the owner's failure to comply with the stipulated timeline and no action being taken, staff recommended the City foreclose upon the lien. At this time, we learned of the agreement to fully release all liens from the property.
- December 2017 – the permit from 2014 was set to expire without the work being completed.
  - A 30 day extension was requested on December 8, 2017 – granted.

- A 30 day extension was requested on January 16, 2018 – granted.
- January 25, 2018 – received an approved inspection for a tie beam.
- Permit continued to July 2018.

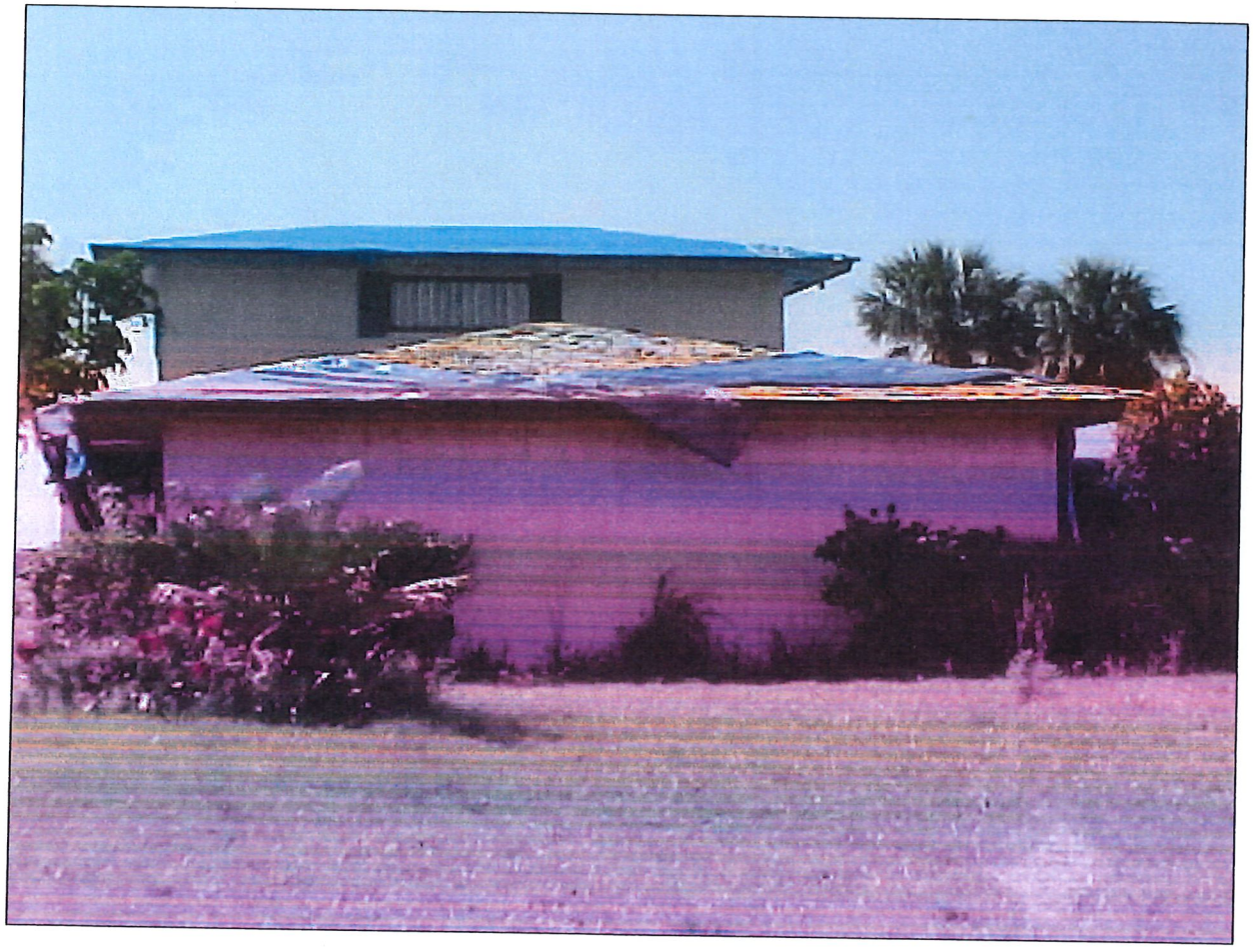
- January 2018 – at the direction of the City Manager, the property was posted as a nuisance and a new condemnation was initiated under the newly adopted Rules of Procedure for Condemnation and Demolition, which provide for the condemnation of a structure due to its adverse impact on the neighborhood.
  - Mr. Culverhouse appealed the Declaration of Nuisance and the appeal was scheduled for March 21, 2018.
  - Mr. Culverhouse requested an extension – granted.
  - New appeal date is scheduled for April 18, 2018. This agreed upon date has been documented in a signed stipulation, approved by the Special Magistrate and recorded with the Clerk of Court of St. Lucie County.

## Summary

- 2004 – house damaged by hurricanes
- 2007 – found in violation by the Special Magistrate
- 2014 – house demolished
- 2014 – permit to rebuild approved
- 2016 – owner submits timeline to complete construction
- 2018 – property declared a nuisance and condemnation of building initiated

#1

1635 THUMB POINT DISK #39 # 17 4-21- 05
NANCY EAIRHEART EXHIBIT _____



PLAINTIFF'S EXHIBIT
#1-3 (Comp.)
Case 18-0139

Compost

#2







1635 Thumbpoint

#3-A





#3-B





#3-C






~~#4-A~~
3-D



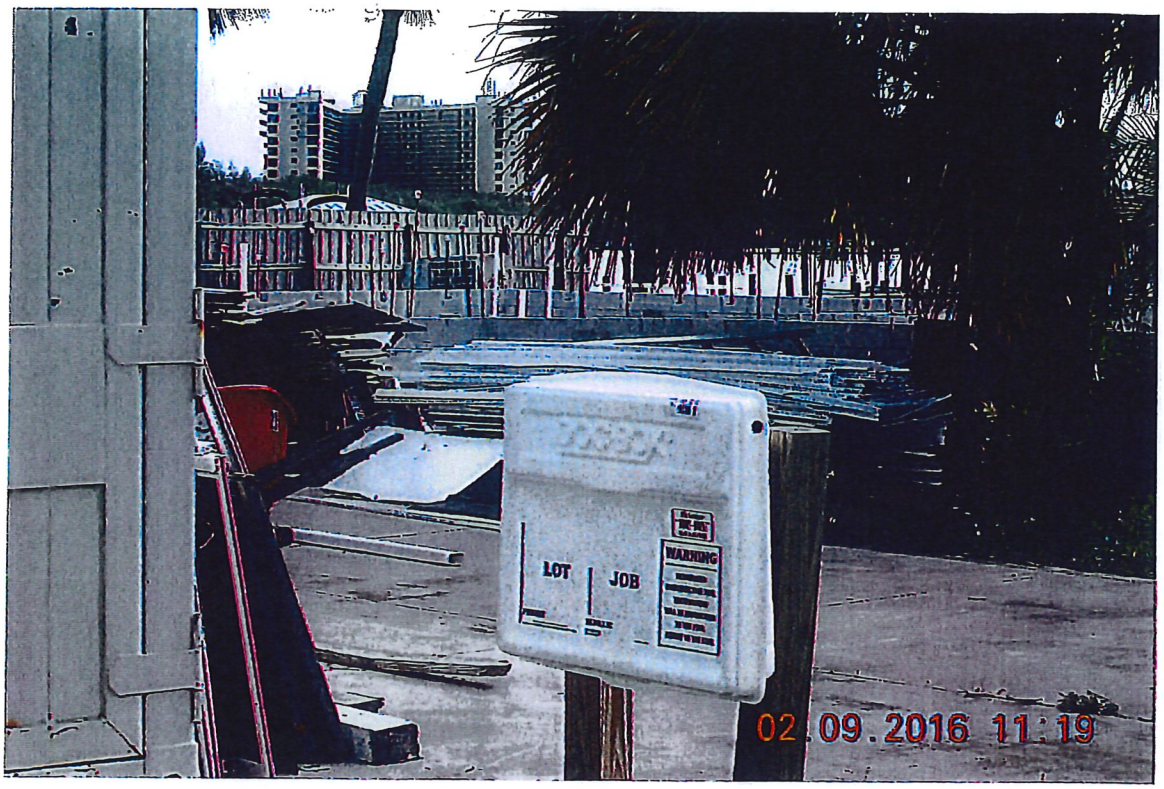



~~#4-B~~
3-E






#4-C
3-F



~~#4-D~~
3-G






RECEIVED
JUL 29 2015
CODE ENFORCEMENT
CITY OF FT. PIERCE
Ex. A

July 26, 2015

Subject: 1635 Thumb Point Drive

Dear Mr. Meyers

Following our meeting with you at City Hall in June I enclose a letter to Messrs. Culverhouse from the Residents of Thumb Point Drive together with their signatures.

There were also discussions among the residents about the City's neglect of its responsibilities in enforcing its own building codes on this site.

As you are well aware the materials and storage units on this site have been used primarily for the storage of Mr. Weaver's equipment and materials for his General Contracting work, NOT for the stated purpose of building a dwelling on the site. The storage units continue to be used for this purpose and there is no building in process. Also the ugly eyesore that is the partial building remains.

You and your City Colleagues in the Building and Code Enforcement Departments have had ample evidence of this over many years but have chosen to take no action over this obvious violation of your building codes.

We urge you and your colleagues in Code Enforcement to put an end to this charade and enforce the building code. The owners should be asked to either complete the dwelling, clear the site or sell it. If they refuse, the city should take appropriate action to correct this eyesore.

Sincerely,

Chris Hodge
1622 Thumb Point Drive
Tel: 772 579 8306

Janice Hodge

cc: Linda Hudson - Mayor
Peggy Arraiz - Code Enforcement Manager
Anthony Westbury - St. Lucie Tribune

PLAINTIFF'S EXHIBIT
tabbies
Comp #4
Case 18D139

# Petition for Culverhouse Property at 1635 Thumb Point Drive

| PRINTED NAME | SIGNATURE | ADDRESS |
|---|---|---|
| Janice Hodge | Janice Hodge | 1622 TPD |
| CHRIS HODGE | Chris Hodge | 1622 TPD |
| John Wolsieter | John Wolsieter | 1625 TPD |
| Nell Wolsieger | Nell Wolsieger | 1625 TPD |
| JOHN NORTHEN | John L Northen | 1646 TPD |
| PATTY NORTHEN | Patty A. Northen | 1646 T.P.D. |
| Bob Greene | [illegible] | 602 TPD |
| Donna Greene | [illegible] | [illegible] MALABAR |
| MARIA FUNKA | Maria Funka | 1550 THUMB POINT DR. |
| D.W. Griffith Sr | D.W. GRIFFITH Sr | 1510 Thumb Pt. Dr |
| ~~SALLY G.~~ | | |
| SALLY G. GRIFFITH | Sally G Griffith | 1510 THUMB PT. DR. Fort Pierce |
| RONALD S JONES | [illegible] | 1601 THUMB PT DR FORT PIERCE |
| ELLEN L. JONES | Ellen L. Jones | 1601 Thumb Point Dr. Ft. Pierce, FL 34949 |
| Gary L. Hickman | Gary L Hickman | 1560 Thumb Pt Dr. Ft Pierce, FL 34949 |
| Loraine Thompson | Loraine Thompson | 1560 TPD |
| ELIZABETH BURNS | Elizabeth Burns | 1564 Thumb Point |

# Petition for Culverhouse Property at 1635 Thumb Point Drive

| PRINTED NAME | SIGNATURE | ADDRESS |
|---|---|---|
| Robert L. Ivey SR | | 1614 Thumb Point Dr. Fort Pierce FL 34949 |
| REBECCA P IVEY | Rebecca P Ivey | 1614 THUMB POINT DRIVE FORT PIERCE, FL 34949 |
| Robin Norris | | 1570 Thumb Point Fort Pierce |
| EDWARD D. CONROY | | 1807 Melaleuca Dr. Ft. Pierce, Fl. 34949 |
| BARBARA D. CONROY | | 1807 Melaleuca. Ft Pierce, Fla 349 |
| GARY WERNER | Gary Werner | 1525 Thumb Point Dr H. Pierce, H. 34949 |
| Carol Yanaros | Carol Yanaros | 1639 Thumb P. Dr. Ft. Pierce, Fl. |
| GEORGE ASKLOF | | 1630 |
| John graziano | | 1654 TPD |
| STEFAN CARO | | 1664 TPD |
| SARAH CARO | | 1664 TP POINT |
| Vincent Spadaccini | | 1667 Thumb Point |
| FRANCES LARSON | | 1609 Thumb Pt |
| Patty Sirois | | 1605 TP. |
| Jeanie Mazza | 1503 Thumb Pt Dr | |
| TERRI LEONE | | 1542 Thumb Point Dr |

# Petition for Culverhouse Property at 1635 Thumb Point Drive

| PRINTED NAME | SIGNATURE | ADDRESS |
|---|---|---|
| Joseph Ghiotti | Joseph J Ghiotti Jr. | 1512 THUMB POINT DRIVE. |
| Maria Funka | MARIA FUNKA | 1550 THUMB POINT DR. |
| Kris Walters | Kris Walters | 1573 Thumb Point Dr. |
| John Klimek | John Klimek | 606 Faber Ave. |
| ROSS CRITTENDEN | Ross Crittenden | 610 Faber Ave 34949 |
| James Longstreet | James Longstreet | 614 Faber Ave. |
| Pat Morrison | Pat Morrison | 1642 Thumb Point |
| Kelly Johnson | Kelly Johnson | 1509 Thumb Point Dr. 34949 |
| Donna Spillman | Donna Spillman | 1610 Thumb Point |
| David L Hicks | David A Hicks | 1502 Thumb Point Dr. |
| Jon Harris | | 1526 Thumbpoint Dr |
| Jill Williams | Jill Williams | 1643 Thumb Point Dr. |
| Michael Williams | | 1643 Thumb Point Dr. |
| | | |
| | | |
| | | |

PLAINTIFF'S EXHIBIT
Exh #5
Case 18-0139

Ex: 5

**MAYOR**
LINDA HUDSON

**COMMISSIONERS**
RUFUS ALEXANDER III
EDWARD BECHT
THOMAS PERONA
REGINALD SESSIONS

**CITY MANAGER**
NICHOLAS C. MIMMS, P.E.

**BUILDING OFFICIAL**
MARC MEYERS

# CITY OF FORT PIERCE
Florida

**BUILDING DEPT**
**P.O. BOX 1480, FORT PIERCE, FLORIDA 34954**
**772-467-3198; FAX: 772-467-3849**

February 19, 2016

John B. Culverhouse
505 Beach Ct
Fort Pierce, FL 34950

Realtime Property and Development Services, Inc.
607 Malabar Ave
Fort Pierce, FL 34949

**Re: 1635 Thumb Point Drive**

Dear Mr. Culverhouse and Mr. Weaver:

As per our meeting, both parties agreed to the following action plan to avoid the City from moving forward with the condemnation of the above referenced property.

1. Submit a timeline by February 16, 2016, indicating a reasonable completion date for this project.
2. All exterior work including landscaping in conjunction with this permit shall be completed and inspected by January 1, 2017.

Failure to comply will result in the revocation of the permit, condemnation of the structure and the ordered removal of all structural elements on the property.

Sincerely,

Marc Meyers
Building Official

I, the owner of the above referenced property, am in agreement with this action plan and agree to the terms above.

Owner's Signature

MECHELLE J. ARBUZOW
Notary Public - State of Florida
My Comm. Expires May 30, 2017
Commission # FF 17807
Bonded Through National Notary Assn.

Notary Signature

Mechelle Arbuzow

State of Florida,
County of St. Lucie

Affirm to and Subscribed before me this 19 day of February, 2016 by John Bradford Culverhouse who produced FL. DR. LIC identification

# 1635 THUMB POINT DRIVE
# CONSTRUCTION SCHEDULE

| Week | | |
|---|---|---|
| February 20, 2016 | | |
| February 27, 2016 | | set up utilities accounts & temp power |
| March 5, 2016 | | footing inspection |
| March 12, 2016 | | pour stemwall & footings strip forms |
| March 19, 2016 | | backfill outside of stemwall |
| March 26, 2016 | | backfill and compact inside stem wall |
| April 2, 2016 | | rough underground plumbing elec a/c |
| April 9, 2016 | | recompact & compaction test |
| April 16, 2016 | | slab inspection |
| April 23, 2016 | | pour slab |
| April 30, 2016 | | order windows and doors |
| May 7, 2016 | | strip forms, order second floor trusses |
| May 14, 2016 | | scaffold for first lift of block |
| May 21, 2016 | | first floor block |
| May 28, 2016 | | first floor bond beam |
| June 4, 2016 | | order roof trusses, |
| June 11, 2016 | | steel columns |
| June 18, 2016 | | second floor trusses and deck installed |
| June 18, 2016 | | elevated concrete deck begin formwork |
| June 25, 2016 | | re-scaffold for second lift of block |
| July 9, 2016 | | 2nd floor block |
| July 16, 2016 | | 2nd floor bond beam with embedded straps |
| July 23, 2016 | | pour 2nd floor concrete deck |
| July 30, 2016 | | roof trusses and plywood installed |
| August 6, 2016 | | roof peel and stick dry in ; window bucks |
| August 13, 2016 | | install windows and doors |
| August 27, 2016 | | install garage doors |
| September 10, 2016 | | standing seam metal roof |
| October 1, 2016 | | exterior trim and poly icynene insulation |
| October 15, 2016 | | stucco and soffits |
| October 22, 2016 | | elec panel safe on for test etc |
| October 29, 2016 | | exterior paint |
| November 5, 2016 | | sewer connection |
| November 12, 2016 | | demo driveway where needed new drive and walks subgrade |
| November 19, 2016 | | driveway and sidewalks |
| December 3, 2016 | | exterior stairs |
| December 10, 2016 | | balcony railings gutters |
| December 17, 2016 | | required trees plants and ground cover |
| December 24, 2016 | | irrigation system and well |
| December 31, 2016 | | final survey; pool deck repairs |
| January 7, 2017 | | repair pool equipment/install safety fence around pool |
| | | repair or replace east fence |
| | | |

PLAINTIFF'S EXHIBIT
#6
Case 18-0139
Ex: 6

**MAYOR**
LINDA HUDSON

**COMMISSIONERS**
RUFUS ALEXANDER III
EDWARD BECHT
THOMAS PERONA
REGINALD SESSIONS

**CITY MANAGER**
NICHOLAS C. MIMMS, P.E.

**BUILDING OFFICIAL**
MARC MEYERS

# CITY OF FORT PIERCE
*Florida*

FORT PIERCE · THE SUNRISE CITY ·

#6

April 21, 2016

Mr. Brad Culverhouse
505 Beach Court
Fort Pierce, FL 34950-8544

Dear Mr. Culverhouse:

As a friendly reminder, per the attached "Time Limit Agreement" and the construction schedule, your project at 1635 Thumbpoint Drive has begun to fall behind. According to your schedule:

1. The backfill installed was to be compacted by March 26, 2016.
2. UG Plumbing and Electrical by April 2, 2006
3. Slab inspection by April 16, 2016
4. Slab pour by April 23, 2016

Obviously these things have not taken place. In speaking by telephone with Mr. Weaver this morning, April 21, 2016, he informed me that the underground and slab pour would be next week. Hopefully these inspections take place and the slab gets poured. Please instruct your contractor Mr. Weaver to bring the project back up to the agreed upon schedule.

Sincerely,

Marc Meyers, CBO, CFM
City of Fort Pierce Building Official

MM/km

Enclosures (2)

cc: Nicholas Mimms, City Manager
Paul Thomas, Building Dept. Coordinator
Steve Weaver, Real Time Properties & Dev. Svcs.

Ex: 7

PLAINTIFF'S EXHIBIT
Comp #7
Case 18-0139



**RESOLUTION NO. 17-R38**

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.

**WHEREAS,** the City of Fort Pierce has adopted Ordinance No. 17-028 Creating the Clean & Safe Community Initiative; and

**WHEREAS,** one of the primary functions of the Clean & Safe Community Initiative is to remove slum and blight conditions in the community through the condemnation and demolition process; and

**WHEREAS,** the City Commission wishes to establish procedures for condemnation and demolition of structures within the City; and

**NOW THEREFORE, BE IT RESOLVED** by the City Commission of the City of Fort Pierce, Florida:

**SECTION 1.** That the Rules of Procedure for Condemnation and Demolition of Structures as outlined in "Exhibit A" are hereby ratified and adopted by The City of Fort Pierce.

**SECTION 2.** The provisions of this Resolution are declared to be severable and if any section, sentence, clause, or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All resolutions or parts of resolutions in conflict herewith are hereby repealed.

**SECTION 4.** This Resolution shall be effective immediately upon final adoption by the Commission.

**IN WITNESS HEREWITH,** we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 20th day of November, 2017.

Linda Hudson

Linda Hudson, Mayor

ATTEST:

Linda W. Cox

Linda Cox, City Clerk

Approved as to Form
And Correctness:

James M. Messer, Esq.
City Attorney

**Rules of Procedure for**
**Condemnation & Demolition of Structures**

**Exhibit A**

These procedures are established to regulate the condemnation of structures or systems and the subsequent rehabilitation or demolition of such structures or systems.

**Condemnation Procedures**

1. The Code Compliance Manager will review all requests for condemnation and make a final determination of action to be taken based upon the following:
    a. The recommendation from the Building Inspector.
    b. Complaints from citizens, the Fort Pierce Police Department and/or other agencies.
    c. Compliance with the City of Fort Pierce Charter Section 14 (9) that allows for the removal of any building or structure that constitutes a menace to business, health, or safety, or any building or structure that constitutes a fire hazard or which is unsightly or does not conform in architecture to adjacent or surrounding buildings which are hereby designated and declared to be a nuisance;
2. If the structure is to be condemned but can be repaired and does not require demolition, the procedures outlined in Section I – Condemnation with Rehabilitation shall be followed.
3. If the structure is to be condemned and must be removed by demolition, the procedures outlined in Section II – Condemnation with Demolition shall be followed.
4. If the structure is to be condemned due to its adverse impact on the neighborhood and businesses or any other condition that is not provided for in the International Property Maintenance Code Section 108 as adopted by the City Commission, the procedures outlined in Section III – Condemnation / Declaration of Nuisance shall be followed.
5. When, in the opinion of the Building Official or Code Official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Official or Code Official shall take whatever steps are necessary, up to and including demolition of the structure, to preserve the life, health and safety of the community. When such action is taken, the procedures for demolition outlined in Section II shall commence as soon as reasonably possible after the fact.

**SECTION I – CONDEMNATION WITH REHABILITION**

This Section is intended to address properties that have been declared unsafe by the Code Official but are not in such a state of disrepair as to require the demolition or removal of the structure. This section may be supplemented by nuisance abatement action provided for in Chapter 16 of the City's Code of Ordinances to properly secure such structure until the repairs have been completed.

These procedures may be suspended with the issuance of a valid building permit that will abate the violations or a Stipulation of Remediation that clearly outlines the steps required to remedy the violations and a timeline for compliance. The stipulation must be signed by both the interested party and a city representative and be notarized. Failure to comply with the conditions of the building permit or the stipulation will result in the procedures for condemnation automatically resuming.

1. Property is inspected by the Building Department.
    a. A Property Maintenance Inspection Report (PMIR) is completed to include a recommended action to be taken based upon the International Property Maintenance Code Section 108 as adopted by the City Commission on January 3, 2017.
    b. Date stamped color photographs of the property conditions are taken and attached to the PMIR.
    c. A Property Card is printed from the Property Appraiser's website.
    d. File is forwarded to the Code Compliance Manager.
2. Notice of Violation and Affidavit of Unsafe Building is created.
    a. The Notice of Violation must clearly identify the steps required to remedy all identified violations.
    b. The notice must include a statement providing the owner(s) with their right to appeal the decision to the Construction Board of Adjustments and Appeals.
3. The Affidavit of Unsafe Building with the attached Notice of Violation is recorded with the St. Lucie County Clerk of Courts.
4. A copy of the recorded affidavit and notice is to be sent to all interested parties including the registered owner of title (from the Property Appraiser's card), any Registered Agent listed with the Division of Corporations, any heirs of estates listed with the St Lucie County Clerk of Court., any tenants and any additional names / addresses as may be provided.
5. All notices are to be sent certified mail, return receipt requested.
6. If the signed green card is not received within 10 business days, is returned unclaimed or unsigned, the notice shall be sent regular mail with an Affidavit of Mailing signed and placed in the file.
7. Property is to be posted with the appropriate Notice of Condemnation. This may include an order for the structure to be vacated until such repairs have been completed.
8. An Affidavit of Posting shall be signed and placed in the file along with a copy of the posting.
9. Follow up inspections are to be conducted at least bi-annually to determine if additional action is needed.
10. If no action has been initiated after a period of twenty-four (24) months, the Code Compliance Manager may either forward the property to the Legal Department to initiate foreclosure proceedings or forward the matter to the City Commission for demolition.

**SECTION II – CONDEMNATION WITH DEMOLITION**

This Section is intended to address properties that have been declared unsafe by the Code Official but are in such a state of disrepair as to require the demolition or removal of the structure.

These procedures may be suspended with the issuance of a valid building permit that will abate the violations or a Stipulation of Remediation that clearly outlines the steps required to remedy the violations and a timeline for compliance. The stipulation must be signed by both the interested party and a city representative and be notarized. Failure to comply with the conditions of the building permit or the stipulation will result in the procedures for demolition automatically resuming.

1. A Notice of Violation is created.
    a. The notice must clearly state that the building has been declared unsafe and must be demolished.
    b. A time to comply shall be established, determined by the severity of the condition, not to exceed 60 days.
    c. The notice is to be sent to all interested parties including the registered owner of title (from the Property Appraiser's card), any Registered Agent listed with the Division of Corporations, any heirs of estates listed with the St Lucie County Clerk of Court., any tenants and any additional names / addresses as may be provided.
    d. All notices must be sent certified mail, with return receipt requested.
2. An Affidavit of Unsafe Building with the attached Notice of Violation is recorded with the St. Lucie County Clerk of Courts.
3. A Resolution is prepared for approval by the City Commission to establish a date of hearing.
    a. The Resolution will be placed on the next available Commission agenda.
    b. The Resolution may include multiple addresses that are being scheduled to be heard.
    c. No evidence will be submitted or presented in support of this Resolution as it is only announcing a hearing date at which time such evidence shall be submitted and reviewed.
    d. Following the adoption of the Resolution establishing the hearing date, a Notice of Hearing shall be mailed by registered or certified mail a certified copy of said resolution to all parties at least ten (10) days prior to the date of said hearing by the city clerk of the City of Fort Pierce. Notice issued under this section shall advise the property owner and potential parties in interest of their right to be heard on the demolition or to show cause why the demolition should not take place.
4. A Resolution to Declare a Nuisance / Condemn & Demolish a structure is prepared for approval by the City Commission. Only a single property may be addressed per Resolution to Condemn and Demolish and in lieu of a specific date, shall state that demolition shall comply with the Rules of Procedure as adopted by the City Commission. Evidence to support the Resolution shall be presented and shall include, but is not limited to, the following:
    a. A copy of the Notice of Violation and certified mail return receipt.

b. A copy of the recorded Affidavit of Unsafe Building.

c. A current copy of the property card from the Property Appraiser's website indicating the current owner of the property and if the property is homesteaded.

d. Confirmation from the FPUA as to the current status of utilities.

e. Property Status Statement indicating:

i. If the property is occupied.

ii. If there was any prior attempts for rehabilitation under Section I of these rules.

iii. If there is any additional code enforcement action upon the property.

iv. If the property is historic and requires a Certificate of Appropriateness prior to demolition.

f. Color photographs clearly depicting the current condition of the property.

g. A copy of the Property Maintenance Inspection Report, completed by the Building Inspector.

h. Any reports from the FPPD or citizen complaints regarding the property.

5. If the City Commission finds cause to support the Resolution, staff shall commence the demolition procedures listed below no sooner than fifteen (15) days following adoption of the Resolution to allow the owner or other interested party the time to appeal the Commission's decision.

6. Any person, firm or corporation having any lien on, or interest in the property ordered condemned or removed, shall have the right to appeal, however, such appeal shall not operate as a stay of demolition until appeal bond has been filed with the clerk of the circuit court for St. Lucie County, Florida. The amount of which bond shall be set by the judge of the circuit court of St. Lucie County, Florida in an amount sufficient to cover all costs, attorney's fees and expenses of the City of Fort Pierce, reasonably incurred by the said city in protecting the public from dangers and damages arising from an incident to the building or structure involved in the said appeal. Provided, however, writ of error shall be issued out within three (3) days (Sundays excluded) and made returnable within fifteen (15) days from the date of said resolution.

**DEMOLITION PROCEDURES**

7. An Affidavit of Homestead Exemption Status is signed and placed in the file with a current Property Card from the Property Appraiser's and a copy of the Tax Card and tax record attached.

8. The historic status of the property is determined and an Affidavit of Historic Structure Status is completed.

a. If the structure is within a designated historic district or has otherwise been declared historic, the request is forwarded to the Historic Preservation Officer for the matter to be placed before the Historic Preservation Board to obtain a Certificate of Appropriateness to have the structure demolished.

b. If the structure is not historic, the Affidavit of Historic Structure Status is signed and placed in the file

9. A title search is to be conducted to determine if there are any additional interested parties that have not been notified. In the event that there are parties in interests, no demolition shall take place until the parties have had an opportunity to be heard but no later than fifteen (15) days following notice of interest.

10. A Final Notice of Demolition is sent regular mail to all interested parties identified in the title search providing for 15 days to contact the Code Enforcement office and initiate appropriate action to address the condition(s) that created the declared nuisance.

11. If all the above steps have been completed, there are no active permits to address the violations and no active Stipulation for Remediation, the matter will be forwarded to an approved City vendor.

    a. The vendor will apply for a demolition permit with the Building Department.

    b. The vendor will submit an estimate of costs to the Code Enforcement Department for approval.

    c. Upon approval by the Code Enforcement Department and issuance of the demolition permit, the structure shall be demolished and the site properly graded and sodded.

    d. A lien for costs is placed upon the property and recorded with the Clerk, in accordance with the City Charter and applicable Florida law.

**SECTION III – CONDEMNATION – DECLARATION OF NUISANCE**

This Section is intended to address properties that do not match the criteria to be declared unsafe by the International Property Maintenance Code, but due to their condition constitutes a menace to the business, health, or safety of the community and abatement by demolition is necessary to remedy this nuisance. Such conditions include, but are not limited to, abandonment, repetitive calls to FPPD for illegal activities and/or complaints from local residents and businesses.

These procedures may be suspended with the issuance of a valid building permit that will abate the violations or a Stipulation of Remediation that clearly outlines the steps required to remedy the violations and a timeline for compliance. The stipulation must be signed by both the interested party and a city representative and be notarized. Failure to comply with the conditions of the building permit or the stipulation will result in the procedures for demolition automatically resuming.

1. Based upon a written request from the Fort Pierce Police Department, a Notice of Violation is created complying with Chapter 16 of the Code of Ordinances to declare the property a nuisance and is sent to all interested parties including the registered owner of title (from the Property Appraiser's card), any Registered Agent listed with the Division of Corporations, any heirs of estates listed with the St Lucie County Clerk of Court., any tenants and any additional names / addresses as may be provided..

2. The property is posted in compliance with Chapter 16 of the Code of Ordinances advising all interested parties that the property is being declared a nuisance and an Affidavit of Posting is placed in the file.

3. A Resolution is prepared for approval by the City Commission to establish a date of hearing.

    a. The Resolution will be placed on the next available Commission agenda.

    b. The Resolution may include multiple addresses that are being scheduled to be heard.

    c. No evidence will be submitted or presented in support of this Resolution as it is only announcing a hearing date at which time such evidence shall be submitted and reviewed.

    d. Following adoption of the Resolution establishing a hearing date, a Notice of Hearing shall be mailed by registered or certified mail a certified copy of said resolution to all parties at least ten (10) days prior to the date of said hearing by the city clerk of the City of Fort Pierce. Notice issued under this section shall advise the property owner and potential parties in interest of their right to be heard on the demolition or to show cause why the demolition should not take place.

4. A Resolution to Declare a Nuisance / Condemn & Demolish a structure is prepared for approval by the City Commission. Only a single property may be addressed per Resolution to Declare a Nuisance and Demolish and in lieu of a specific date, shall state that demolition shall comply with the Rules of Procedure as adopted by the City Commission. Evidence to support the Resolution shall be presented and shall include, but is not limited to, the following:

    a. A copy of the Notice of Violation and certified mail return receipt.

    b. A copy of the Affidavit of Posting.

    c. A current copy of the property card from the Property Appraiser's website indicating the current owner of the property and if the property is homesteaded.

    d. Confirmation from the FPUA as to the current status of utilities.

    e. Property Status Statement indicating:

        i. If the property is occupied.

        ii. If there was any prior attempts for rehabilitation under Section I of these rules.

        iii. If there is any additional code enforcement action upon the property.

        iv. If the property is historic and requires a Certificate of Appropriateness prior to demolition.

    f. Color photographs clearly depicting the current condition of the property.

    g. A copy of the written request and all related reports from the FPPD.

    h. Any citizen complaints regarding the property.

5. If the City Commission finds cause to support the Resolution, staff shall commence the demolition procedures listed below no sooner than fifteen (15) days following adoption of the Resolution to allow the owner or other interested party the time to appeal the Commission's decision.

6. Any person, firm or corporation having any lien on, or interest in the property ordered condemned or removed, shall have the right to appeal, however, such appeal shall not operate as a stay of demolition until appeal bond has been filed with the clerk of the circuit court for St. Lucie County, Florida. The amount of which bond shall be set by the judge of the circuit court of St. Lucie County, Florida in an amount sufficient to cover all costs, attorney's fees and expenses of the City of Fort Pierce, reasonably incurred by the said city in protecting the public from dangers and damages arising from an incident to the building or structure involved in the said appeal. Provided, however, writ of error shall be issued out within three (3) days (Sundays excluded) and made returnable within fifteen (15) days from the date of said resolution.

**DEMOLITION PROCEDURE**

7. An Affidavit of Homestead Exemption Status is signed and placed in the file with a current Property Card from the Property Appraiser's and a copy of the Tax Card and tax record attached.

8. The historic status of the property is determined and an Affidavit of Historic Structure Status is completed.

    a. If the structure is within a designated historic district or has otherwise been declared historic, the request is forwarded to the Historic Preservation Officer for the matter to be placed before the Historic Preservation Board to obtain a Certificate of Appropriateness to have the structure demolished.

    b. If the structure is not historic, the Affidavit of Historic Structure Status is signed and placed in the file

9. A title search is to be conducted to determine if there are any additional interested parties that have not been notified. In the event that there are parties in interests, no demolition shall take place until the parties have had an opportunity to be heard but no later than fifteen (15) days following the notice of interest.

10. A Final Notice of Demolition is sent regular mail to all interested parties identified in the title search providing for 15 days to contact the Code Enforcement office and initiate appropriate action to address the condition(s) that created the declared nuisance.

11. If all the above steps have been completed, there are no active permits to address the violations and no active Stipulation for Remediation, the matter will be forwarded to an approved City vendor.

    a. The vendor will apply for a demolition permit with the Building Department.

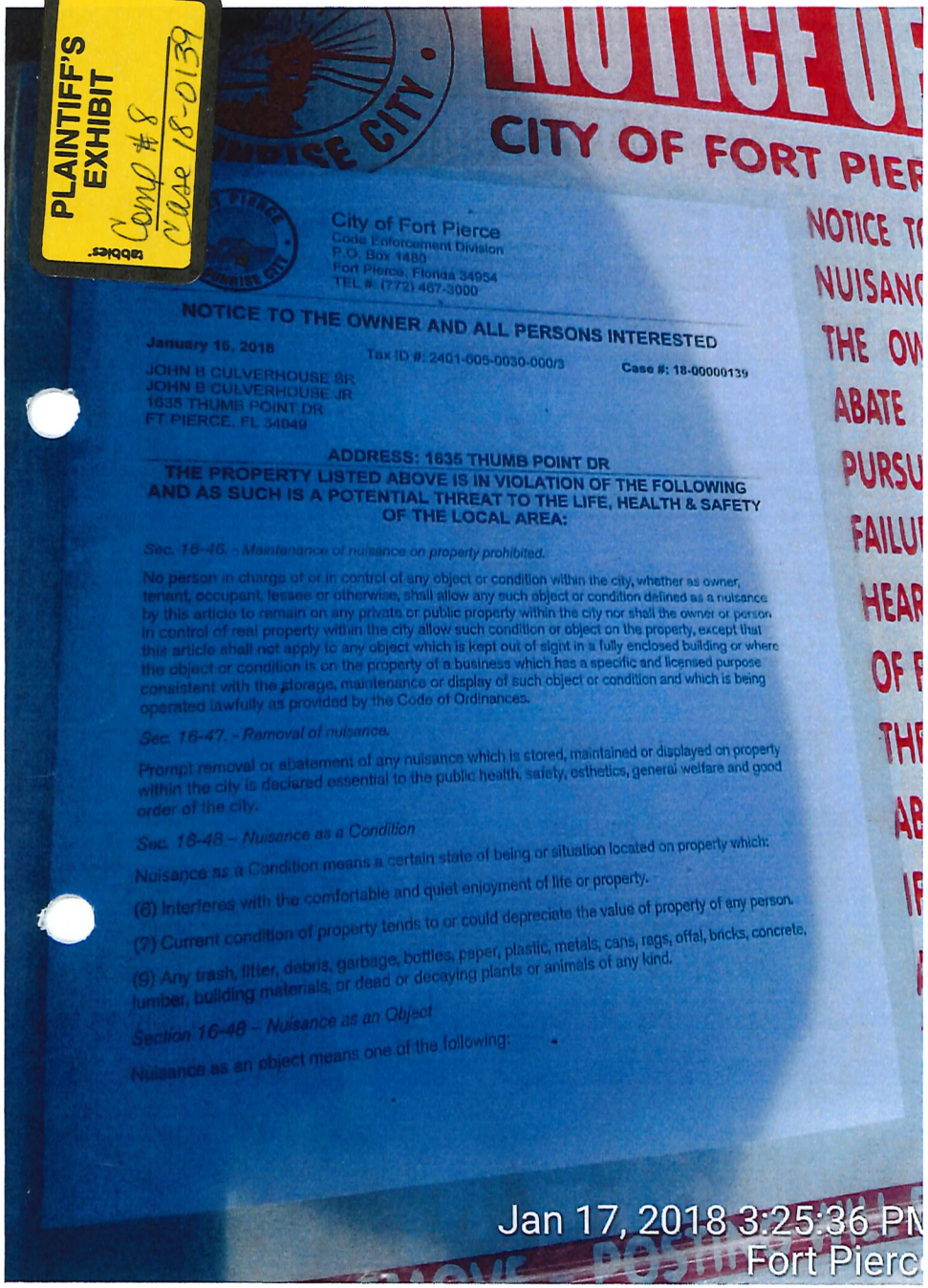
    b. The vendor will submit an estimate of costs to the Code Enforcement Department for approval.

    c. Upon approval by the Code Enforcement Department and issuance of the demolition permit, the structure shall be demolished and the site properly graded and sodded.

    d. A lien is placed upon the property in accordance with the City Charter.

PLAINTIFF'S EXHIBIT
tabbies
Comp #8
Case 18-0139

Ex 8






THE SUNRISE CITY
FORT PIERCE
CODE ENFORCEMENT
Florida

# AFFIDAVIT OF POSTING - PLACARD

CASE NO: 18-00000139

RE: 1635 THUMB POINT DR

BEFORE ME, the undersigned authority, personally appeared Heather Debevec, Code Enforcement Officer for the City of Fort Pierce, Florida, who after being duly sworn deposes and says:

That the property listed above was posted with a CONDEMNED placard in accordance with the International Property Maintenance Code Section 108.4; and

That the property listed above was posted with a NOTICE OF PUBLIC NUISANCE in accordance with Chapter 16-49 (a) of the City's Code of Ordinances.

FURTHER AFFIANT SAYETH NOT.

DATED this 17 day of January, 2017.

Heather Debevec

Heather Debevec, Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF ST. LUCIE

SWORN TO and SUBSCRIBED before me

this 17th day of January, 2018.

Margaret M Arraiz

NOTARY PUBLIC – STATE OF FLORIDA

MY COMMISSION EXPIRES:

MARGARET M. ARRAIZ
Notary Public - State of Florida
My Comm. Expires Jun 7, 2018
Commission # FF 091947

C0075957

PLAINTIFF'S EXHIBIT
#9
Case 18-0139

Ex 9

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, [illegible] 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or [illegible]

1. John B Culverhouse Sr
John B Culverhouse Jr
1635 Thumb Point Dr
Fort Pierce, FL 34949

REF:1635 Thumb Point Dr. Case#18-139 COND
mailed: 19-Jan-2018

9590 9402 2610 6336 2666 63

2. Article Number (Transfer from service label)
7015 1730 0000 9361 1963

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature]
☐ Agent
☑ Addressee

B. Received by (Printed Name)
C. Date of Delivery
2-6-18

RECEIVED
FEB 09 2018
CODE ENFORCEMENT
CITY OF FT. PIERCE

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Return Receipt for Merchandise
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, [illegible] 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece,

1. JOHN B CULVERHOUSE SR
JOHN B CULVERHOUSE JR
1635 THUMB POINT DR
FORT PIERCE, FL 34947

REF:1635 Thumb Point Dr. Case#18-139 COND
mailed: 16-Jan-2018

9590 9402 2610 6336 2666 56

2. Article Number (Transfer from service label)
7015 1730 0000 9361 1956

PS Form 3811, July 2015 PSN 7530-02-000-9053 [illegible]stic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature]
☐ Agent
☑ Addressee

B. Received by (Printed Name)
C. Date of Delivery
2-6-18

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

RECEIVED
FEB 09 2018
CODE ENFORCEMENT
CITY OF FT. PIERCE

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Res' Delivery
☐ Return Receipt f[illegible] Merchandise
☐ Signature C[illegible]mation™
☐ Signat[illegible]onfirmation Re[illegible]ted Delivery

EXHIBIT 10 COMPOSITE




Feb 8, 2018 10:48:16 AM
Fort Pierce


Feb 8, 2018 10:50:13 AM
Fort Pierce


Feb 8, 2018 10:48:12 AM
Fort Pierce


Feb 8, 2018 10:49:05 AM
Fort Pierce


Feb 8, 2018 10:48:14 AM
Fort Pierce


Feb 8, 2018 10:49:42 AM
Fort Pierce


Feb 8, 2018 10:49:50 AM
Fort Pierce


Feb 8, 2018 10:49:53 AM
Fort Pierce


Feb 8, 2018 10:50:35 AM
Fort Pierce


Feb 8, 2018 10:51:37 AM
Fort Pierce


Feb 8, 2018 10:50:55 AM
Fort Pierce


Feb 8, 2018 10:50:39 AM
Fort Pierce


Feb 8, 2018 10:48:41 AM
Fort Pierce


Feb 8, 2018 10:49:09 AM
Fort Pierce


Feb 8, 2018 10:48:45 AM
Fort Pierce


Feb 8, 2018 10:48:54 AM
Fort Pierce


Feb 8, 2018 10:49:37 AM
Fort Pierce


Feb 8, 2018 10:52:10 AM
Fort Pierce


Feb 8, 2018 10:49:33 AM
Fort Pierce

Michelle Franklin, CFA -- Saint Lucie County Property Appraiser -- All rights reserved.

## Property Identification

| | | | |
|---|---|---|---|
| Site Address: 1626 THUMB POINT DR | Parcel ID: 2401-605-0042-000-0 | Account #: 15224 | Sec/Town/Range: 01/35S/40E |
| Map ID: 24/01E | Zoning: R2 | Use Type: 0100 | Jurisdiction: Fort Pierce |

## Ownership

David N Sowerby (LF EST)
Cynthia M Sowerby (LF EST)

1626 Thumb Point DR
Fort Pierce, FL 34949-3569

## Legal Description

THUMB POINT BLK 2 LOT 2 (OR 639-2155; 3913-1574)

## Current Values

| | | | |
|---|---|---|---|
| Just/Market: | $338,000 | Assessed: | $148,129 |
| Exemptions: | $50,000 | Taxable: | $98,129 |

## Historical Values 3-year

| Year | Just/Market | Assessed | Exemptions | Taxable |
|---|---|---|---|---|
| 2017 | $338,000 | $148,129 | $50,000 | $98,129 |
| 2016 | $303,500 | $145,083 | $50,000 | $95,083 |
| 2015 | $286,000 | $144,075 | $50,000 | $94,075 |

## Sale History

| Date | Book/Page | Sale Code | Deed | Grantor | Price |
|---|---|---|---|---|---|
| 09-16-2016 | 3913 / 1574 | 0114 | QC | Sowerby David N | $100 |
| 05-31-1989 | 0639 / 2155 | XX00 | WD | Robert F Johnson | $145,000 |
| 12-01-1977 | 0281 / 0507 | XX00 | CV | | $65,000 |

## Primary Building Information

Finished Area of this building: 2,564 SF
Gross Area of this building: 4,843 SF

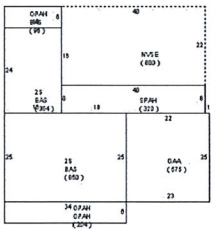
Exterior Data

| | | | |
|---|---|---|---|
| View: | Roof Cover: Conc Tile | Roof Structure: Gable | Building Type: HB |
| Year Built: 1963 | Frame: | Grade: B | Effective Year: 1963 |
| Primary Wall: CB Stucco | Story Height: 2 Story | No. Units: 1 | Secondary Wall: Hardi Plank |

Interior Data

| | | | |
|---|---|---|---|
| Bedrooms: 4 | A/C %: 100% | Electric: MAXIMUM | Primary Int Wall: |
| Full Baths: 3 | Heated %: 100% | Heat Type: FrcdHotAir | Avg Hgt/Floor: 0 |
| Half Baths: 1 | Sprinkled %: 0% | Heat Fuel: ELEC | Primary Floors: Hardwood |



## Total Areas

| | |
|---|---|
| Finished/Under Air (SF): | 2,564 |
| Gross Area (SF): | 4,843 |
| Land Size (acres): | 0.22 |
| Land Size (SF): | 9,760 |
| Total Building Count: | 1 |

## Special Features and Yard Items

| Type | Qty | Units | Year Blt |
|---|---|---|---|
| WOOD FEN 6' | 1 | 208 | 2000 |
| Drive-BrkPav | 1 | 1512 | 2006 |
| POOL DK-AVG | 1 | 430 | 2007 |
| RES POOL AVG | 1 | 450 | 2007 |
| POOL ENC-AVG | 1 | 880 | 2007 |

DEFENDANT'S EXHIBIT
#1
Case 18-0139
Mr. Culverhouse
Exhibit 1

This information is believed to be correct at this time but it is subject to change and is not warranted.
© Copyright 2018 Saint Lucie County Property Appraiser. All rights reserved.


DEFENDANT'S
EXHIBIT
Comp #2
Case 15-0139









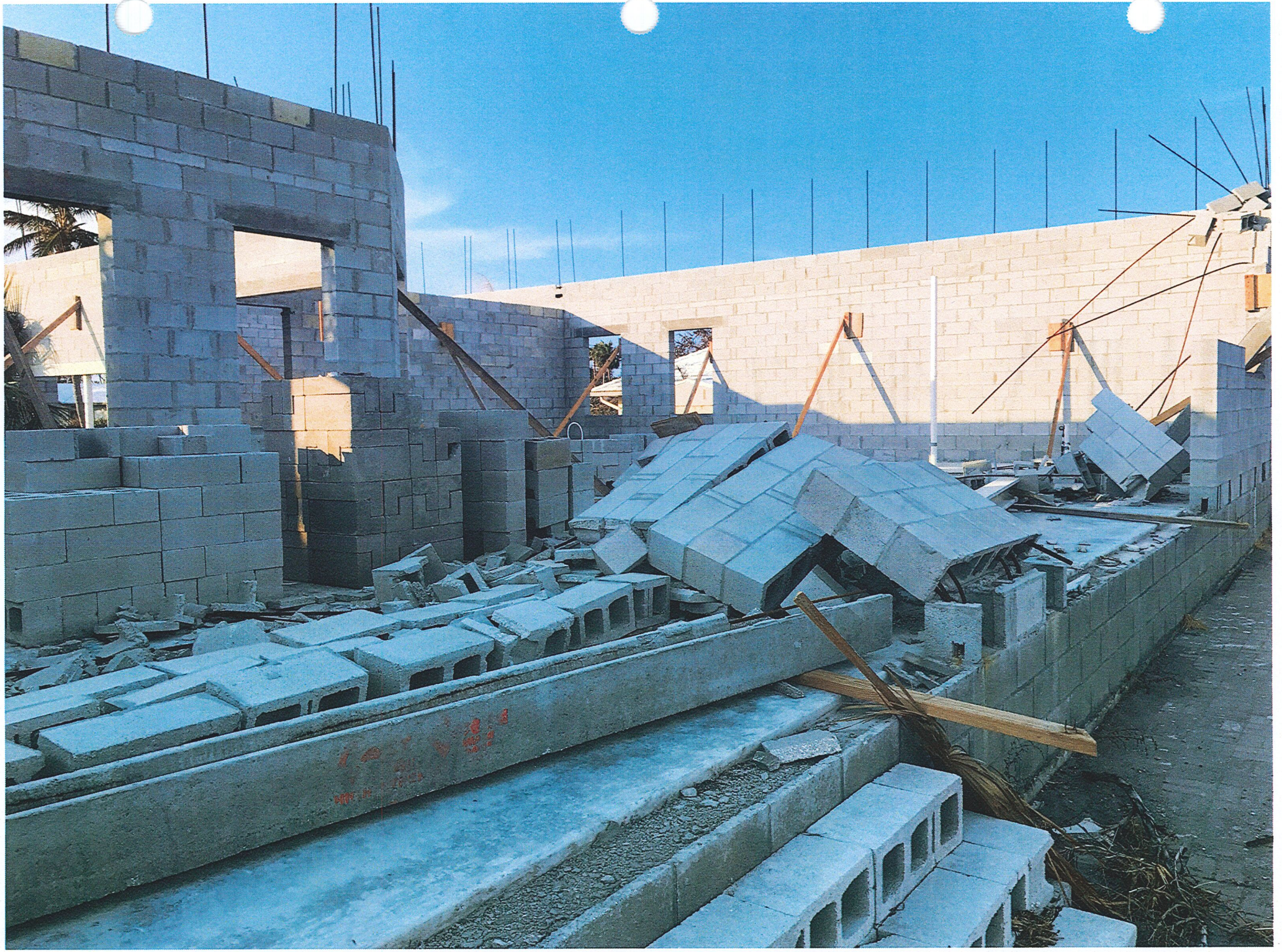


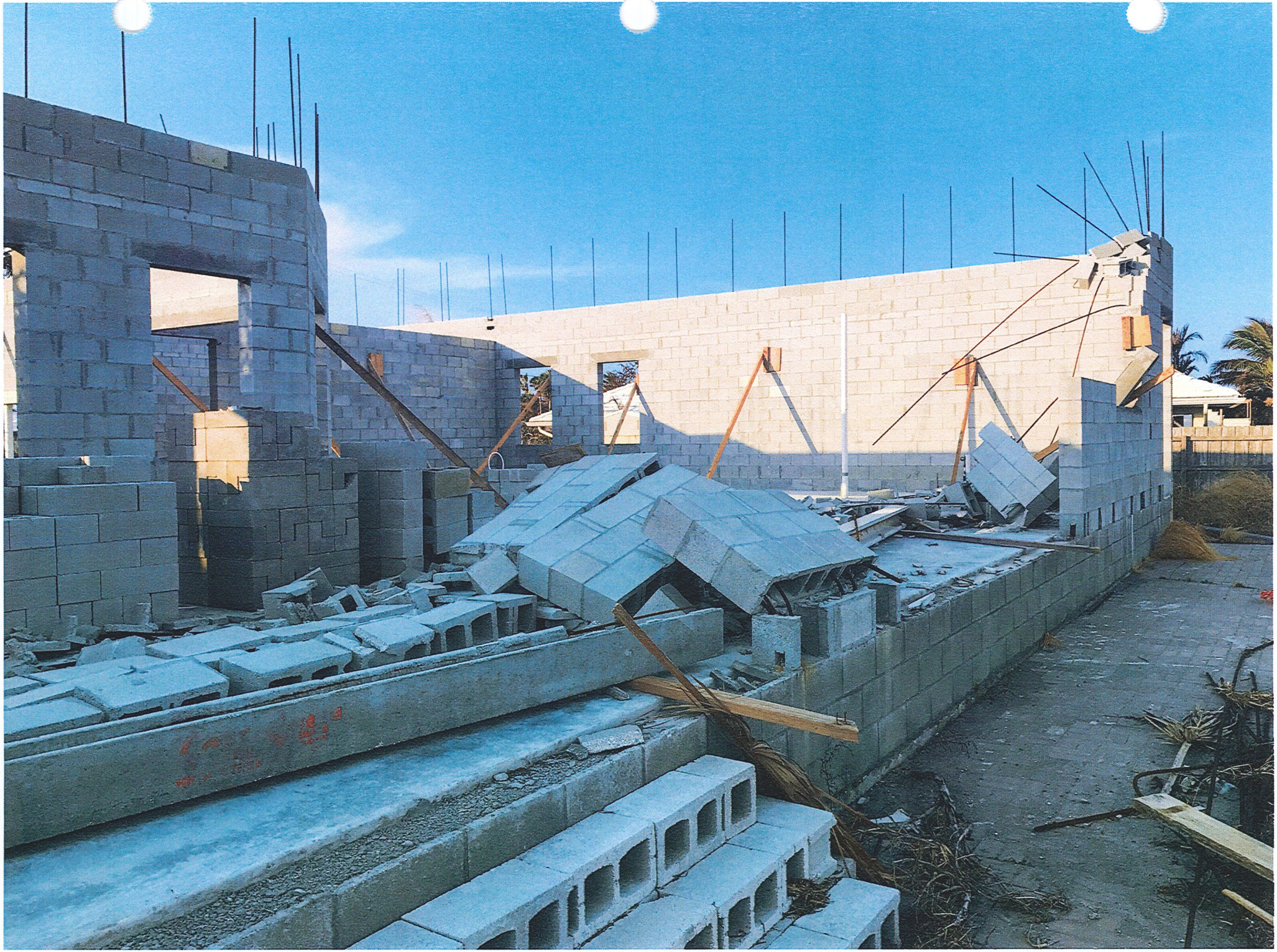





DEFENDANT'S
EXHIBIT
tabbies
Comp #3
Case 18-0139
Comp Exhibit #2











Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# RE: Culverhouse Repair estimate hurricane damage 9-27-17.xlsx

**Jennifer Rossignol** <jennifer.rossignol@harboria.com> Wed, Oct 4, 2017 at 8:32 AM
To: Brad Culverhouse <bradculverhouselaw@gmail.com>

Good morning Brad,

Your claim is being filed by the company and assigned to an adjuster. Once I receive that information back, I'll be in touch to provide it to you.

Thank you,

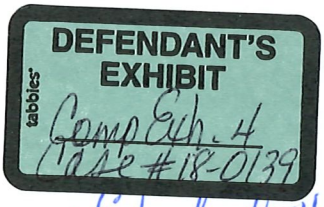
Jennifer Rossignol

Personal Insurance Account Manager

HARBOR INSURANCE AGENCY, INC.

Phone/Fax: (561)623-6148 / Toll Free: (888)451-8818 x6148

**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Tuesday, October 03, 2017 12:06 PM
**To:** Jennifer Rossignol <jennifer.rossignol@harboria.com>
**Cc:** bradculverhouselaw <BradCulverhouseLaw@gmail.com>; johnculverhouse2012@gmil.com
**Subject:** Fwd: Culverhouse Repair estimate hurricane damage 9-27-17.xlsx




Comp Exhibit 4

Dear Jennifer,

Attached please find the repair estimate from the General Contractor. Please forward to the Insurance carrier. Thank you,

---------- Forwarded message ----------
From: **Joseph Foglia** <jf33067@aol.com>
Date: Sunday, October 1, 2017
Subject: Culverhouse Repair estimate hurricane damage 9-27-17.xlsx
To: bradculverhouselaw@gmail.com

--

With best regards,


Sincerely,

**Brad Culverhouse**

**Attorney At Law, Chartered:**

505 Beach Court, Suite 1

Fort Pierce, Florida 34950

Office Telephone 772. 465.7572

Cellular Telephone 561.716.4726

E-Mail: BradCulverhouseLaw@gmail.com

**By** ***/s/ Brad_Culverhouse***

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

**Reed, R F** <RFReed@cl-na.com> Sat, Oct 14, 2017 at 6:40 PM
To: "bradculverhouselaw@gmail.com" <bradculverhouselaw@gmail.com>
Cc: "JF33067@aol.com" <JF33067@aol.com>

Mr. Culverhouse: It was my pleasure speaking with you. Please allow this to act as a summary of our conversation and a list to assist you/us in expediting your claim handling process. Your claim and policy #s are in the subject line. Please have available as many of the items listed under your "To Do List" and provide to your General Adjuster when he assesses your damages. We will contact your contractor J. Foglia, JF33067@aol.com (954)444-6125, for access to your property and to schedule the inspection.

Coverage Additions / Limitations/ Special limits

- Coverage A Dwelling – $153,000
- Coverage B Other Structures – $3,000
- Coverage C Personal Property – $10,000
- Coverage D Loss of Use – $5,000
- Limited Fungi, Mold, Wet or Dry Rot – $5,000 each loss

Deductible

- Wind/Hail: 5% ($7,650)

To Do List

Photos of damages

I am your primary contact for your claim, however, our General Adjuster will be in touch with you soon. Please feel free to contact me whenever you need assistance, either via phone or email. I look forward to working with. Have a wonderful day!

Fachon

*R. Fachon Reed*

**Desk Examiner**

**Cunningham Lindsay**

**TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

**Brad Culverhouse** <bradculverhouselaw@gmail.com> Sat, Oct 21, 2017 at 6:24 PM
To: "Reed, R F" <RFReed@cl-na.com>
Cc: "JF33067@aol.com" <JF33067@aol.com>, bradculverhouselaw <BradCulverhouseLaw@gmail.com>, johnculverhouse2012@gmil.com

I spoke to Joe Foglia today and no one has contacted him. Why the delay ? Time is of the essence!

On Saturday, October 14, 2017, Reed, R F <RFReed@cl-na.com> wrote:

> Mr. Culverhouse: It was my pleasure speaking with you. Please allow this to act as a summary of our conversation and a list to assist you/us in expediting your claim handling process. Your claim and policy #s are in the subject line. Please have available as many of the items listed under your "To Do List" and provide to your General Adjuster when he assesses your damages. We will contact your contractor J. Foglia, JF33067@aol.com (954)444-6125, for access to your property and to schedule the inspection.
>
> Coverage Additions / Limitations/ Special limits
>
> - Coverage A Dwelling – $153,000
> - Coverage B Other Structures – $3,000
> - Coverage C Personal Property – $10,000
> - Coverage D Loss of Use – $5,000
> - Limited Fungi, Mold, Wet or Dry Rot – $5,000 each loss
>
> Deductible
>
> - Wind/Hail: 5% ($7,650)

To Do List

Photos of damages

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Fachon

*R. Fachon Reed*

**Desk Examiner**

**Cunningham Lindsay**

**TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

--

With best regards,

Sincerely,
**Brad Culverhouse**
**Attorney At Law, Chartered:**
505 Beach Court, Suite 1
Fort Pierce, Florida 34950
Office Telephone 772. 465.7572
Cellular Telephone 561.716.4726
E-Mail: BradCulverhouseLaw@gmail.com

**By** ***/s/ Brad Culverhouse***

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# RE: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

**Reed, R F** <RFReed@cl-na.com> Sat, Oct 21, 2017 at 8:11 PM
To: Brad Culverhouse <bradculverhouselaw@gmail.com>
Cc: "JF33067@aol.com" <JF33067@aol.com>, "Reed, R F" <RFReed@cl-na.com>, "Lindsay, Mike" <MLindsay@cl-na.com>

Mr. Culverhouse. We are working to schedule each and every inspection. We typically have a field adjuster in touch with each client within 48 hours. With the amount of claims each of our adjusters is handling, we have been informed it is about a 10 day window. We do not take your loss lightly, however, we do ask that you exercise patience as we reallocate assets to meet the needs of our Southern Florida clients. Our management team is proactively working to shorten the current delay. Again, thank you for your patience and understanding.

Respectfully,

Fachon

*R. Fachon Reed*

**Desk Examiner**

**Cunningham Lindsay**

**TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Saturday, October 21, 2017 5:24 PM
**To:** Reed, R F
**Cc:** JF33067@aol.com; bradculverhouselaw; johnculverhouse2012@gmil.com
**Subject:** Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

I spoke to Joe Foglia today and no one has contacted him. Why the delay ? Time is of the essence!

On Saturday, October 14, 2017, Reed, R F <RFReed@cl-na.com> wrote:

Mr. Culverhouse: It was my pleasure speaking with you. Please allow this to act as a summary of our conversation and a list to assist you/us in expediting your claim handling process. Your claim and policy #s are in the subject line. Please have available as many of the items listed under your "To Do List" and provide to your General Adjuster when he assesses your damages. We will contact your contractor J. Foglia, JF33067@aol.com (954)444-6125, for access to your property and to schedule the inspection.

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- Wind/Hail: 5% ($7,650)

To Do List

Photos of damages

I am your primary contact for your claim, however, our General Adjuster will be in touch with you soon. Please feel free to contact me whenever you need assistance, either via phone or email. I look forward to working with. Have a wonderful day!

Fachon

*R. Fachon Reed*

**Desk Examiner**

**Cunningham Lindsay**

**TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

--

With best regards,

Sincerely,

**Brad Culverhouse**

**Attorney At Law, Chartered:**

505 Beach Court, Suite 1

Fort Pierce, Florida 34950

Office Telephone 772. 465.7572

Cellular Telephone 561.716.4726

E-Mail: BradCulverhouseLaw@gmail.com

**By** ***/s/ Brad_Culverhouse***

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

**Brad Culverhouse** <bradculverhouselaw@gmail.com> Wed, Oct 25, 2017 at 2:45 PM
To: "Reed, R F" <RFReed@cl-na.com>
Cc: "JF33067@aol.com" <JF33067@aol.com>, "Lindsay, Mike" <MLindsay@cl-na.com>, bradculverhouselaw <BradCulverhouseLaw@gmail.com>, johnculverhouse2012@gmil.com

Your failure to timely adjust this claim is jeodpordizing the ability of the owners to move forward wlth reconstruction in a timely manner and to be able to comply with the requirements of the building permit which could cause the permit to lapse or not be renewed or extended which will cause substantial damages.
Time is of the Essence!!!!!

On Saturday, October 21, 2017, Reed, R F <RFReed@cl-na.com> wrote:

> Mr. Culverhouse. We are working to schedule each and every inspection. We typically have a field adjuster in touch with each client within 48 hours. With the amount of claims each of our adjusters is handling, we have been informed it is about a 10 day window. We do not take your loss lightly, however, we do ask that you exercise patience as we reallocate assets to meet the needs of our Southern Florida clients. Our management team is proactively working to shorten the current delay. Again, thank you for your patience and understanding.
>
> Respectfully,
>
> Fachon
>
> *R. Fachon Reed*
>
> **Desk Examiner**
>
> **Cunningham Lindsay**
>
> **TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Saturday, October 21, 2017 5:24 PM
**To:** Reed, R F
**Cc:** JF33067@aol.com; bradculverhouselaw; johnculverhouse2012@gmil.com
**Subject:** Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

I spoke to Joe Foglia today and no one has contacted him. Why the delay ? Time is of the essence!

On Saturday, October 14, 2017, Reed, R F <RFReed@cl-na.com> wrote:

Mr. Culverhouse: It was my pleasure speaking with you. Please allow this to act as a summary of our conversation and a list to assist you/us in expediting your claim handling process. Your claim and policy #s are in the subject line. Please have available as many of the items listed under your "To Do List" and provide to your General Adjuster when he assesses your damages. We will contact your contractor J. Foglia, JF33067@aol.com (954)444-6125, for access to your property and to schedule the inspection.

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- Coverage D Loss of Use – $5,000
- Limited Fungi, Mold, Wet or Dry Rot – $5,000 each loss

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# RE: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

**Reed, R F** <RFReed@cl-na.com> Wed, Oct 25, 2017 at 7:42 PM
To: Brad Culverhouse <bradculverhouselaw@gmail.com>
Cc: "JF33067@aol.com" <JF33067@aol.com>, "Lindsay, Mike" <MLindsay@cl-na.com>, "johnculverhouse2012@gmil.com" <johnculverhouse2012@gmil.com>, "jennifer.rossignol@harboria.com" <jennifer.rossignol@harboria.com>

Mr. Culverhouse. Michael Brett will be your General Adjuster and he will be in touch with you soon.

Again thank you for your patience and have a great evening.

**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Wednesday, October 25, 2017 2:53 PM
**To:** Reed, R F <RFReed@cl-na.com>
**Cc:** JF33067@aol.com; Lindsay, Mike <MLindsay@cl-na.com>; johnculverhouse2012@gmil.com; jennifer.rossignol@harboria.com; bradculverhouselaw <BradCulverhouseLaw@gmail.com>
**Subject:** Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

Thank you

On Wednesday, October 25, 2017, Reed, R F <RFReed@cl-na.com> wrote:

> Mr. Culverhouse: I copied my manager on my original reply to you. I just spoke with him and he will do his best to get an adjuster assigned asap. I will be in touch once I have an update.
>
> Thank you again for your patience.
>
> Fachon

*R. Fachon Reed*

**Desk Examiner**

**Cunningham Lindsay**

**TPA for Lexington Insurance Company**

**214.488.6722**

RFReed@cl-na.com

**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Wednesday, October 25, 2017 1:46 PM
**To:** Reed, R F <RFReed@cl-na.com>
**Cc:** JF33067@aol.com; Lindsay, Mike <MLindsay@cl-na.com>; bradculverhouselaw <BradCulverhouseLaw@gmail.com>; johnculverhouse2012@gmil.com
**Subject:** Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

Your failure to timely adjust this claim is jeodpordizing the ability of the owners to move forward wIth reconstruction in a timely manner and to be able to comply with the requirements of the building permit which could cause the permit to lapse or not be renewed or extended which will cause substantial damages.

Time is of the Essence!!!!!

On Saturday, October 21, 2017, Reed, R F <RFReed@cl-na.com> wrote:

> Mr. Culverhouse. We are working to schedule each and every inspection. We typically have a field adjuster in touch with each client within 48 hours. With the amount of claims each of our adjusters is handling, we have been informed it is about a 10 day window. We do not take your loss lightly, however, we do ask that you exercise patience as we reallocate assets to meet the needs of our Southern Florida clients. Our management team is proactively working to shorten the current delay. Again, thank you for your patience and understanding.
>
> Respectfully,

Gmail **Brad Culverhouse <bradculverhouselaw@gmail.com>**

# Thumb point

**Joseph Foglia** <jf33067@aol.com> Mon, Nov 20, 2017 at 9:38 AM
To: bradculverhouselaw@gmail.com

Bradley, the city just called and said they are going to put a notice on the thumb point property. A complaint was filed about the block laying on the slab. I told them I would notify you and also you were waiting on an insurance settlement and I release from the insurance company to do the work.
He reminded me that the permit will expire on December 11. And extension needs to be requested.

Sent from my iPhone
Joseph M. Foglia
President
Foglia Contracting Corp
D.B.A.
Foglia Custom Homes
(954)444-6125

Gmail Brad Culverhouse <bradculverhouselaw@gmail.com>

# Fwd: DELAY BY LEXINGTON INSURANCE CO. IN ADJUSTING LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 CULVERHOUSE CLAIM FOR DAMAGE CAUSED BY HURRICANE IRMA TO HOME BEING RECONSTRUCTED AT 1635 THUMB POINT DRIVE

**Brad Culverhouse** <bradculverhouselaw@gmail.com> Mon, Nov 27, 2017 at 5:05 PM
To: "Reed, R F" <RFReed@cl-na.com>
Cc: bradculverhouselaw <BradCulverhouseLaw@gmail.com>
Bcc: johnculverhouse2012@gmil.com

Dear Mrs. Reed,
The date of our phone call was November 22, 2017, not November 21st, 2017. All of the remainder of the earlier email are re-alleged herein.

---------- Forwarded message ----------
From: **Brad Culverhouse** <bradculverhouselaw@gmail.com>
Date: Monday, November 27, 2017
Subject: DELAY BY LEXINGTON INSURANCE CO. IN ADJUSTING LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 CULVERHOUSE CLAIM FOR DAMAGE CAUSED BY HURRICANE IRMA TO HOME BEING RECONSTRUCTED AT 1635 THUMB POINT DRIVE
To: "Reed, R F" <RFReed@cl-na.com>
Cc: bradculverhouselaw <BradCulverhouseLaw@gmail.com>

**Dear Mrs. Reed,**

**On October 25th, 2017, I sent you the following email:**

"**From:** Brad Culverhouse [mailto:bradculverhouselaw@gmail.com]
**Sent:** Wednesday, October 25, 2017 1:46 PM
**To:** Reed, R F <RFReed@cl-na.com>
**Cc:** JF33067@aol.com; Lindsay, Mike <MLindsay@cl-na.com>; bradculverhouselaw <BradCulverhouseLaw@gmail.com>; johnculverhouse2012@gmil.com
**Subject:** Re: LEXINGTON INSURANCE CLAIM # 683-655359 POLICY # 701360027858-001 FOLLOW UP/SUMMARY

Your failure to timely adjust this claim is jeodpordizing the ability of the owners to move forward wIth reconstruction in a timely manner and to be able to comply with the requirements of the building permit which could cause the permit to lapse or not be renewed or extended which will cause substantial damages.

Time is of the Essence!!!!!"

****

There is a record of what transpired thereafter, so I won't repeat it, except to state that on the phone on November 21st, 2017, you promised me that you would have an offer to settle the claim by Friday, November 24th, 2017 and you did not contact me on November 24th, 2017.

**My building permit expires on December 11th, 2017**, which means that I do not have the time to have the damage repaired and to get an inspection before December 11th, 2017 and that I will have to pay $4,000.00 to obtain a new permit and $5,000.00 to the engineer and architects to re-submit plans, etc., **and the damages keep mounting.**

## TIME IS OF THE ESSENCE !!!!!

## GOVERN YOURSELF ACCORDINGLY

Sincerely,

***/s/ John B. Culverhouse, Sr.,***

**John B. Culverhouse, Sr.,**
Fort Pierce, Florida 34950
Office Telephone 772. 465.7572
Cellular Telephone 561.716.4726
E-Mail: BradCulverhouseLaw@gmail.com

--

With best regards,

Sincerely,

**Brad Culverhouse**
**Attorney At Law, Chartered:**
505 Beach Court, Suite 1
Fort Pierce, Florida 34950
Office Telephone 772. 465.7572
Cellular Telephone 561.716.4726
E-Mail: BradCulverhouseLaw@gmail.com

**By** ***/s/ Brad_Culverhouse***

City of Fort Pierce Building Department

# NOTICE TO CORRECT

Date 11/20/17 Inspector R JEFFERSON

Type of Inspection BUILDING

Name of Applicant on Permit or Resident CHARLENE ADAIR

Address 1635 THUMBPOINT

CORRECT THE FOLLOWING: UNSAFE CONCRETE BLOCK NO PROPERLY SECURED - PLEASE REMOVE OR SECURED BLOCK PER CODE

**CONTACT:**
Building Department
100 North U.S. #1
Fort Pierce, Florida 34950
Phone (772) 467-3000
Fax (772) 467-3849

**Prior to conducting required reinspection, an additional fee will be charged and must be paid in advance.**

FORM 1992 - PRINTING BY HEARN

DEFENDANT'S EXHIBIT
Comp # 5
Case 18-0139

Exhibit 5

1635 Thumbpoint Dr.
Charlene Adair
to:
scoss
11/16/2017 01:15 PM
Cc:
parraiz
Hide Details
From: Charlene Adair <cbadair4884@gmail.com>
To: scoss@city-ftpierce.com
Cc: parraiz@city-ftpierce.com

1 Attachment



1635 Thumbpoint 171115.jpg

Shaun,
Here's a picture of the unsafe concrete blocks and beam hanging by a thread that I mentioned yesterday. We've been having an issue with kids and other people fishing on the property - one of these falling is a safety issue in my mind.
Thank you,
Charlene

Have Richard Place [illegible] NTC

--
Charlene Adair
772-285-3757



Comp. Exhibit 6

DEFENDANT'S EXHIBIT
Comp #6
18-0139

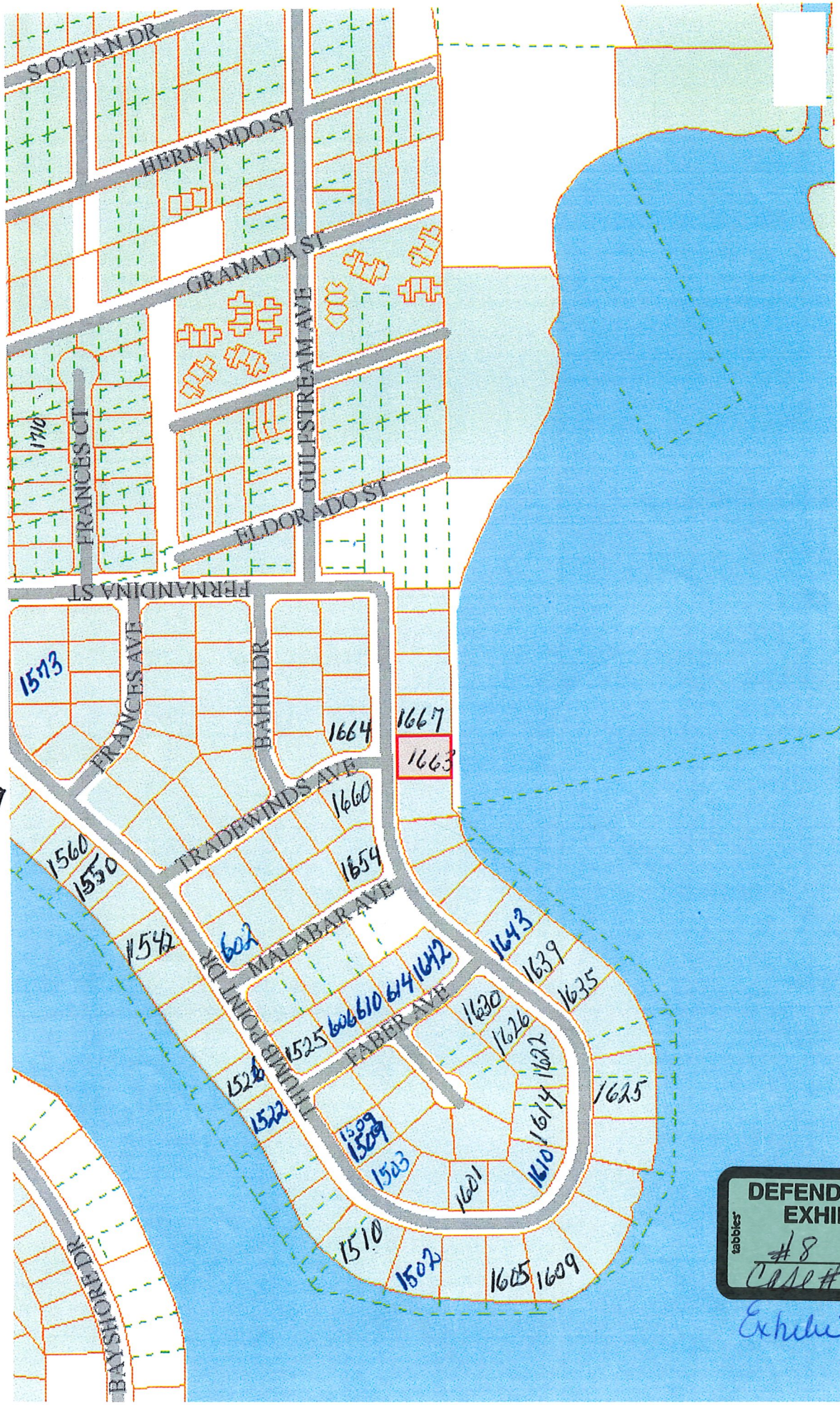

tabbies
DEFENDANT'S
EXHIBIT
Comp #1
CASE 18-0139




DANGER
CONSTRUCTION AREA
KEEP OUT

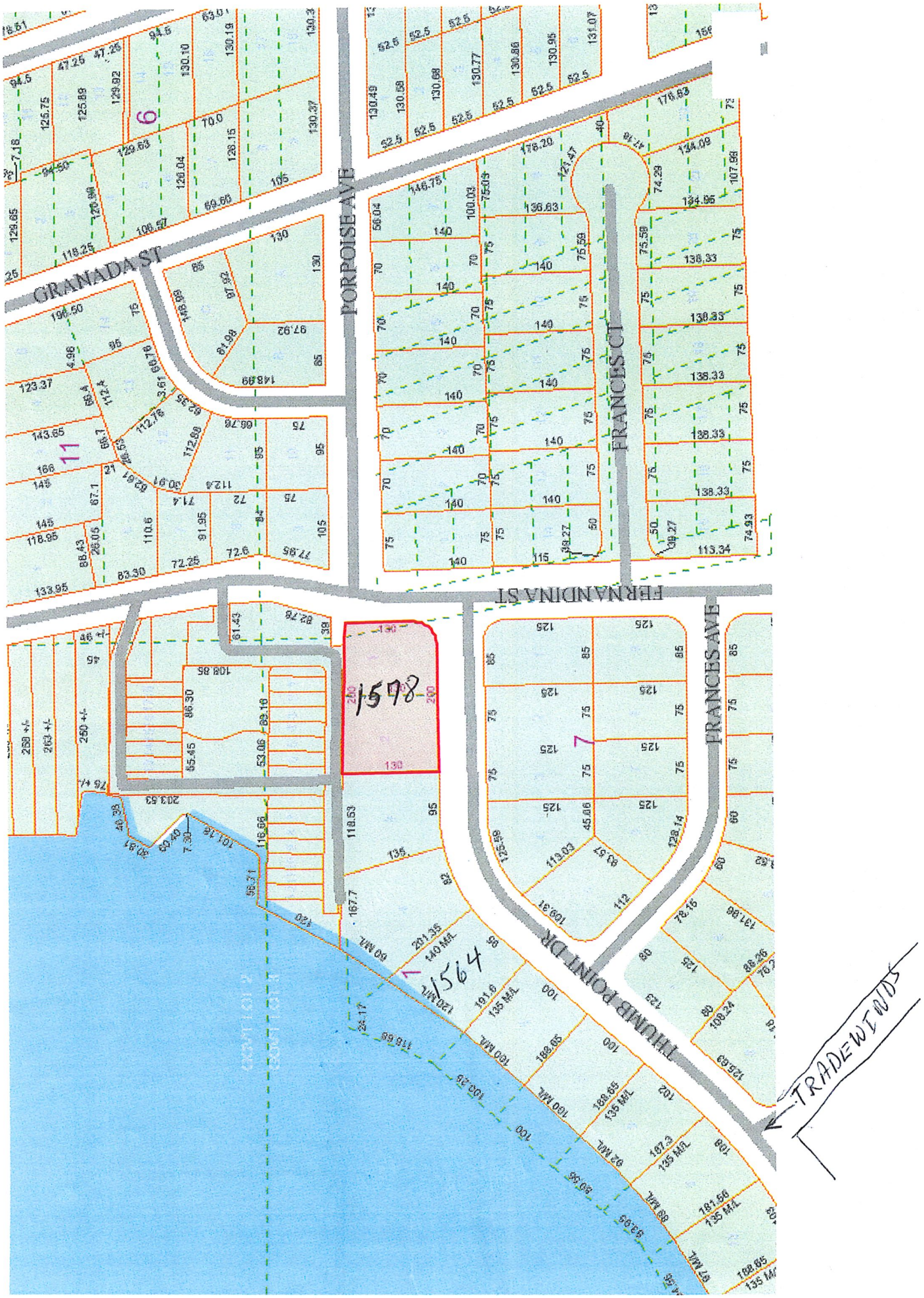



DANGER
CONSTRUCTION AREA
KEEP OUT




DEFENDANT'S EXHIBIT
#8
Case # 18-013

Exhibit 8


GRANADA ST
PORPOISE AVE
FRANCES CT
FERNANDINA ST
FRANCES AVE
THUMB POINT DR
1578
1564
TRADEWINDS

**City Commission Regular Meeting** **13.c.**

**Meeting Date:** 06/18/2018

**Re:** Resolution 18-R32

**Submitted For:** Diane Hobley-Burney, Chief of Police, Police Department

**SUBJECT:**

Resolution 18-R32 Establishing the Police Department Advisory Committee

**SUMMARY:**

At the request of the City Commission, this resolution establishes an advisory committee for the Police Department.

**RECOMMENDATION:**

Adopt Resolution 18-R32 establishing a Police Department Advisory Board

**ALTERNATIVES:**

Adopt with modifications; do not adopt.

**RESPONSIBLE STAFF:**

Chief Diane Hobley-Burney

**COORDINATED WITH:**

Nicholas Mimms, City Manager

**Attachments**

Draft Resolution

**Form Review**

| Inbox | Reviewed By | Date |
|---|---|---|
| City Manager | Nick Mimms | 06/13/2018 04:17 PM |

Form Started By: Linda Cox Started On: 06/13/2018 04:08 PM

Final Approval Date: 06/13/2018

RESOLUTION NO._-R_ DRAFT

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE COMMUNITY ADVISORY COMMITTEE; ROLES AND RESPONSIBILITIES OF THE COMMITTEE, MEMBER EXPECTATIONS, PROHIBITED ACTIONS< COMPOSITION AND QUALIFICATIONS, SELECTION AND APPOINTMENT OF MEMBERS, ATTENDANCE REQUIREMENTS, REMOVAL PROCEDURES, TERM LIMITS, ORGANIZATIONAL STRUCTURE, MEETINGS, AND TRAINING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that there is a need for citizen input into the Police Department so as to best promote the health, safety, and general welfare of the City of Fort Pierce; and,

WHEREAS, this input may be most efficiently obtained by the use of an advisory committee to assist the Chief of Police in order to facilitate interaction, build trust and mutual respect, and improve understanding between citizens and their Police Department.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. The City of Fort Pierce, Florida hereby establishes the Community Advisory Committee.

SECTION 2. Community Advisory Committee – Basis and Defined

Community Advisory Committee Basis

A Citizen Advisory Board as a group of individuals appointed for examining a public issue or set of issues, who meet over an extended period, and develop alternative solutions and new ideas through comprehensive interaction. Rather than being open to all members of the public, a Citizen Advisory Board is restricted to a small number of individuals who are expected to represent the interests of the public.A law enforcement organization can utilize a Citizen Advisory Board for advice and input on a myriad of issues. A Board may be asked to conduct research, generate new ideas or solutions, or provide informed recommendations on public policies and practices.

Although the fundamental purpose of such a Board, also referred to as the Advisory Committee, Board, or Council, is generally the same, definitions vary based on the culture, needs, and specifics of the forming agencies and jurisdictions. The Chief of

the Fort Pierce Police Department (FPPD) has adopted the name "Community Advisory Committee" to emphasize the partnership and collaboration between the community as a whole, and the police department.

The Community Advisory Committee will be developed to serve in an advisory role to the Chief of Police. This does not include committees or boards, governed by City Charter, that report to a City Council, City Commission, or City Manager.

The Community Advisory Committee has no authority over the Police Department, to include personnel issues. The Committee is not a policy-making body; however, at the discretion of the Chief of Police, may review certain policies and make recommendations. Police Department governance is the responsibility of the Police Chief. The activities of the Committee shall, always, be conducted in accordance with all federal, state, and local laws.

The Community Advisory Committee is not to be confused with a Citizen's Review Board, which serves to review the investigative process and results of completed departmental investigations of formal citizen complaints, and the use of force by department employees.

**Community Advisory Committee Defined**

1. Consistent with the Fort Pierce Police Department's Mission Statement, "To reduce crime and enrich the quality of life through a collaborative partnership with all citizens," the Community Advisory Committee is established under the direction of the Chief of Police. Its purpose is to facilitate interaction, build trust and mutual respect, and improve understanding between citizens and their Police Department.
2. The Community Advisory Committee acts as a liaison between the community and the Police Department.
3. The Committee is comprised of a diverse group of volunteers with a vested interest in the community and committed to addressing public safety and other related issues that will foster safe neighborhoods.
4. Specifically, the Committee listens to the concerns of the citizens and helps further the goals and initiatives of the Police Department by providing interaction, building trust and mutual respect, and by improving understanding between citizens and the Police Department.

**SECTION 3. Roles and Responsibilities**

The Chief of Police or a consensus of the committee may bring up any policy, procedure, or rule directly affecting the interface between police officers and the public for discussion of impact and consequences. Policies, procedures, and rules not affecting the public interface shall not be the purview of this Committee.

1. The Committee will provide opportunities for citizens and the Police Department to gain a greater understanding of the nature and causes of community problems. There will be emphasis on improving interactions between the Police Department and the citizens served.
2. The Committee will work throughout the community to strengthen and ensure mutual respect and the application of equal protection under the law to all. They will assist the Chief in promoting public awareness of contemporary policing issues and the responses of the Police Department.
3. The Committee will work cooperatively with the community, the Chief of Police, and the functional divisions of the Fort Pierce Police Department to identify, inform, discuss, and address common issues and trends, which may affect the quality and effectiveness of community policing and public safety. Such issues may include, but are not limited to:
    A. Stereotypes or implied bias related to race, religion, culture, ethnicity, sexual orientation, gender identity, body art or piercings, dress, etc.,
    B. Victim services, support, and advocacy,
    C. Training and recruiting, promotions
    D. Crime reduction, prevention, and social disorder,
    E. Fair and impartial policing,
    F. Distrust of police services,
    G. Mental health issues,
    H. Homelessness issues.

4.- The Committee's focus is to strengthen the quality, delivery, and integration of policing services to become more responsive to the needs of the City's diverse communities in recruitment, training, and outreach work.

5. The Committee members will agree to promote and support public awareness of police services and programs.
6. The Committee will discuss trends in law enforcement such as: training practices, use of force, police pursuits, current and emerging law enforcement technology, crime trends in our community and neighborhoods, response times, staffing, and other significant police issues.
7. The Chief of Police will be apprised directly by the Committee of the community's need for police services and citizens' perception of the effectiveness of those police services.

**SECTION 4. Member Expectations**

1. Members of the Committee are expected to attend the scheduled meetings and be prepared to engage in an honest and productive dialogue.
2. Members of the Committee are expected to treat each other with dignity and respect.
3. Members of the Committee are not to utilize the meetings to facilitate personal agendas or those of any organizations.
4. Members of the Committee are encouraged to participate in major police events such as swearing in, promotion, recognition or award ceremonies, memorial events, community events, etc.
5. All members of the Committee serve on a voluntary basis and agree to sign and abide by the Police Department Confidentiality Agreement.
6. Members will not use their role as a Committee member and/or knowledge of confidential information for personal benefit or to secure special privileges, favors, or exemptions for themselves, their community, an organization, or any other person.
7. Members of the Committee are expected to maintain the confidentiality of information that is designated as confidential and discussed and/or disclosed during the meetings or in other communications from the Chief of Police.
8. Members agree to support and abide by the consensus decisions of the Committee and will not speak publicly in contradiction of Committee decisions.
9. Members will disclose the general nature of any conflict of interest in any matter coming before the Committee, including current or future litigation and/or witness to an incident in litigation against the City or Police Department.

10. Members will preserve the integrity and impartiality of the Committee and

    A. will not attempt to exercise individual authority over the Committee or Police Department, and

    B. will not attempt to interfere with the operations of the Police Department.

**SECTION 5. Prohibited Actions**

Neither the Community Advisory Committee nor any member thereof, shall:

1. Incur City expense or obligate the City or Police Department in any manner.
2. Release any written or oral report of any Committee activity to any individual or body other than to the Chief of Police unless authorized in writing by the Chief to do so.
3. Conduct any activity, which might constitute or be construed as an official governmental review of police actions.
4. Conduct any activity, which might constitute, or be construed as establishment of City or Police Department policy.
5. Violate the confidentiality of any information related to matters involving pending or forthcoming civil or criminal litigation.

**SECTION 6. Composition and Qualifications**

**Committee Composition**

The membership of the Committee should reasonably represent the demographics, cultural and ethnic diversity, and special needs of the city and its neighborhoods. The Committee will be comprised of up to, but not more than, five (5) members who represent a range of backgrounds, interests, and personal or community service experience in one or more of the following areas:

1. Faith-Based community,
2. Mental illness resources,
3. Local schools or college,
4. Chamber of Commerce, small business, or other business organization,
5. Homeless resources,
6. Youth,
7. Diverse residential and business neighborhoods of the community,

**Member Qualifications**

1. All Committee members shall have established reputations of integrity, professionalism, and involvement in community service.
2. No member of the Committee, nor any member of the applicant's immediate family, shall be currently employed by the City or be a former employee of the Police Department or City.
3. No member of the Committee may currently be a party involved in or be a legal representative in litigation against the City or Police Department or any employee of those entities.
4. Each member of the Committee must be prepared and committed to invest the necessary time in enhancing police community relations in a manner that helps reduce the fear of crime and enhances relationships between the Police Department and the community.
5. Committee members must be permanent residents, business or property owners, employees of a business within the City limits, or otherwise be a recognized stakeholder in the City of Fort Pierce.

**SECTION 7. Selection and Appointment of Members**

**Applications for Appointment**

1. The Mayor and each of the four (4) City Commissioners shall submit a nominee within their area of responsibility to the Fort Pierce City Clerk's Office. Nominees should represent the diversity set forth under Committee Composition in Section 6 for appointment to the Committee. Each nominee shall submit an application indicating their willingness to serve, agree with, and meet all requirements for membership on the Committee.
2. Applicants meeting the qualification requirements set forth in Section 6 above are preferred.
3. The City Clerk's Office shall solicit citizen applications for membership on the Committee by the following actions:
    A. Posting requests for applications on the FPPD and City of Fort Pierce web sites and/or Facebook pages.
    B. Issuing a press release explaining the formation, purpose, requirements for membership, and how to apply to the Committee.

C. Publish the formation and purpose of the Committee as a public service announcement in local newspapers or other media outlets, if needed.

**Appointment to the Committee**

Prior to appointment, all Committee nominees shall complete an application, be fingerprinted, and submit to a criminal history background investigation due to the sensitivity of the matters that may be brought before the Committee. Selection criteria and disqualifiers will be determined by the Fort Pierce Police Department.

The City Commission shall appoint all members to the Committee. This includes one nominee of the Mayor and each City Commissioner. Membership appointments shall reflect the diversity goals of the Committee, but appointment of a member from each listed category is not a specific requirement.

Should a member resign, be removed, or should a vacancy otherwise occur, the following procedures outlined in "Applications for Appointment" will apply. The original appointee, the Mayor or a Commissioner, will provide a replacement nominee.

By census, the Committee shall appoint the Chair and Vice Chair.

**SECTION 8. Attendance Requirements**

1. All committee members are expected to regularly attend scheduled meetings.
2. Members are allowed two (2) excused absences from scheduled regular meetings during one calendar year. The Chief may waive this requirement under extenuating circumstances.
3. In the event a committee member is not able to attend a regularly scheduled meeting, he/she must notify the Chair or the Chief of Police.
4. Failure to attend two consecutive meetings without contacting the Chair or the Chief of Police with an acceptable explanation shall result in that member being dismissed.

**SECTION 9. Removal Procedures**

1. Members of the Community Advisory Committee are expected to exhibit the highest ethical and professional standards. If a violation occurs, the Chief of Police or designee will remove a member upon a consensus recommendation of the Committee and approval of the Commission.

2. No member of the Committee shall make any unauthorized written or oral statement of any Committee activity that is of a confidential nature to any individual or organization.
3. Members of the Committee may receive information regarding personnel matters and other information of a sensitive or confidential nature. It shall be the duty and responsibility of each member to respect and maintain the confidentiality of all matters presented before the Committee.
4. Neither the Community Advisory Committee, nor any individual member, shall disseminate confidential information received during Committee meetings. As stated herein, Committee members are required to sign confidentiality statements and will be removed from the Committee upon violation of the Confidentiality Agreement.
5. Members may also be removed for cause, or at the discretion of the Chief of Police or Chairman with approval of the Commission. In addition, members who, without being excused by the Chief or Chairman, fail to attend two consecutive regular meetings may be considered to have vacated their position and may be replaced.

**SECTION 10. Term Limits**

1. Committee members shall be appointed for a two-year term, with an option to renew the appointment, per City Commission approval, for an additional term of two years.
2. Appointments to fill vacancies due to resignation or other unexpected events shall be limited to the unexpired term of such vacancy.
3. No individual shall be appointed for more than two terms, excluding however, any partial term for the filling of a vacancy as referenced above. Members may continue to serve on the Committee until a replacement has been appointed.
4. After having served two consecutive terms, any appointee may reapply for reappointment to the Committee after an absence from the Committee for at least one year.

**SECTION 11. Organization/Structure**

1. The Committee will strive to reach consensus without voting, use of Roberts Rules of Order, or fact-finding protocols. All input and suggestions by Committee members will be received and considered by the Chief.

2. The Community Advisory Committee cannot become political. Each member must genuinely represent the community as a whole. The Chief or Chair must ensure that the Committee does not become dominated by partisan members or those with personal agendas.
3. Committee meetings shall be run by the Chair, with support from the Chief.
4. An agenda, accompanied by copies of any report, study or recommendation that is to be discussed or acted on, will be available for committee members. The agenda will usually be distributed to the Committee members in advance of each regular or special meeting. The agenda may be developed by the Chief or Chair in collaboration with the Chief.
5. Two members of the Community Advisory Committee will serve as its officers, made up of a Chair and Vice Chair. Officers will serve for a term of two (2) years not to exceed two terms. This limitation may be waived by consensus of the Committee in agreement with the Chief of Police and the Commission.
6. The Chief shall provide guidance to the Chair of the Community Advisory Committee at meetings, in appointing special committees when needed, and providing leadership and general supervision of the activities of the Committee.
7. The Vice Chair shall perform such duties and functions as may be assigned by the Chief and/or Chair, and in the event of the temporary absence of the Chair, shall perform the duties of the Chair.
8. The Chief shall determine the date, time, and place for each meeting.
9. All Committee members must maintain equal responsibility for the activities and success of the Committee.

**SECTION 12. Meetings**

Regular Community Advisory Committee Meetings shall be scheduled on a monthly basis with the Chief of Police calling for additional meetings as needed.

Meetings are generally held at the police facility, and last from a period of one to two hours.

**SECTION 13. Training**

Each member shall attend an orientation presented by the Chief. The initial Committee shall complete the Fort Pierce Police Department's Citizen's Academy

together as a group to familiarize all members with the operation of City government, the Police Department and the rules and operating procedures of the Committee. Each member shall complete a ride along with a Fort Pierce Police Department officer. Members added later will complete the same training, but they may do it on an individual basis.

**SECTION 10.** This resolution shall take effect immediately upon its adoption.

**IN WITNESS WHEREOF,** this Resolution has been duly adopted this _st day of _____, 2018.

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Linda Hudson
Mayor Commissioner

ATTEST:

_____
Linda Cox, City Clerk

Approved as to Form
And Correctness:

_____
James M. Messer, Esq.
City Attorney