

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 18, 2018.**

1. CALL TO ORDER

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

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

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

5. APPROVAL OF MINUTES

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

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

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

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

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

Dan Hooper spoke on item 13 b.
Charlie Hayek spoke on item 13 b.
Chris Hodge spoke on item 13 b.
Shirley Krashak spoke on item 13 b.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

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

10. MISCELLANEOUS REPORTS

- a. Presentation on City of Fort Pierce Recreation Activities

Mike Reals, Public Works Director, introduced temporary employee Cassandra Jackson. Ms. Jackson indicated the objective of the summer program is to foster self-discipline, self-confidence, physical fitness and good citizenship, as well as sound character. Tutoring and mentoring will be provided. This summer program began Monday, June 18, 2018, is comprised of 10 adult staff and allowed 80 boys and girls ranging from grades 3-10. Sixty-five children were registered and 47 attended the first day. They are providing breakfast, lunch and snacks and the hours are from 9:30 a.m. until 3 p.m. The staff makes sure all children are actively engaged while they are there. Currently, they need to provide their own transportation. This program will last until August 3, 2018. The cost for football is \$100 and the cost for cheer is \$150.

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.

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

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

Passed

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

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

Mayor Hudson opened the Public Hearing.

Abraham Chabab, the applicant's representative, 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 Thomas Perona to approve item 12 a.

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

Passed

- 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

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.

Mayor Hudson opened the Public Hearing.

Seeing no one, the Mayor closed the Public Hearing.

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

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

Passed

- 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

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.

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 c.

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

Passed

- 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

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.

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

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

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

Passed

- 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

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.

Mayor Hudson opened the Public Hearing.
Abraham Chabab, the applicant's representative, presented himself to answer any questions.
Seeing no one else, the Mayor closed the Public Hearing.

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

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

NAY: Commissioner Thomas Perona

Passed

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.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, 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.

Jack Andrews, City Engineer, indicated this is a request from DOT for the agreement the city had previously entered into which did not have a termination date and thus, they are requesting one be added.

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

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

Passed

- b. Resolution 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.

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 1635 THUMB POINT DR IN FORT PIERCE, FLORIDA IS 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

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 advised the Commission that Mr. Culverhouse filed a Motion asking for his five calendar days which, according to our rules, he's entitled to so that he may prepare his case prior to the hearing. Mr. Messer recommended this motion be granted and the hearing be rescheduled within the next calendar days, the earliest being Monday, June 25, 2018.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to schedule a Special Meeting to discuss this on Monday, June 25, 2018 at 10 a.m.

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

Passed

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

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

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.

Police Chief, Diane Hobley-Burney, went into detail as to what would be required from each person wanting to apply to become part of this Police Department Advisory Committee, including but not limited to, having a Citizen's Academy and a ride-along with a police officer so that they fully understand the law and the dynamics of what the police force goes through. She explained this was thoroughly important because they would be the voice of the city when presenting advice to them. They would also be required to sign a non-disclosure agreement in order to participate since they would be dealing with topics that are sensitive in nature that affect certain members of our community more than others.

Commissioner Alexander expressed concern about this being a committee versus a board. Chief Hobley-Burney explained the reason why they had concluded a committee would be the city's best choice. Additionally, she explained the City Commission would be the ones selecting the members that would be part of this committee. Furthermore, she indicated that, even though the members would report to her and her department, she would make sure the City Commission members are kept up to speed as to what is occurring and decisions that are being contemplated if that is the Commission's desire. Commissioner Perona expressed his excitement about this and what it could mean for our city. He recommended a Mission Statement be established so that everyone could stay in their lane and understand their responsibilities. Commissioner Johnson gave some input, amongst them that the person arriving for a ride-along arriving just before a shift change.

Commissioner Sessions would like for the committee members to be able to report back to the Commission on non-confidential matters. He feels that way the rest of the citizens will be able to have some input. Additionally, he suggested that, since Chief Hobley-Burney at one point was the chief in Tampa and they had a similar committee, that the Tampa agreement should be reviewed. Chief Hobley-Burney stressed the reasons why a Confidentiality Agreement would need to be signed. Mayor Hudson reiterated that, while she is very excited about this new committee, she was adamant that the only person that should be the intermediary between the Police Department and the City Commission was the City Manager, Nicholas Mimms.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 13 c with the recommendation that Chief Hobley-Burney and Attorney Messer compose and incorporate a confidentiality agreement.

Commissioner Sessions mentioned he would not be able to support the motion since he did not feel comfortable with the original agreement, the wording and other aspects. Commissioner Perona stated he believed that if any member of the City Commission did not feel comfortable maybe it was an opportunity to review the agreement and come back with one that would make all of the members feel comfortable so that when this committee came to fruition it could be successful and something all of them supported. The City Manager, Mr. Mimms, indicated that, from a staff perspective, he would be happy to go back to the drawing board to make that happen.

Commissioner Alexander rescinded his second. Commissioner Johnson rescinded the motion.

14. COMMENTS FROM THE PUBLIC

Chris Williams
Rick Reed

15. COMMENTS FROM THE CITY MANAGER

Mr. Nicholas Mimms, City Manager, indicated Praise In the Park is an event happening at Martin Luther King Dreamland Park on June 23, 2018 at 10 a.m. where the Mayor will be speaking. The City of Fort Pierce, in collaboration with the Roundtable of St. Lucie County will be hosting a Youth Symposium on June 19, 2018. Additionally on June 26, 2018 there will be a Sunrise Theatre Community Meeting.

Mr. James Messer, City Attorney, did not have any comments.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona expressed his happiness with the city's involvement with youth programs because he feels it is fundamental to provide them with activities in order to impact them and steer them along the right path. It gives him a sense of pride. He thanked staff for becoming involved in this process.

Commissioner Sessions echoed Commissioner Perona's sentiments. He believes the city's vision for the future is instrumental and it begins with the youth. He wants the city to be open to all children even those that do not have the financial wherewithal.

Commissioner Johnson requested a Purchasing Manual be provided to the City Commission. He asked for an update on Edwards Road and City Engineer, Jack Andrews was able to provide this. Additionally, he referenced a letter received by the City Commission from a local car dealership and suggested that perhaps it would be a good idea for the City Commission to address their ordinance regarding vehicle tent sales in order to protect our local businesses.

Commissioner Alexander is content that we are invested in our youth as a city and it is his belief that we are doing even better than we were last year. There will be a Khalil Mack Field Dedication on July 6, 2018.

Mayor Hudson attended the Eagle Scout Court Ceremony for Wilner Joseph on Saturday, June 16, 2018 who earned his Eagle Scout Badge. The Lil' Feet event will be held on June 20, 2018 at the Riverwalk Center, sponsored by the Fire District and the Roundtable of St. Lucie County. Our Police Department was able to go out with kids from our community and purchase shoes for the less fortunate. She pointed out that there were 14-15 homes approved tonight that will receive improvements.

17. ADJOURNMENT

The meeting adjourned at 8:33 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER