

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, **DATE**

1. CALL TO ORDER

Mayor Hudson called the meeting to order at 6:30 PM

2. OPENING PRAYER - William Armstead - Boys & Girls Clubs of St. Lucie County

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 Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to excuse Commissioner Alexander.

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

Passed

5. APPROVAL OF MINUTES

- a. Approval of the minutes from the July 15, 2019 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the Minutes of July 15, 2019

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

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

- a. Letter from Blades Robinson expressing his appreciation for the exceptional work done by Solid Waste Supervisor Marlon Pryce and Robert Jackson, who operated the vegetation hauler, and also commending Tysha Williams, Solid Waste Operations Manager, for good management.
- b. Letter from Patricia N. Robertson in appreciation of the quick response and action of Paul Bertram, Parks and Grounds Manager and Richard Stauffer, Facilities Manager, to their request for the trimming and fertilizing of the trees along A1A at Ocean Village.

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.

Dale Mutchler - Item 13c
John Parry - Item 13c
Lori Boettger - Item 13c
Charlene Crow - Item 13c
Jessica Heller - Item 13c
Kathy Norton - Item 13c
Saundra Robidoux - Item 13c
Janice Douglas - Item 13c
Terri Walden - Item 13c

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to set agenda.

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

Passed

10. MISCELLANEOUS REPORTS

- a. Presentation of utilization of Percy Peek Gymnasium by Boys & Girls Clubs of St. Lucie County

Mr. William Armstead, CEO of the Boys & Girls Club of St. Lucie County thanked the City of Fort Pierce for its support. Approximately 30 youth members of the Boys & Girls Club of St. Lucie County also attended this meeting and Mr. Armstead acknowledged that the parents in the City of Fort Pierce are doing something right to have such a wonderful turnout by the youth. Mr. Armstead introduced Christina Coble from Career Source, a partner of the Boys & Girls Club, who briefly explained some programs provided to the youth this summer. Mr. Armstead recognized Mr. Sean Boyle from the Children's Services Council for their support of the programs. Mr. Armstead further thanked the City Commission and Mayor for their continued support of youth programs in the City of Fort Pierce. Dr. Anastasia Legakes, VP of Operations discussed the teen programs and college visits in which the youth have participated. Dr. Legakes would like to see a year-round college and career source program developed. Jarvis Gillum, Club Director for the Percy Peek Gym spoke about the value to the community of the Percy Peek Gym and the valuable programs and resources available to the community through the support of the partners of the Boys & Girls Club of St. Lucie County.

11. CONSENT AGENDA

- a. Approval of the Collective Bargaining Agreement between the City of Fort Pierce and the Teamsters Local Union #769 for the period of October 1, 2017 through September 30, 2020.
- b. Approval of Johnson-Davis, Inc. Change Order No. 6 in the amount of \$37,425.60 to compensate for additional Edwards Road Canal (Canal No. 9) construction services and quantity overruns.
- c. Approval of Specific Authorization No.4 to RFQ No.2014-016 to Tetra Tech Inc. for dredge permitting in the amount of \$120,269.00. .
- d. Approve letter to Western Pennsylvania National Parks Service requesting the loan of a rock from the Flight 93 National Memorial which will be incorporated into the memorial for CeeCee Ross Lyles located adjacent to the River Walk Center.
- e. Approval of travel for Mayor Linda Hudson to attend FLC Annual Conference from August 14, 2019 to August 17, 2019 in the total amount of \$1,335.04.
- f. Approval of travel for Commissioner Reginald Sessions to attend FLC Annual Conference from August 14, 2019 to August 18, 2019 in the total amount of \$1,555.80.
- g. Approval of travel for Commissioner Rufus Alexander to attend FLC Annual Conference from August 14, 2019 to August 18, 2019 in the total amount of \$1,555.80.
- h. Request to reduce code enforcement lien in the amount of \$19,250.00 against 1007 Avenue C, Ft. Pierce, Florida 34950 - Parcel ID Number 2409-513-0008-000-2 previously owned by William I Petit, 6448 NW Foxglove Street, Port St. Lucie, Florida 34986 and currently owned by Kassandra Petit, K and A Petit Trust, P. O. Box 13504, Ft. Pierce, Florida 34979 to \$1,200.00 payable in 90 days.

- i. Request to reduce code enforcement lien in the amount of \$68,540.00 against 3101 Louisiana Avenue, Ft. Pierce, Florida - Parcel ID Number 2417-504-0008-000-9 owned by William Petit, previous address P. O. Box 882251, Port St. Lucie, Florida, 34988 and currently P. O. Box 13504, Ft. Pierce, Florida 34979 to \$1,100.00 payable in 90 days.
- j. Request to partially reduce Building Department violation lien in the amount of \$19,500.00, currently accruing, against 1222 Avenue G, Ft. Pierce, Florida 34950- Parcel ID Number 2404-442-0011-000-4 owned by McNair Empire LLC, 5259 NW South Lovett Cir, Port St. Lucie, FL 34986 encumbering all properties within St. Lucie County owned by McNair Empire LLC, to partially release the encumbered property located at 6605 Salerno Rd, Fort Pierce, FL 34951 upon payment of \$500.00 payable in 30 days.
- k. Request to reduce Building Department violation lien in the amount of \$59,580.00 against 119 S 13th Street, Ft. Pierce, FL 34950- Parcel ID Number 2409-812-0006-000-6 owned by Peter Oyibo, 720 Texas Ct, Fort Pierce, FL 34950 to \$973.62 payable in 180 days.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve items 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i, 11j, and 11k

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

Passed

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with No New Construction submitted by property owner and applicant, Michael Robbins, to establish a Dwelling Rental, offering lodging for less than six (6) months, with a minimum of thirty-one (31) days at 1014 South 7th Street, Fort Pierce, FL. The property is zoned Single-Family Intermediate Density Residential Zone (R-2), and Parcel ID: 2415-601-0254-000-0.

Mayor Hudson asked all present to listen carefully to what City Attorney, Peter Sweeney, would read regarding Quasi-Judicial Hearings as they apply to all subsequent Quasi-Judicial Hearings tonight.

Before commencing this Quasi-Judicial Hearing, Peter Sweeney, City Attorney, reminded the Commission that the City Commission serves both a legislative and quasi-judicial role. When acting as a legislative body, the commission engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the commission applies those laws and policies, and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal commission meeting. Quasi-judicial proceedings must follow basic standards of notice and due process, and decisions must be made based on competent substantial evidence. Therefore, commissioners have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the commission has established the uniform procedures for quasi-judicial hearings that will be followed this evening.

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. Mayor Hudson received an email which is public record.

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.

Mr. Vennis Gilmore, Planning Analyst, provided an overview for the Application for Conditional Use with No New Construction, to establish a Dwelling Rental, offering lodging for less than six (6) months with a minimum of 31 days at 1014 South 7th Street, Fort Pierce, FL. On 04/18/19 the Technical Review Committee approved with conditions. On 06/11/19, the Planning Board disapproved by 5-1. Because of this, the application requires a 4/5 vote from City Commission.

Staff recommends approval with five (5) conditions:

- 1) The property manager for the site shall be available at all times to resolve complaints or

violations of the city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce;

- 2) Guide booklets (available from Code Enforcement) shall be provided for all renters regarding local rules and public service resources to minimize conflicts;
- 3) The applicant must file for and obtain a Business Tax Receipt from the City of Fort Pierce and the County of St. Lucie within 30 days of Conditional Use approval;
- 4) There shall be a limitation of no more than two (2) vehicles at the site;
- 5) The City of Fort Pierce Business Tax Receipt License number shall be included in all advertisements.

Commissioner Johnson inquired as to why this application went before the planning twice. City Attorney Peter Sweeney explained that proper procedure was not followed and it was represented in proper form. Commissioner Perona inquired if any other short term rentals were approved within a R-2 zone. Mr. Gilmore stated that there are no other approved rentals in an R-2 zone. In response to Commissioner Perona, Mr. Gilmore stated that there are sidewalks. Commissioner Sessions inquired as to why the Planning Board disapproved this application, and Mr. Gilmore thought that it could have been the public comments in opposition.

The applicant, Michael Robbins was given the opportunity to cross-examine Staff. Mr. Robbins had no questions for Staff.

Mr. Robbins was given the opportunity for comment. Mr. Robbins has concerns that people in opposition indicated that he would be renting to vagrants and criminals. Mr. Robbins stated that he only wants to rent to family oriented people and vacationers. Mr. Robbins stated he would not be doing a background check for short term renting, that he would be offering rentals to people he knows or through AirBnB. Mr. Robbins stated his Property Manager lives on Seaway Drive and could be at his house within 5 minutes if a situation arises. His neighbor directly across the street also has access to the residence in the event of an emergency. Mr. Robbins thinks there is one school nearby. Mr. Robbins stated that he uses the home during the summer and only intends to rent it out for three to five months in the winter.

Mayor Hudson opened the hearing to the public.

Marcia Baker, sworn, expressed her concerns that the Conditional Use does not serve the neighborhood.

Luca Bradley, sworn, expressed his concerns regarding student safety because the residence is within a 1/2-mile of multiple schools.

Mike Menard, sworn, expressed his concerns regarding inspections for minimum housing standards and ADA compliance.

Clay Yates, sworn, expressed his concerns about the vetting of tenants and the application being inconsistent with R2 zoning.

Charlene Adair, sworn, expressed concerns about the advertisement violations.

The Applicant, Mr. Robbins was given the opportunity to speak. Mr. Robbins said he thought the ads could stay as long as he didn't rent the house. He said the school bus does not stop on his corner. He doesn't feel vetting a tenant will prevent something from happening.

Being no further comment from the Public, Mayor Hudson closed the hearing to the Public.

Staff had no final comments. Testimony and questions have been closed.

Regarding the vetting of applicants, Commissioner Johnson was unsure how one confirms a family-oriented applicant. Other valid points raised were regarding schools and traffic flow (foot & motor vehicle). Regarding minimum standards for housing, it would need to meet minimum standards under commercial codes for ingress/egress, ADA compliance, etc. Awning windows do not meet commercial code. Also, the driveway may not meet code, and it is not ADA compliant. Commissioner Perona is concerned about the preservation of our neighborhoods and not changing usage. Commissioner Perona is also concerned that the proper vetting of potential tenants is not in place. This is a concern for the health, safety and wellness of the public and especially the neighbors and school children in the area. Commissioner Sessions is also concerned about the minimum housing standards not being met and the fact that the applicant did not address that issue. Commissioner Johnson discussed the trash and potential for there to be a health issue. Mayor Hudson mentioned that there was another similar application denied due to the proximity to schools and the safety of children. Mayor Hudson also reminded the Commissioners that Legislature has prevented the Commission from denying by location or duration, and that all areas need to be treated equally.

Motion was made by Commissioner Reginald Sessions, to disapprove the application for Conditional Use with No New Construction as submitted by property owner Michael Robbins to establish a Dwelling Rental.

Attorney Peter Sweeney summarized the substantial evidence discussed supporting the motion to disapprove:

- Overcapacity trash creation for a single-family home being used as a dwelling rental.
- Overcapacity parking of vehicles for a single-family home being used as a dwelling rental.
- Inadequate monitoring and management of end-users (vacationers) for a single-family home being used as a dwelling rental.
- Likely non-conforming use of a single-family home in an R2 zone district, pursuant to City Code.
- Student safety concerns with nearly 100 students living within a half-mile radius and four schools to which they walk.
- Failure to meet minimum housing standard requirements
- Inconsistent current building application versus existing prior records
- Current advertising inconsistent with current City application process.

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan and Design Review submitted by the applicant, John H. Blum from Carter Associates, Inc, and the owner, Kraaz and Kraaz Finance LLC, to construct a building consisting of 3,000 square feet of mercantile and 1,986 square feet of business office in the C-4, Central Commercial Zone, located at 102 Avenue A (Marina Way), Fort Pierce, FL. (Parcel ID 2410-503-0045-000-6).

Mayor Hudson indicated the Quasi-Judicial proceedings procedures remained in effect. No one requested they be read again.

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 Perona clarified that he had communications and saw plans for the first application but not regarding this second application. Commissioner Johnson has spoken with the applicant. Commissioner Sessions also had communications for the first application but not this second application.

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, provided an overview of this application for a Site Plan and Design Review submitted by the applicant, to construct a building consisting of 3,000 square feet of mercantile and 1,986 square feet of business office located at 102 Avenue A (Marina Way), Fort Pierce. The first application submitted to the Commission was approved on May 07, 2018. This Site Plan and Design Review expired on May 07, 2019. No changes have been made to this application since the expiration of the original approved plan.

Planning Board recommended approval unanimously. Staff recommends approval with the same four conditions from 2018.

Applicant was not present.

Mayor Hudson opened the hearing to the Public. Being no comment from the Public, Mayor Hudson closed the hearing to the Public.

Staff had no final comments. Testimony and questions have been closed.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve with the four Staff recommendations

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

Passed

- c. Quasi-Judicial Hearing - Review and approval of an application for Waiver of Distance for Beer and Wine Consumption, submitted by Rocamar Restaurant LLC, to open a new restaurant with 2COP Alcoholic Beverages License at 850 South 21st Street, Suite A, Fort Pierce, Florida. The property is zoned General Commercial (C-3), Parcel ID: 2416-504-0079-000-4.

Mayor Hudson indicated the Quasi-Judicial proceedings procedures remained in effect. No one requested they be read again.

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. None.

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.

Maria Lewicka, Historic Preservation Officer provided an overview of this application for Waiver of Distance for Beer and Wine Consumption submitted by Rocamar Restaurant LLC for a new restaurant at 850 South 21st Street, Suite A, Fort Pierce FL.

Staff and Planning Board both recommended approval of the requested Waiver of Distance subject to one condition:

- 1) Applicant provide a lighting plan or photometric survey that complies with City Code Section 22-60(j)(1)d.

Commissioner Sessions asked the distance from the Recreation Center located at 921 South 21st. Commissioner Sessions asked if any consideration was given to the foot traffic and youth going to and from the Recreation Center. Ms. Lewicka indicated no consideration is required by City Code.

The applicant, Ando Lilian was given the opportunity to come forward and cross-examine Staff. Ms. Lilian had no questions for Staff.

Ms. Lilian was given the opportunity for comment. Ms. Lilian had no comments.

Mayor Hudson opened the hearing to the Public. Being no comment from the Public, Mayor Hudson closed the hearing to the Public.

Staff had no final comments. Testimony and questions have been closed.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve with the Waiver of Distance for Beer and Wine Consumption with one condition:

- 1) Applicant provide a lighting plan or photometric survey that complies with City Code Section 22-60(j)(1)d.

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

Passed

- d. Legislative Hearing - Review and approval of Ordinance 19-029 - An Ordinance by the City Commission of the City of Fort Pierce, Florida; abandoning Francis Avenue right-of-way, being bounded on the south by the north line of Lot 1 Block 8 of said Plat of Palm Haven and bounded on the north by the south line of Lot 6 Block 7 of said Plat of Palm Haven and on the west by the northern extension on the west line of Block 8 until it meets the south line of Block 7 and on the east by the northerly extension of the east line of Lot 1 Block 8 until it meets the south line of Block 7 of the Palm Haven 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. SECOND

READING

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

ORDINANCE NO. 19-029

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ABANDONING FRANCIS AVENUE RIGHT-OF-WAY, BEING BOUNDED ON THE SOUTH BY THE NORTH LINE OF LOT 1 BLOCK 8 OF SAID PLAT OF PALM HAVEN AND BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOT 6 BLOCK 7 OF SAID PLAT OF PALM HAVEN AND ON THE WEST BY THE NORTHERN EXTENSION ON THE WEST LINE OF BLOCK 8 UNTIL IT MEETS THE SOUTH LINE OF BLOCK 7 AND ON THE EAST BY THE NORTHERLY EXTENSION OF THE EAST LINE OF LOT 1 BLOCK 8 UNTIL IT MEETS THE SOUTH LINE OF BLOCK 7 OF THE PALM HAVEN 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. SECOND READING

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance No. 19-029.

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

Passed

13. CITY COMMISSION

- a. Submittal of applications for the Planning Board

Applications for the Planning Board have been received. Ballots will be presented for vote at the next City Commission Meeting.

- b. Approval and Acceptance of the FPUA FY2020 Annual Budget and FY 2019 Amended Budget.

Mr. John Tompeck, Director of Utilities and Nina B Penick, Director of Financial Services were present. Mr. Tompeck stated that on May 17, 2019 there was a joint budget workshop with the FPUA and City Commission. At that time there was a comprehensive review of the budget which included details of all ongoing capital projects. Mr. Tompeck discussed several long term and capital projects which may be phased in as well as a budget analysis for the next five years. Mr. Tompeck discussed FPUA's spending including increased staff and engineering, adding contractor for construction work to wastewater, and developing additional consulting engineering agreements for design build projects. Staffing level is at 283 employees which is an increase over last fiscal year. The revenue portion of budget does not take into account rate changes. Ms. Penick provided in depth details regarding the proposed FY20 budget as well as the FY19 amended budget. Ms. Penick provided a five-year analysis of revenues by systems as well as a budget trend for rate-funded capital, O&M and purchases for re-sale. Ms. Penick went into great detail about expenditures, revenue as well as distribution; funding sources, capital improvements and contingencies.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the FPUA FY20 Annual Budget and the FY19 Amended Budget and to waive the 30-day approval period

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

Passed

- c. Update on the status of negotiations with Second Chance Animal Shelter aka the Humane Society of St. Lucie County.

Mr. Mimms provided an update on the negotiations with Second Chance Animal Shelter aka Humane Society of St. Lucie County. The City of Fort Pierce Code Enforcement has been working with the City of Port St. Lucie and St. Lucie County to negotiate a clear and comprehensive contract for the three entities. At this point in time the negotiations have come to an impasse.

Peggy Arriaz, Code Compliance Manager stated that the three jurisdictions, City of Fort Pierce, St. Lucie County Animal Safety, Services and Protection (ASSP) and Port St. Lucie Animal Control have worked very closely together from the beginning of this process to draft a unified contract with Second Chance Animal Shelter/Humane Society of St. Lucie County (SCAS/HSSLC).

Second Chance Animal Shelter/Humane Society of St. Lucie County has refused to negotiate or comply with requirements requested. The current contract expires on September 30, 2019. They have provided monthly financial reports except for March 2019 where they had employee turnover. They have shown a steady decline in revenue since January 2019. They have requested a substantial (not a defined number) increase from the three jurisdictions but will not provide a business plan or budget. They have also refused to release the Best Friends audit report which was conducted.

Plans have been made in preparation of immediate closing of the facility. An Emergency Response plan has been developed which will be in place within the first 48-72 hours which provides for a WebEOC mission request for a State Animal Response Coalition Team (SARC); relocation assistance; local veterinary care and assistance; and, to obtain the service of a Certified Animal Behaviorist to properly assess the animals on site. Another option is Gap Coverage wherein all three jurisdictions will join together to help manage the shelter until a management company is in place. Another plan includes new management by a third party. The three jurisdictions have tried to develop a plan for any contingency.

Staff is requesting the City Commission approve the City Attorney take any legal action available to protect our interests.

Commissioner Johnson inquired about the maintenance and upkeep. Ms. Arriaz stated there are areas of visible need for maintenance. City Manager, Mr. Mimms said that our building official can do a thorough inspection of the facility to see if it is kept in an appropriate condition. We hope that the occupant will grant access to the facility and if not, we will take legal action to obtain access to the facility. Mr. Mimms requested the Commission's directive on how to proceed. Commissioner Johnson stated that this is a health, safety and welfare issue as there are employees, staff, volunteers and public visitors entering this building. Mayor Hudson encouraged staff to continue working with our partners to develop and implement plans for the future success of this facility. Commissioner Sessions stated at this time we need to pursue breach of contract on the tenant's part to obtain injunctive relief. Mayor Hudson the animals are the top priority.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to direct Staff to immediately proceed with all legal remedies available with regard to breach of contract and the facility lease agreement

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

Passed

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to draft an RFP seeking immediate care and services for the animals in the City of Fort Pierce.

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

Passed

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.

John Parry
Kathy Norton
Dale Mutchler
Lori Bachelor
Diana Boyd Voss
Rick Reed

15. COMMENTS FROM THE CITY MANAGER

City Manager

The FY2020 budget process is almost complete. South 7th Street from Wendel to South 10th is currently under construction for improvements thanks to the half-cent surtax. On July 31-Aug 01, we held the Local Food Workshop which was a tremendous success. Items to be discussed at the upcoming Conference Agenda include the reconfiguration of Fernandina from A1a to S Thumb Point Drive; Emergency and Hurricane Preparedness; Animal Control Policies with regard to death; and public comment procedures.

City Attorney

Attorney Peter Sweeney distributed a copy of the development plan and related documents which is the designation of the "Citrus Avenue Right of Way". This is not a designated "park". Without this property transfer to the developer, the development would not have been approved. A park and a right-of-way are mutually exclusive. To make this property a park, the right of way would be abandoned which takes away vehicular access which removes the ingress/egress for the development. Attorney Sweeny brings this information to the Commission and the Public for informational purposes and to clear any confusion.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona

Attended and gave a Conference update for the FMEA Conference

Commissioner Sessions

Expressed prayers to the families of the Ohio and Texas mass shootings.

Commissioner Johnson

No Comment

Mayor Hudson

Would like Staff to review the Waiver of Distance requirements. These may need updating. Mayor Hudson would like to reach out to her County counterpart to see if there is an appropriate building to be named in honor of Sylvie Kramer.

17. ADJOURNMENT

ATTEST:

CITY CLERK

MAYOR COMMISSIONER