

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 TUESDAY, **SEPTEMBER 4, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Father Bob Pope, St. Mark Evangelist Catholic 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: Interim City Attorney Benjamin Bryan
City Clerk Linda Cox
City Manager Nicholas Mimms

5. APPROVAL OF MINUTES

- a. Approval of minutes from the Special Meetings on August 1, 2018 and August 24, 2018.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve meeting minutes from the Special Meetings held on August 1, 2018 and August 24, 2018.

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

- b. Approval of the Meeting Minutes for the August 20, 2018 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 5 b.

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

6. PROCLAMATIONS

Mayor Hudson issued the Proclamations.

- a. Proclamation recognizing Hunger Action Month
b. Proclamation recognizing Suicide Awareness Month

7. LETTERS TO COMMISSION

No letters were presented.

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

Ilan Bally spoke on item 11 a.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Mayor Hudson asked to remove item 11 f and move item 12 j up to the first Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve the Agenda with changes.

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

10. MISCELLANEOUS REPORTS

- a. Monthly Financial Report for the Month Ending July 31, 2017

Johnna Morris, Finance Director, presented the financial report. All funds, with the exception of the Golf Course and Sunrise Theatre funds, are above projection.

11. CONSENT AGENDA

- a. Approve request to reduce code enforcement liens in the amount of \$1,151,740.00 against 1610 N 25th Street, Ft. Pierce, FL 34950, Parcel Number 2404-610-0001-000-6 previously owned by 26 Investment LLC, 20 Maple Avenue #30B, Fair Lawn, NJ 07410 and currently owned by FB Royal Garden LLC, 10325 NW 7th Avenue, Miami, FL 33150 to \$33,000.00 payable in 60 days.
- b. Approve submittal of grant application and receipt of grant award from Allegany Franciscan Ministries for \$75,000 to assist new business startups and new businesses relocating to Avenue D in Fort Pierce.
- c. Approval of an Interlocal Agreement between the City of Fort Pierce and Fort Pierce Utilities Authority for Iroquois/Navajo MSBU.
- d. Approve ATC Group Services, LLC request for installation of above-ground Fuel Tanks at City Compound Located at 52 Savannah Road.
- e. Approval of contract between the City of Fort Pierce and Benjamin Bryan, Jr. to provide legal services as Interim City Attorney for a period of 90 days.
- f. Approval of travel expenses for Commissioner Rufus Alexander to attend the Florida League of Cities University Workshop and Transportation & Intergovernmental Policy Committee meetings held from September 13-14, 2018 in the amount of \$604.50.
- g. Approval of travel expenses for Mayor Linda Hudson to attend the Florida League of Cities University Workshop and Land & Use Development Policy Committee meetings held from September 13-14, 2018 in the amount of \$389.76.
- h. Approval to replace existing Viewu Body Camera contract with new Axon Body Camera contract, in the amount not to exceed \$450,001.65. The proposal is a five (5) year term that costs \$90,000 per year.
- i. Acceptance of Proposal/Engagement Letter from Colin Baenziger & Associates to provide City Attorney recruitment services for an amount not to exceed \$23,500.

Commissioner Sessions pulled item 11 a. Interim City Attorney, Ben Bryan, Jr. pulled item 11 i.

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

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

As to item 11 a, Commissioner Sessions expressed his concerns as to why the City was charging these lien costs to the new owner. Peggy Arraiz, Code Enforcement Manager, indicated the prior owner had incurred all of these code violations and when the new owner purchased the property these costs had already skyrocketed. The Code Enforcement Department lowered the lien amounts to \$3,000 per each of the 11 properties for a total of \$33,000. Commissioner Alexander echoed Commissioner Sessions' opinion on the matter and asked if it were at all possible to have the previous owner incur these costs since s/he was the culprit of these costs in the first place. Ms. Arraiz explained the City Commission has the authority to allow this current owner to satisfy these liens in some way and release the rest of the lien allowing the remainder to attach itself to the prior owner's name should they own property now or again in St. Lucie County.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to release the lien to the new owner upon payment of \$12,100 and preserve the lien to the original owner at the full amount of \$1,151,740.

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

As to item 11 i, Interim City Attorney, Ben Bryan, Jr. suggested that as a general notice provision, the City of Fort Pierce's Human Resources Department be listed in Phase II as being able to accept applications for the position so the Commission may consider local applicants from surrounding areas.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item 11 i with amendment suggestions to the contract/proposal.

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

12. PUBLIC HEARINGS

- a. Quasi Judicial Hearing - Ordinance 18-023 - Affirming the Prior Approval for the Planned Development Mayfair at Lawnwood -
Parcel IDs 2416-504-0199-000-1, 2416-504-0199-050-6 & 2416-504-0199-200-3 - 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, AFFIRMING THE PRIOR APPROVAL OF A PLANNED DEVELOPMENT (PD) PLAN MODIFICATION FOR MAYFAIR AT LAWNWOOD PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.
FIRST READING

Before commencing this Quasi-Judicial Hearing, Ben Bryan, Jr., Interim 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. That means that the only other individuals that may be heard are people who might have relevant information and their comments are limited to three (3) minutes each. Members of the public may be permitted to present their non-expert opinions, but the Commission must know that public sentiment is not relevant to the decision which must be based on competent, substantial evidence.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; Commissioner Johnson, Commissioner Perona and Mayor Hudson disclosed communication.

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.

Rebecca Grohall, Planning Director, indicated in 2016 there was a series of Public Hearings with the Planning Board as well as the City Commission. The City Commission approved the Revised Planned Development in November 2016 with the understanding that the negotiated agreement would be included in the final ordinance. After nearly two years, both parties reached a written agreement. Ms. Grohall showed the Commission a diagram of the south parcel's revised plan noting the most change. Proposed Ordinance 18-023 meets the criteria specified in Section 22-40 & 22-131 of the City Code and promotes and protects the public health, safety and general welfare. Staff recommends the approval of the proposed

Ordinance.

Mayor Hudson opened the Public Hearing.

Richard Wolfarth, the owner's representative, was happy to report that the biggest concern about drainage has been addressed.

David Earle, the attorney for Lawnwood of Fort Pierce, said there were a lot of things negotiated to bring this project to fruition.

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 a.

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with no new construction submitted by property owners, Leobardo Mata and Rosa Barajas, and applicant AWP Inc., to establish a contractor office that performs services off-site at 3101 Okeechobee Road, Fort Pierce, FL. The property is zoned General Commercial Zone (C-3), Parcel ID: 2417-806-0023-000-7.

Before commencing this Quasi-Judicial Hearing, Ben Bryan, Jr., Interim City Attorney, reminded the City Commission they were still bound by the same laws previously stated during the first Quasi-Judicial Hearing of the night.

Mayor Hudson called the proceeding to order.

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 denied having communication.

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 0.58-acre lot is currently zoned C3-General Commercial with a Future Land Use of GC-General Commercial. 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. 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) foot-candles.
- 2) Per City Code Sec. 22-60. Required off-street parking spaces for the handicapped shall be located near the front entrance of the main building for the use or if the use has no buildings, as close as practical to the center of the area where the principal activity associated with the use takes place.
- 3) Per City Code Section 22-187. – General Landscaping Requirements; Please provide a general landscaping plan demonstrating compliance with the City's landscaping requirements.
- 4) Please consult with the St. Lucie County Engineering Department concerning the three (3) driveway access points along Okeechobee Road. SLC Engineering is requesting that you remove the two easternmost driveways along Okeechobee Road.
- 5) The Planning Board has requested as a condition that storage of equipment be placed in the western portion of the subject property.

Mayor Hudson opened the Public Hearing.

Charles Potts, the Facility Manager and applicant's representative, indicated this was providing many jobs with great pay and benefits.

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 b with staff conditions.

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

Passed

- c. Resolution No. 18-R40 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 427 N 14th Street - Left Front Unit AKA Building #2 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 427 N 14TH ST – LEFT FRONT UNIT AKA BUILDING #2 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.

Before commencing this Quasi-Judicial Hearing, Ben Bryan, Jr., Interim City Attorney, reminded the City Commission they were still bound by the same laws previously stated during the first Quasi-Judicial Hearing of the night.

Mayor Hudson called the proceeding to order.

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 denied having communication.

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, gave the City Commission a history of the property declared unsafe, its current status and what the next steps conducive to demolition are.

Mayor Hudson opened the Public Hearing.

Christopher and Meredith Patterson confirmed being sworn in. They are the owners of the 427 N. 14th Street property and they were able to present valid Building Permits for this property.

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

Ms. Arraiz indicated that because permits were issued and the owners stated their full intention is to rehab this property, they will monitor it for six months to make sure they comply and, as a result, staff withdrew both this item, 12 c and item 12 d.

- d. Resolution No. 18-R41 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 427 N 14th Street - Left Rear Unit AKA Building #3 to show cause why the structure located on the premises should not be condemned and demolished.

Withdrawn by staff.

- e. Legislative Hearing - Ordinance 18-025 Rezoning the property generally located at 3800 Selvitz Road, from IH, Industrial Heavy (St. Lucie County Zoning) to I-3, Heavy Industrial (City of Fort Pierce Zoning). 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 3800 SELVITZ ROAD, FROM IH, INDUSTRIAL HEAVY (ST. LUCIE COUNTY ZONING), TO I-3, HEAVY INDUSTRIAL (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 Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 e.

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

Passed

- f. Legislative Hearing - Ordinance 18-026 Rezoning the property generally located at 3802 Selvitz Road, from IH, Industrial Heavy (St. Lucie County Zoning) to I-3, Heavy Industrial (City of Fort Pierce Zoning). 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 3802 SELVITZ ROAD, FROM IH, INDUSTRIAL HEAVY (ST. LUCIE COUNTY ZONING), TO I-3, HEAVY INDUSTRIAL (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 Jeremiah Johnson 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 18-027 Approval of a Zoning Atlas Amendment (Rezoning) from I1, Light Industrial, to PD, Planned Development, along with Planned Development Plan for the Redhawk Rebar facility located at 4280 Bandy Boulevard , Fort Pierce, FL. 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 4280 BANDY BOULEVARD, FROM I-1, LIGHT INDUSTRIAL ZONE, TO PD, PLANNED DEVELOPMENT; FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-40, 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 Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 12 g with staff recommendations.

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

Passed

- h. Legislative Hearing - Ordinance 18-028 annexing property located at 3030 S. 25th Street. SECOND READING

City Clerk, Linda Cox, introduced the ordinance, read by title only, into the record. AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 3030 SOUTH 25TH STREET IN FORT PIERCE, FLORIDA AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2019; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the Public Hearing.
Brian Nolan presented himself to answer any questions.
Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve item 12 h.

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

i. Legislative Hearing - Ordinance 18-029 Building Department Fee Schedule - 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 CHAPTER 5, ARTICLE VII OF THE CODE OF ORDINANCES ENTITLED "PERMIT FEES"; AMENDING SECTION 5-266, TO CLARIFY DETERMINATION OF FEES AND VALUATIONS; AMENDING SECTION 5-267, TO UPDATE FEE COLLECTION, REORGANIZE SCHEDULE AND REMOVE FEES NOT INCLUSIVE TO PERMITS; CREATING SECTION 5-268, MISCELLANEOUS FEE SCHEDULE, TO PROVIDE FOR A SCHEDULE OF MISCELLANEOUS FEES NOT INCLUSIVE TO PERMITS; CREATING SECTION 5-269, INCENTIVE AND OPTIONAL SERVICE FEE SCHEDULE, TO PROVIDE FOR A SCHEDULE OF FEES FOR INCENTIVES AND OPTIONAL SERVICES THAT THE DEPARTMENT PROVIDES; CREATING SECTION 5-270, PENALTY FEE SCHEDULE, TO PROVIDE FOR A SCHEDULE OF FEES FOR PENALTIES THAT MAY BE ASSESSED DURING CONSTRUCTION ACTIVITIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 Jeremiah Johnson to approve item 12 i.

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

j. Legislative Hearing - Ordinance 18-031 Modifying language in Chapter 12, Section 12-202 to remove the prohibition of delivery and demonstration of any item or service in City Parks. 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 CHAPTER 12, ARTICLE II OF THE CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION"; AMENDING SECTION 12-202 – PROHIBITED ACTIVITIES, TO MODIFY LANGUAGE TO ALLOW FOR THE DELIVERY AND DEMONSTRATION WITH CITY PARKS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Johnson expressed his concerns that the change in verbiage could be interpreted that any city park or beach could be used simply for demonstrations and could eventually be taken advantage of with the pretext that they are only demonstrating. Another concern was the use of the term "temporary". The Commission discussed whether they should approve this for only a certain amount of time and then come back to revisit it.

Mayor Hudson opened the Public Hearing.

Carole Mushier suggested this be referred to the Parks Committee for their review and recommendations.

Charlene Adair also was in favor of having the Parks Committee research this so the parks can be managed effectively and a decision can be made with accurate data in mind.

Rick Reed said these parks belong to all of us that are residents of the city and it meant they provided an opportunity for all of us to come together, regardless of where we resided in within the city. He indicated these are only issues when certain parks are mentioned, but other parks within our city are allowed to do much more even though they are also within our city limits.

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 j as presented.

AYE: Commissioner Rufus Alexander, Commissioner Reginald Sessions

NAY: Mayor Linda Hudson, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to have the Parks Committee give their recommendations on current Code Section 12-202 within 60 days.

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

13. CITY COMMISSION

- a. Resolution 18-R42 appointing members to the Police Community Advisory Committee (PCAC)

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, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE POLICE COMMUNITY ADVISORY COMMITTEE; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Alexander appointed Melvin Jones.

Commissioner Johnson appointed Charlie Hayek.

Commissioner Perona appointed Henry Duhart.

Commissioner Sessions appointed Mazzella Smith.

Mayor Hudson appointed Pinkie Henley.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve the selected appointments for item 13 a.

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

Passed

- b. Applications for appointment to the FPUA Board to be appointed via Resolution 18-R43.

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, CERTIFYING THE APPOINTMENT OF A MEMBER OF THE FORT PIERCE UTILITIES AUTHORITY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

There were only three applications submitted for this appointment consideration.

Commissioner Alexander and Commissioner Sessions voted to appoint Charlie Frank Matthews who will begin serving on October 1, 2018.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to appoint Charlie Frank Matthews as a new member to the FPUA Board via Resolution 18-R43.

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

- c. Resolution 18-R44 accepting the returns of the primary election held on August 28, 2018.

City Clerk, Linda Cox, introduced the ordinance, read by title only, into the record.
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ACCEPTING THE RETURNS OF THE PRIMARY ELECTION HELD ON AUGUST 28, 2018, AS PROVIDED BY THE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Alexander and Commissioner Perona will be sworn in on December 3, 2018.

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

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

14. COMMENTS FROM THE PUBLIC

Henry Duhart
Charlie Frank Matthews
Rick Reed

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report & Purchase Order Report

In an effort to be transparent, Nicholas Mimms, City Manager, provided the City Commission with a report of all of the expenditures between \$10,000 and \$50,000 for the period of July 1, 2018 and August 1, 2018. Mr. Mimms indicated the Active Shooter Training was a success and with the Police Department's help, they were able to identify some safety enhancement issues that needed addressing. The Sunrise Theatre Director position will be advertised in September 2018. The Planning Department, Building Department, City Clerk and Mr. Mimms met with the owner of Precious Lambs Day Care, Fay Owens-McCarthy and her design team to assist in what she needed in order to expedite the opening of her business. City staff will be helping the public understand the infrastructure of the city and how the Half-Cent Sales Tax Initiative affects them. The City Commission will be provided with a list of the HOAs, staff's talking points and the education material that will be provided to our citizens. The first reading of the ordinance adopting our General Fund Budget and FPRA Budget will take place at the September 10, 2018 Special Meeting. Brightline contacted the City of Fort Pierce in order to develop the King Plant as a mixed-use type of development while incorporating a travel railroad system, which currently runs from Orlando to Miami. The City Commission was in agreement that Mr. Mimms go ahead and pursue this to see how this would impact the City of Fort Pierce positively and/or negatively.

Ben Bryan, Jr., Interim City Attorney, said he'd work with Mr. Mimms in order to see what the legal implications of Brightline in our city would be. Additionally, he thanked the City Commission for selecting him for this job until the city hires a new City Attorney.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander thanked the community for voting for him during this last election and recognizing his service.

Commissioner Perona had no comments.

Commissioner Sessions congratulated Commissioner Alexander and Commissioner Perona for their re-elections. He said that even when the Commission did not agree, he knew they all had the best interest of the City of Fort Pierce at heart and he recognized this and was grateful. He was happy about the new appointments selected for the Police Community Advisory Committee and the newest member of the FPUA Board. He requested a status

update on Lenzi's Diner and Mr. Mimms said he'd been in communication with Building staff and the owner of the diner and, because they want businesses to thrive, they are looking for any avenues that can be pursued in order to allow this owner to open promptly.

Commissioner Johnson echoed Commissioner Sessions thoughts on Lenzi's Diner and thanked Mr. Mimms for being proactive in order to get this business open as soon as possible. He congratulated both Commissioner Alexander and Commissioner Perona on their re-election.

Mayor Hudson reminded the city that on September 11th at 10 a.m. in the Veteran's Memorial Park the life of Cee Cee Ross Lyles will be celebrated. Ms. Lyles was a Fort Pierce native and member of the Fort Pierce Police Department and lost her life during the 2001 terrorist attacks. The Sandy Paws & Pet Parade will be held on September 8, 2018 at the Marina Square at 3 p.m. in celebration of how animals impact our lives.

17. ADJOURNMENT

The meeting adjourned at 9:19 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER