

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, **NOVEMBER 5, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Pastor Eldrew Baldwin, First Bethel Missionary Baptist 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 the minutes for the October 15, 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

Mayor Hudson issued the Proclamation.

- a. Proclamation recognizing National Hunger & Homelessness Awareness Week

7. LETTERS TO COMMISSION

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

- a. Email from Cindy Bridges thanking Jennifer Robinson, Executive Assistant, for her help and Mike Reals, Public Works Director and his staff for being helpful, kind, and accommodating.
- b. Email from Rev. John Quarterman commending Juan Nunez, Maintenance Worker, Parks & Grounds Division, for going beyond the call of duty.
- c. Letter from Jim Foley in profound appreciation of Officer Ricardo Pelot's very fine job performance.
- d. Email from Luke Lewis thanking Shaun Coss, Building Investigator, for his help with a past issue and his professionalism and courtesy.

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

Ron Lyman spoke on item 11 a.
Janice Douglas spoke on item 11 a.
Terri Walden spoke on item 11 a.
Diana Voss spoke on item 11 e.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Commissioner Sessions requested that item 10 e be heard first in place of item 10 a to allow those present to hear the presentation before they left in light of election day the next day.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve the agenda and move item 10 e to item 10 a.

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

Passed

10. MISCELLANEOUS REPORTS

a. Waste Management check presentation to Commission

Jeff Sabin, Government Affairs Director at Waste Management, Inc. indicated they, in conjunction with Okeechobee Landfill and over 1,500 employees statewide, thanked the City Commission for their sustainable partnership. We are entering the fourth year in which negotiations were made for scheduled periodic payments as part of the partnership and, in good faith, Waste Management, Inc. presented a \$250,000 check.

b. Presentation of Indian River State College Update/Equity Agenda by Dr. Tina Hart, Vice President of Enrollment and Student Services and Andrew Treadwell, Administrative Director of Legislative & Executive Communications

Andrew Treadwell, Administrative Director of Legislative & Executive Communications and Dr. Tina Hart, Vice President of Enrollment and Student Services presented the Indian River State College (IRSC) Updated and Equity Agenda to the City Commission. IRSC was within the top 10 best colleges in the nation in 2015 and top three in 2017 in The Aspen Institute's Aspen Prize, the nation's signature recognition of high achievement and performance in America's community colleges and their goal is to be number one in 2019. They've also received third party validation from organizations like Frontier Set, Deloitte, Achieving the Dream Leader College, Community College Research Center and U.S. News & World Report.

The U.S. Department of Education's College Affordability and Transparency Center named IRSC the number one college in the 50 states for affordability as a four-year college. Their goal is creating a Treasure Coast Advanced Manufacturing Center since there is a need for trained industrial trades like manufacturing, aviation, welding, HVAC and construction, among others. IRSC degree completion rates have increased within the past five years. Black graduates have increased, however, IRSC is working on closing the gap between Black graduates and Hispanic and White graduates as the latter group continue to be roughly 14% higher. The college now has various programs to assist students while completing their degree. These include Completion Scholarships to assist those that have parted ways with the school without finishing their degree and still wish to complete it, Achievement Scholarships for 50 black students, a Restoring the Village Scholarship for those from the Lincoln Park Community and an Emergency Aid program assisting students one-time only when they have encountered unexpected hardship. Along with Career Source, they are offering pre-apprenticeship grants to help high school dropouts earn their G.E.D. and learn trade skills. They are trying to reach new students before they leave high school in order to orient them as to their options. They have more than 5,000 students in our community taking advantage of dual-enrollment, which essentially is free-college, as those credits will transfer to the college when they enroll for their degree of choice.

c. Fourth Quarter Financial Report

Johnna Morris, Finance Director, presented the Fourth Quarter Financial Report to the City Commission. With the exception of the Golf Course and the Sunrise Theatre, all General Funds are stable. The Golf Course has seen a tremendous increase in revenue since Danny Visconti has been managing the course and, as a result, the golf course is headed in the right direction. As for the Sunrise Theatre, while no transfer was made for this quarter, a transfer will have to be made for the upcoming year. When that time comes, Ms. Morris will come back before the City Commission to let them know the exact amount and where the funds would be pulled from for the transfer should they approve it. Grant funds continue to do well and are positive.

d. Police Department Gang Investigation Update for 2017.

Deputy Chief Kenny Norris presented the City Commission with the Criminal Suppression Unit (CSU) Gang Investigation Report. He expressed they'd been very prosperous this year in their quest to make our city safer and their efforts will not stop until they are able to eradicate the gang violence in the City of Fort Pierce. They continuously investigate illicit sale and use of controlled substances, firearm offenses and/or any criminal activity that have a nexus to gang involvement; as a result, violent crimes are down 4.7%, resulting in the overall crime rate decreasing by 18.2%. Deputy Chief Norris went into specifics of various investigations, searches and arrest cases, as well as provided visuals of the drugs and

weapons seized. CSU continues to work closely with their federal partners in a comprehensive effort to investigate, identify, arrest, and prosecute violent/habitual criminal gang members.

e. Amendment 14 - 1/2 Cent Sales Tax Education Summary

Joe Sweat, Marketing Specialist, indicated in collaboration with St. Lucie County and City of Port St. Lucie they have attempted to educate citizens diligently on Amendment 14. They did this by means of printed material, social media, presentations locally at the Fenn Center, the Port St. Lucie Community Center, and at several HOAs. Additionally, there were presentations made at the Sunrise Spotlight Show, Economic Development Council Luncheon, The Sake Pase Creole Speaking Radio Show and the St. Lucie County Chamber of Commerce & City Hosted Amendment Education Session. Members of several boards and committees were also educated on the amendment in an effort to allow them to answer questions if others were to ask.

Members of the City Commission all concurred the public should vote Yes for Amendment 14 in order to approve the half-cent sales tax. Mayor Hudson indicated they intended to fix the roads and spend the monies the way they said they would.

11. CONSENT AGENDA

- a. Approval of the annual Humane Society contract for FY 2019 in an amount not to exceed \$133,000.00 payable in monthly increments of \$11,083.34..
- b. Approval of a request to reduce code enforcement lien in the amount of \$37,540.00 against 1510 Cornado Avenue, Ft. Pierce, FL 34982 - Parcel ID #2421-512-0011-000-1 owned by Maria Macias, 1510 Coronado Avenue, Ft. Pierce, FL 34982 to \$750.00 and to pay the \$250.00 City Commission administrative fee payable in 60 days.
- c. Approval of proposal from Beemats in the amount of \$125,600 for the annual harvesting, maintenance and replanting of the vegetated mats at Indian Hills Recreation Area.
- d. Approval of the conveyance of utility easements and Special Warranty Deed for parcels located at the former H.D. King Power Plant site, for the use and benefit of the Fort Pierce Utilities Authority.
- e. Approval to piggyback the Florida Sheriff's Association Contract No. FSA18-HEH16.0 (Bid award period 10/01/18 through 9/30/19), Specification No. 82, for the purchase of a aquatic weedcutter workboat to remove vegetation from canals and lakes, from Weedoo Greenboat, Inc., West Palm Beach, FL, in an amount not to exceed \$74,100.00.
- f. Approval of proposal dated September 5, 2018 in accordance with RFQ 2018-015 submitted by Don Bergman, Architect, for professional services in conjunction with the Building Department's build-out on third floor of Sunrise Center in the amount of \$52,360.00..
- g. Approval of travel costs for Commissioner Rufus Alexander to attend the Florida League of Cities Legislative Conference from November 14-16, 2018 in the amount of \$803.96.
- h. Approval of travel costs for Mayor Linda Hudson to attend the Florida League of Cities Legislative Conference from November 14-16, 2018 in the amount of \$803.96.
- i. Approval of an amendment to the Treasure Coast Youth Sailing Foundation, Inc. (TCYSF) revocable license agreement extending their term for another five (5) years and now ending on July 31, 2023.

Commissioner Perona pulled item 11 a for discussion.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve items 11 b through 11 i.

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

Passed

As to item 11 a, Commissioner Perona thanked staff for researching and being able to move forward with a contract that can be supported. He did not see where financials were a requirement and, especially with collaborating with the County in the future, he wanted to be privy to monthly financial information from the Humane Society as the county states in their contract. Peggy Arraiz, Code Enforcement Manager, said there was no problem with adding the wording to the contract being that the County has it in theirs.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 11 a with the condition of adding the wording where monthly financials are to be a requirement.

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 18-036 for a Planned Development (PD) for Indian River Villas to rezone the subject site and to authorize the development of a 12 unit multi-family development that will include 2 (6 unit) buildings with garages. Parcel IDs:2410-808-0017-000-7 & 2410-808-0019-000-1 FIRST READING (postponed from October 15, 2018 meeting)

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

ORDINANCE NO. 18-036 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT 401 & 411 S. INDIAN RIVER DRIVE, FROM C-1, OFFICE COMMERCIAL 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.

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.

Mr. Bryan additionally confirmed that 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; all commissioners and Mayor Hudson engaged in 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.

Rebecca Grohall, Planning Director, presented this revised Zoning Atlas Amendment, Planned Development & Design Review. The site plan consists of two three-story condo buildings with 12 parking garages, community pool, two pool/patio restrooms, and refuse collection. The floor and landscape plan were also presented to the City Commission. All affected departments reviewed the proposed Zoning Atlas Amendment, Planned Development, and Design Review Applications with regards to requirements of the City Code. The request for a Planned Development is generally consistent with the processes outlined in the Land Development Code, the underlying intensity of the proposed use is consistent with the Future Land Use Element of the City's Comprehensive Plan for the Central Business District. The Planning Board voted unanimously for its approval; therefore,

staff recommends that the City Commission approve the presented plan (PD) and rezoning request with the following conditions:

1. Site Lighting is provided in accordance with Land Development Code 22-60(j)(1) Off Street Parking and Loading at the time of Building Permit Review.
2. Provide an updated traffic impact statement.

Commissioner Johnson had questions regarding responsibilities of road and landscape maintenance which were answered by Ms. Grohall and Jack Andrews, City Engineer.

Mayor Hudson opened the public hearing.

William Stoddard, applicant, referenced the content of a letter from Dean Mead, Ronald and Kip Lyman's attorney, related to this property, as well as answered questions for the Commission.

Joe Biddle, applicant, answered questions regarding the sidewalk, right-of-way, landscape and roof over-hangs.

Rick Reed, applicant, made comparisons between the design that was originally approved and the one they were looking to get approved today indicating the benefits of the new design.

Dennis Corrick, attorney for Ronald and Kip Lyman, addressed the Bulkhead Ordinance and stated their concerns.

Ronald Lyman, also stated his concerns regarding the Bulkhead Ordinance. He is opposed to this development.

Linda Nunn indicated she'd been in the original meeting in which the Bulkhead Ordinance was discussed and she is opposed to this development.

Bill Nunn was also in opposition of this development.

Steve Hula was also in opposition because of the traffic.

Michael Brown had concerns with the development being built.

Rick Reed, applicant, addressed the questions of individuals who spoke during the hearing.

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

The Commission discussed the development further and the possible impact it could have in our community. Ms. Grohall explained why a rezoning was necessary now when it wasn't necessary for the first design concept. Mr. Andrews explained the Bulkhead Ordinance.

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

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

NAY: Commissioner Jeremiah Johnson

Passed

- b. Legislative Hearing - Ordinance 18-037 Amending Chapter 13; Changing the Retirement vesting period from 10 years to 5 years. SECOND READING

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

ORDINANCE NO. 18-037 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING CODE SECTION 13-36; PROVIDING FOR DECREASE IN CREDITED SERVICE REQUIREMENT FOR DISABILITY RETIREMENT ENTITLEMENT; AMENDING CODE SECTION 13-39; DECREASING CREDITED SERVICE REQUIREMENT FOR NORMAL RETIREMENT; AMENDING CODE SECTION 13-40; DECREASING CREDIT SERVICE REQUIREMENT FOR UTILITIES AUTHORITY COVERAGE PLAN; AMENDING CODE SECTION 13-42; DECREASING CREDITED SERVICE REQUIREMENT FOR POLICE OFFICER COVERAGE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 b.

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

Passed

13. CITY COMMISSION

- a. Resolution 18-R52 establishing criteria and procedures for the naming and/or renaming of public facilities.

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

RESOLUTION NO. 18-R52 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING CRITERIA AND PROCEDURES FOR THE NAMING AND/OR RENAMING OF PUBLIC FACILITIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 13 a.

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

Passed

- b. Resolution 18-R53 appointing members to the Historic Preservation Board

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

RESOLUTION NO. 18-R53 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE HISTORIC PRESERVATION BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 13 b.

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

Passed

- c. Resolution 18-R54 Appointing Members to the Keep Fort Pierce Beautiful Advisory Board.

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

RESOLUTION NO. 18-R54 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE KEEP FORT PIERCE BEAUTIFUL ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox distributed the ballot for the City Commission.

Commissioner Alexander voted for Annette Brown and Charlene Adair.

Commissioner Johnson voted for Charlene Adair and Shirley Walker.

Commissioner Perona Shirley Walker and Charlene Adair.

Commissioner Sessions Annette Brown and Bob Burdge

Mayor Hudson voted for Shirley Walker and Charlene Adair.

Charlene Adair's term will end in 2021. Shirley Walker's term will end in 2020.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 13 c and have Charlene Adair and Shirley Walker appointed to the Keep Fort Pierce Beautiful Advisory Board.

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

Passed

- d. Resolution No. 18-R55 determining that the structure located at 401 N 21st Street is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on December 3, 2018.

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

RESOLUTION NO. 18-R55 - A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 401 N 21ST 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 DECEMBER 3, 2018 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 N US HWY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES.

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

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

14. COMMENTS FROM THE PUBLIC

Betty Bradwell

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report and Purchase Order Report

Nicholas Mimms, indicated the Scavenger Hunt had a lot of participation and many came out to celebrate City Government Week. The Trunk or Treat event was also a success and the Fort Pierce Police Department made it all the more exciting. As far as our recreation in our first year, our Youth Football group of ages 8 and 10 won the South Florida Superbowl. The Youth Cheer girls, also ages 8 and 10 took first place in a cheer competition, while our 12-year old girls took second place in a cheer competition. In observance of Veteran's Day, City Hall will be closed on November 12th which means there will be no Conference Agenda taking place. Mr. Mimms, along with a representative of our Fort Pierce Police Department, visited the Salvation Army; Adam's Place is scheduled to open on January 2019 and it will be our initial resource for the homeless in our community.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona encouraged everyone to vote tomorrow.

Commissioner Sessions requested an update about Brightline. Mr. Mimms indicated the latest as of that today is that Brightline had questions regarding the information we'd submitted and those questions were answered. Commissioner Sessions indicated while walking through Moore's Creek he noticed there is a need to do better and feels the city needs to step up. He encouraged everyone to vote tomorrow.

Commissioner Johnson indicated he'd been to Jensen Beach and had seen the same trash that exists in Moore's Creek and he encouraged all within our entire city to please throw their trash out in the appropriate receptacles. Regarding the kids' program, he feels we are over the hurdle of the capital expenses; Mr. Mimms confirmed this to be true. Investing in our children is exciting.

Mayor Hudson indicated the PAD Festival is on November 10th. Election Day is tomorrow and she urged all to vote for Amendment 14. Veteran's Day falls on Sunday, November 11th and a ceremony will be held at the River Walk Center on that Sunday celebrating them and remembering that day marks 100 years since the end of World War I. She urged all to get a flu shot.

17. ADJOURNMENT

The meeting adjourned at 9:48 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER