

CITY OF FORT PIERCE

CITY COMMISSION AGENDA

Regular Meeting - Monday, November 4, 2019 - 6:30 p.m.

City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **OPENING PRAYER** - Fr. John Liebler, Rector, St. Simon the Cyrenian
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **APPROVAL OF MINUTES**
 - a. Approval of minutes from the October 21, 2019 regular meeting.
6. **PROCLAMATIONS**
7. **LETTERS TO COMMISSION**
8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS**

Any person who wishes to comment on an agenda item which is not under Public Hearings on the Agenda may be heard at this time and must sign up to speak in advance. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.
9. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**
10. **MISCELLANEOUS REPORTS**
 - a. Presentation on City of Fort Pierce Recreation Activities
11. **CONSENT AGENDA**

- a. Approve Blanket Purchase Orders for the Sunrise Theatre in the amount not to exceed \$135,000.
- b. Approve Blanket Purchase Orders over \$10,000, but not to exceed \$50,000 for the Sunrise Theatre.
- c. Approval of proposal from Beemats in the amount of \$105,600 for the annual harvesting, maintenance and replanting of the vegetative mats at Indian Hills Recreation Area.
- d. Approval to install holiday lighting at Marina Square by Lighting by Design, Wellington Florida in the amount of \$52,309.00 per year / three (3) years (156,927.00 total).

12. **PUBLIC HEARINGS**

- a. Legislative Hearing - Ordinance 19-043 - Text Amendments to Chapter 5 and Chapter 22, Clarifying Planning Department and Planning Director Titles. **SECOND READING**
- b. Legislative Hearing - Ordinance 19-044 Amending Chapters 5, 11.5 and 22 specific to modifying the Board of Adjustment. **SECOND READING**

13. **CITY COMMISSION**

- a. Request for Release of Right of Reverter by Quit Claim Deed - Parcel ID No.: 1430-231-0001-000-1.
- b. Resolution 19-R45 establishing the City of Fort Pierce Parking Committee
- c. Resolution 19-R46 appointing Commission Alternates to the Civil Service Appeals Board.
- d. Resolution 19-R47 establishing a Food for Fines Program for the City of Fort Pierce.

14. **COMMENTS FROM THE PUBLIC**

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

15. **COMMENTS FROM THE CITY MANAGER**

- a. Reports

16. **COMMENTS FROM THE COMMISSION**

17. **ADJOURNMENT**

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

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

City Commission Regular Meeting

5. a.

Meeting Date: 11/04/2019

Re: Minutes - 10/21/2019

Submitted For: Linda Cox, City Clerk, City Clerk

SUBJECT:

Approval of minutes from the October 21, 2019 regular meeting.

Attachments

Minutes 10.21.2019

Form Review

Form Started By: Linda Cox

Started On: 10/29/2019 01:31 PM

Final Approval Date: 10/29/2019

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, OCTOBER 21, 2019.**

1. CALL TO ORDER

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

2. OPENING PRAYER

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 Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the October 7, 2019 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes from the October 07, 2019 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Treasure Coast Scenic Highway Mobility Week proclamation being received by Pete Buchwald of the St. Lucie Transportation Planning Organization.

7. LETTERS TO COMMISSION

- a. Email from Glynda Cavalcanti thanking Paul Thomas, Building Official and Ed Roseberry, Deputy Building Official, for coordinating an excellent presentation and being extremely helpful.
- b. Building Department Customer Service Feedback Surveys commending Kim West, Permit Specialist for consistent outstanding service.

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

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

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve and set the agenda.

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

Passed

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approval of Interlocal Agreement between St. Lucie County and the City of Fort Pierce for the Tourism Webcam Program.
- b. Approval of travel expenses in the amount of \$1,013.30 for Commissioner Alexander to attend the 59th Annual Florida League of Cities Legislative Conference from November 12-15, 2019.
- c. Approval of travel expenses in the amount of \$650.67 for Mayor Hudson to attend the 59th Annual Florida League of Cities Legislative Conference from November 13-14, 2019.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve items 11a, 11b, and 11c.

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

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for Subdivision (Final Plat), submitted by property owner, Premier Hospitality, Inc. and the applicant/representative Richard Laventure of Laventure & Associates, Inc. to subdivide 5.79 acres of land into three parcels at or near 6505 Metal Drive in Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 2324-341-0002-000-3.

Mayor Linda 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 City Commission that they serve in 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 Linda 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 and asked City Clerk to call the roll:

Commissioner Alexander - none.
Commissioner Johnson - none.
Commissioner Perona - none.
Commissioner Sessions - none.
Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

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 are 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 Guerra, Assistant Director of Planning provided an overview of the proposed application for Subdivision (Final Plat) as submitted by property owner, Premier Hospitality, Inc, to subdivide 5.79 acres of land at or near 6505 Metal Drive, Fort Pierce. Ms. Guerra provided location maps as well as a zoning map which indicates the subject property is zoned

C-3, general commercial. The final plat meets the criteria as specified in Chapter 18 of the Code of Ordinances. It is consistent with the Land Development Code and Comprehensive Plan. Staff recommends approval with two (2) conditions:

1. The applicant will supply two (2) mylars before the City Commission meeting for appropriate signatures and then the plat is recorded with the St. Lucie County Clerk of Court in accordance with Florida State Statute 177.111;
2. Prior to the City Commission meeting, provide a copy of the bonding mechanism. This surety shall cover the cost associated with the construction of the required sidewalk.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant Representative Richard Laventure of Laventure & Associates did not have a presentation and was present to answer any questions. Mr. Laventure stated that they have already complied the two conditions of approval as presented by staff.

Public comment: None

Staff had no questions for the Applicant Representative.

Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve item 12a with two (2) conditions:

1. The applicant will supply two (2) mylars before the City Commission meeting for appropriate signatures and then the plat is recorded with the St. Lucie County Clerk of Court in accordance with Florida State Statute 177.111;
2. Prior to the City Commission meeting, provide a copy of the bonding mechanism. This surety shall cover the cost associated with the construction of the required sidewalk.

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

Passed

- b. Quasi-Judicial Hearing - Application for Site Plan and Design Review submitted by property owner, Premier Hospitality, Inc, and the applicant/representative, Richard Laventure, of Laventure & Associates, Inc to construct a 58,083 square foot, four-story, 95 room Hotel at 6505 Metal Drive, Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 2402-501-0001-010-8.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - none.

Commissioner Johnson - none.

Commissioner Perona - none.

Commissioner Sessions - none.

Mayor Hudson – 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.

Staff Presentation: Brandon Creagan, Planner, provided an overview of the application for Site Plan and Design Review to construct a 58,083 square foot, four-story, 95 room Hilton Hotel at 6505 Metal Drive, Fort Pierce, FL. Mr. Creagan stated the property is zoned C-3 commercial with a future land use of general commercial. This project is consistent with the City's Land Development Code and Comprehensive Plan. Mr. Creagan provided a proposed site plan and design review which complies with City Code chapter 22.

Staff recommends approval with the following five (5) conditions:

1. Before a Certificate of Occupancy is issued, provide a landscape bond for all proposed landscaping pursuant to City Code 22-180;
2. The Final Plat shall be approved by the City Commission prior to review & approval by the City Commission;
3. Provide a copy of the South Florida Water Management District permit modification to the City of Fort Pierce Engineering Department at the time of Building Permit;
4. If alcohol will be sold on site, an Alcohol License will need to be obtained and reviewed by the Planning Department; and
5. All comments from the St. Lucie County Fire District shall be satisfactorily addressed at the time of Building Permit submittal.

Commission Questions for Staff: The Commission inquired about sidewalks. Mr. Creagan stated that sidewalks are a condition of the Final Plat which was approved.

Applicant Questions for Staff: None.

Applicant's Presentation. Mr. Eric Anderson with Anderson Architecture, sworn, was present to answer any questions on behalf of the Applicant.

There were no questions for the Applicant.

Public comment: None

Mayor Hudson announced that public participation is closed and now is the time for the Commission deliberation.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve the Application for Site Plan and Design Review as submitted subject to the following five (5) Staff conditions:

1. Before a Certificate of Occupancy is issued, provide a landscape bond for all proposed landscaping pursuant to City Code 22-180;
2. The Final Plat shall be approved by the City Commission prior to review & approval by the City Commission;
3. Provide a copy of the South Florida Water Management District permit modification to the City of Fort Pierce Engineering Department at the time of Building Permit;
4. If alcohol will be sold on site, an Alcohol License will need to be obtained and reviewed by the Planning Department; and
5. All comments from the St. Lucie County Fire District shall be satisfactorily addressed at the time of Building Permit submittal.

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

Passed

- c. Quasi Judicial Hearing - Review and approval of an application for Conditional Use with New Construction and Design Review submitted by the Property Owner, Surfside Equities, LLC, & Representative, Braden & Braden, to construct a single-family home seaward (east) of the Coastal Construction Control Line (CCCL), located at 1814 Surfside Drive in Fort Pierce, FL. The property is zoned Single-Family Low Density (R-1) Parcel ID: 2412-501-0124-000-4.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - none.

Commissioner Johnson - none.

Commissioner Perona – no communication but did visit the site.

Commissioner Sessions - none.

Mayor Hudson – 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.

Staff Presentation: Mr. Brandon Creagan, Planner, provided an overview of the application for Conditional Use with New Construction and Design Review as submitted by the Property Owner, Surfside Equities, LLC to construct a single-family home at 1814 Surfside Drive, Fort Pierce, FL. Mr. Creagan stated this project requires a Conditional Use because it falls

seaward (east) of the Coastal Construction Control Line. Mr. Creagan provided a site map showing the location of the proposed project as well as a zoning map which indicates the property is zoned as a R-1 single-family, low density residential. The proposal is consistent with the City Code and the Comprehensive Plan; does not adversely affect the public health safety, convenience and general welfare of the public; and will not cause an adverse effect to the dune system. 36 notifications were sent to property owners within 500 feet.

Staff recommends approval with one (1) condition:

1. that prior to construction activities, the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant-Representative's Presentation: Mr. Chris Braden with Braden & Braden Architects, sworn was present and available to answer any questions.

There were no questions for the Applicant.

Public comment: None.

Mayor Hudson announced that public participation is closed and now is the time for the Commission deliberation.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve the application for Conditional Use with New Construction and Design Review as submitted for 1814 Surfside Drive, Fort Pierce, FL, subject to the following one (1) Staff condition:

1. That prior to construction activities, the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

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

Passed

- d. Quasi Judicial Hearing - Review and approval of an application for Conditional Use with New Construction and Design Review submitted by the Property Owners, Anne Supina & Sandra Twoey, & Representative, Architectonic Inc, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL), located at 1912 Surfside Drive in Fort Pierce, FL. There is also a request to allow for a height increase to 34 feet from FEMA Based Flood Elevation. The property is zoned Single Family Low Density (R-1) Parcel ID: 2412-501-0121-000-3.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - none.

Commissioner Johnson - none.

Commissioner Perona – no communication but did visit the site.

Commissioner Sessions - none.

Mayor Hudson – 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.

Staff Presentation: Brandon Creagan, Planner, provided an overview of the application for Conditional Use with New Construction, Design Review and request for a height increase to 34 feet from FEMA Based Flood Elevation for the construction of a single family home at 1912 Surfside Drive, Fort Pierce FL. Mr. Creagan stated this project requires a Conditional Use because it falls seaward (east) of the Coastal Construction Control Line. Mr. Creagan provided a site map showing the location of the proposed project as well as a zoning map which indicates the property is zoned as a R-1 single-family, low density residential. The proposal is consistent with the City Code and the Comprehensive Plan; does not adversely affect the public health safety, convenience and general welfare of the public; and will not cause an adverse effect to the dune system. This project is consistent with the City Code

and the Comprehensive Plan, does not adversely affect the public health, safety, convenience or general welfare of the public; and, will not cause an adverse effect to the dune system.

Staff recommends approval with the following conditions:

1. A landscape plan that demonstrates compliance with City Code 22-186 shall be submitted with the building permit.
2. A lighting plan or photometric survey that demonstrates compliance with City Code 5-375 shall be submitted with the building permit.
3. Prior to construction activities the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant Representative Presentation: Mr. Mike Menard with Architectonic Inc. was present and available for questions. Mr. Menard said the applicant has no issues with the Staff conditions. The additional Conditional Use was requested to allow for a garage with elevated ceiling height to accommodate a motor home.

There were no questions for the Applicant.

Public comment: None

Mayor Hudson announced that public participation is closed and now is the time for the Commission deliberation.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve the application for Conditional Use with New Construction and Design Review as presented along with the height increase to 34 feet with the following three (3) Staff conditions:

1. A landscape plan that demonstrates compliance with City Code 22-186 shall be submitted with the building permit;
2. A lighting plan or photometric survey that demonstrates compliance with City Code 5-375 shall be submitted with the building permit; and
3. Prior to construction activities the applicant shall obtain approval from the FDEP for construction activities seaward of the Coastal Construction Control Line.

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

Passed

- e. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with No New Construction submitted by property owner, Nicholas Danaluk Jr. and applicant, Michelle Longarzo to establish a Vacation Rental, offering lodging for less than six (6) months; with a minimum of two (2) days at 715 S. Ocean Drive, Unit D, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-504-0004-000-2.

Mayor Hudson opened the public hearing and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - yes.

Commissioner Johnson - yes.

Commissioner Perona – yes.

Commissioner Sessions - yes.

Mayor Hudson – yes.

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.

Staff Presentation: Mr. Vennis Gilmore, Planning Analyst provided an overview of the application for Conditional Use with No New Construction submitted by the property owner for 715 South Ocean Drive, Unit D, Fort Pierce, FL to establish a vacation rental offering

lodging for less than six (6) months; with a minimum two (2) day rental. Mr. Gilmore provided a location map and zoning map. Planning Board recommended disapproval; however, Staff recommends approval with eight (8) conditions:

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of 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 to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of approval.
4. There shall be a limitation of no more than no two vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.
7. Installation of one handicap space per City Code Section 22-60 Off-street Parking and Loading (if not already present).
8. Per City Code Section 22-62 Sidewalks. Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along their property line that abuts Hernando Street.

Commission questions for Staff: Staff clarified that the Planning Board does use competent substantial evidence to support a decision in the same way the City Commission does.

City Clerk Linda Cox would like to clarify the terms of the third condition. The Business Tax Receipt would be required within thirty (30) days of receiving the State of Florida, Department of Business and Professional Regulation (DBPR) License and should read: *"The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of receiving state DBPR license"*. Mr. Gilmore concurred.

Applicant-Representative had no questions for Staff.

Applicant's presentation: Mr. Kelley Armitage with the law firm Rooney & Rooney, Applicant-Representative, sworn was present. The Applicant-Representative stated that the Applicant is seeking approval of the Conditional Use with the eight (8) conditions as presented.

Commission Questions: None

Staff Questions - None.

Public Comment:

Chris Ehrhart, sworn – opposed to Application.

Applicant's Comments: Applicant Representative, Attorney Armitage stated that the Applicant, Michelle Longarzo is available to answer any questions the Commission may have.

Commission Questions: The Commission inquired as to the requirements for the Homeowner's Association (HOA) regarding use of this unit. Attorney Armitage respectfully responded that the HOA and its requirements are outside the purview of the Conditional Use Application and will be addressed at the proper time. Mr. Gilmore explained that because of the change in use pursuant to this Conditional Use application for transient use, there will now be the requirement for a handicapped parking space. Michelle Longarzo, Applicant, sworn indicated that there is one space of appropriate size for a handicapped parking space. At her cost, Ms. Longarzo will have the space painted blue and erect signage.

Staff had no questions for the Applicant or Applicant-Representative.

Mayor Hudson announced that public participation is closed and now is the time for the Commission deliberation.

The Commission requested that City Attorney reiterate the regulation on Conditional Use for short-term rental properties. City Attorney Peter Sweeney stated each application is unique and judged on its own merit. There is no issue being raised with non-compliance with State law regarding duration or location. Although there are ancillary issues, they are outside the scope of what the Commission will decide upon. A Conditional Use does not last forever if the applicant does not abide by the terms and conditions. Discussion continued regarding conditions required for a Conditional Use for short term rentals as well as Conditional Uses in general. City Attorney Sweeney said there are several outside organizations or regulatory agencies that may or may not have their own conditions regarding a specific use which would also have to be met. Attorney Sweeney reminded the Commission that this is not the final step, but perhaps the first step in getting a final approval for an applicant. The request for a minimum of a two-day stay, or anything less than thirty (30) days makes this application fall under the hotel-motel regulations which is a State of Florida mandate, not the City of Fort

Pierce. Planning Director Jennifer Hofmeister stated that the Coastal Construction Control Line is a regulatory function based upon new construction and not for a change of use with no new construction; therefore, the Coastal Construction Control Line would not impact this application.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Item 12e, Application for Conditional Use with eight (8) conditions as modified:

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of 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 to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of receiving state DBPR License.
4. There shall be a limitation of no more than no two vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.
7. Installation of one handicap space per City Code Section 22-60 Off-street Parking and Loading (if not already present).
8. Per City Code Section 22-62 Sidewalks. Applicability: In order to provide continual access for pedestrians, sidewalks and sidewalk linkages the property owner or permit applicant shall provide within thirty-one (31) days of Conditional Use approval a permit for the installation of a sidewalk along their property line that abuts Hernando Street.

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

NAY: Commissioner Jeremiah Johnson

Passed

- f. POSTPONED FROM OCTOBER 7, 2019. Legislative Hearing - Ordinance 19-041 - An Ordinance by the City Commission of the City Of Fort Pierce, Florida; Rezoning property generally located between Glades Cut Off Road & Bandy Boulevard approximately 1,100 feet east of Selvitz Road from St. Lucie County Industrial Heavy (IH) to City of Fort Pierce Planned Development (PD); 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 herewith; and providing for an effective date. SECOND READING

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

ORDINANCE NO. 19-041

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED BETWEEN GLADES CUT OFF ROAD & BANDY BOULEVARD APPROXIMATELY 1,100 FEET EAST OF SELVITZ ROAD FROM ST. LUCIE COUNTY IH, INDUSTRIAL HEAVY, TO CITY OF FORT PIERCE 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 HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mr. Brandon Creagan, Planner, was present and available for questions.

Mayor Hudson opened the Public Hearing.

Public Comment:

Dennis Corrick, Applicant, requested the Commission reconsider the restriction on business hours of operations for Saturdays. Saturdays were proposed to allow homeowners the ability to bring their aggregate to dispose of for free. While there would be no crushing operation going on, they would still like to be able to provide this service to the community at no cost. Alternatives to the back-up alarm on the machines will be discussed by another member of the Applicant's party.

Jonathan Ricketts, Applicant-Representative, Engineer was present. Mr. Ricketts stated all areas of the site will be constructed in full compliance with all city, state and federal requirements and will be monitored by his firm. Upon completion of construction, Mr. Ricketts' firm will certify to the City of Fort Pierce and other authorities with jurisdiction that work has been completed to the required specification. The berms will be constructed in one-foot increments, compacted and tested to FDOT standards. A geo-technical engineer

will be onsite while the berms are built to ensure they are being constructed in accordance with the specification; and, to ensure that each completed segment has been compacted to the minimum requirements necessary for critical earthwork embankments. The runoff from the storm water will be captured and then pass through two areas for treatment prior to leaving the site. The first area will be dry swails along the edge of the processing area and the second area will be in the stormwater lake. The owner has a maintenance plan for the swails.

Ms. Emily O'Mahoney, Applicant-Representative, was present. The landscape buffer exceeds the minimum requirements as set forth by Staff. Ms. O'Mahoney also expressed the desire to modify condition #11 to reflect "operations" be defined as the hours for running the crushing machine.

Mr. Douglas Eakins, Applicant was present. Mr. Eakins gave a brief history of his corporation. Mr. Eakins expressed that if approved, this site when completed will be something everyone will be proud of, including the Staff who helped them get there. Regarding the fence surrounding the property, when a hurricane is predicted, all screening will be lowered. They will be investing a lot including financially into this property and it will be protected and maintained properly. Mr. Eakins is available for any questions.

Mr. Steven Eakins, Applicant was present. Mr Eakins stated that after the previous meeting, a representative from CEMEX provided him with a new back-up alarm for trucks and machines which they have decided to implement at this location. This is a low-frequency smart alarm which makes white noise. This is a less intrusive alarm than traditional back-up alarms. The goal of our company is not to meet, but to exceed requirements and expectations.

Ms. Sharon Merchant, Applicant-Representative was present. Ms. Merchant's role with this application was maintaining public involvement by holding a workshop for neighbors, providing information via door-hangers as well as creating a project website. They had many views on the website, but no email correspondence. Also, no phone calls were received. The Eakins family is excited about the location they have chosen here in Fort Pierce. It is their intention to hire locally and to hire second-chance employees. Having known the Eakins family personally for decades, Ms. Merchant wants the Commission to know they are honorable.

Mr. Tony Sabatino, of Burkhardt Construction, stated that DS Eakins is a good business for the Fort Pierce community. They are honest and have integrity. The product they produce is environmentally positive. It will bring more business into the city.

Seeing no one else, Mayor Hudson closed the Public Hearing

City Commission discussion – The Commission discussed the issue of Saturday hours; and, by having business hours on Saturday's albeit restricted, benefits the working members of the community giving them a chance to deliver their concrete aggregate for recycling without taking time off from work. With the modifications to the back-up alarms, the noise issue will be reduced. The Commission acknowledged the time and commitment Mr. Eakins has made to work with the City and Staff to present this application and appreciates greatly the opportunity to give second-chance employment to residents of our community. Regarding the operating hours, the crusher was the main issue along with the back-up alarms. With the OSHA approved modification to the back-up alarms, this will lessen the impact of noise to the neighboring residents.

City Attorney Peter Sweeney discussed the options, impact and timing regarding modifying what was originally presented and approved at the first reading of this ordinance.

The Commission suggested moving forward with the terms as outlined in the first reading and at a later time, after the new back-up alarms have been implemented and tested, have the Applicant come back to the Commission with an Amendment to the Ordinance or modification of conditional use to allow Saturday operations.

The outreach to the community and continued effort to accommodate and exceed conditions and requirements has been remarkable.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve Ordinance 19-041 with the following conditions.

- 1) The height of staked materials shall not exceed 25 feet;
- 2) At time of Building Permit submittal, a copy of the FDEP Air General Permit shall be forwarded to the City's Engineering Department;
- 3) Phase 2 parking lot shall include appropriate curbing and landscaped islands as per the requirements listed in Section 22-187(12)(d);
- 4) Before a Certificate of Occupancy is issued, a landscape bond shall be submitted for all proposed landscaping pursuant to City Code 22-180, except for such bond being for a period of 60 months;
- 5) No melting or burning of any materials shall take place on site;
- 6) Operations shall adhere to the submitted and approved truck route to and from the site. Any deviation from this approved truck route shall be subject to review and approval by the Planning Department;
- 7) The operation shall adhere to the noise ordinance as outlined in Sections 11-52 through 11-52.22;
- 8) The eastern limit of the aggregate recycling facility shall now become the quarter section line;
- 9) The operator shall adhere to the D. S. Eakins Construction Corporation Dust Mitigation Plan for the Fort Pierce Industrial Aggregate Recycling Facility, provided with the application submittal May 31, 2019. The operator shall maintain records of the actions taken to control dust in the plan. The records shall be available to the City of Fort Pierce and the School Board of St. Lucie County;
- 10) Landscape on the East/Northeast buffers shall be properly maintained. Any dead or nonproductive plant material shall be replaced. It shall be provided with a permanent irrigation system. The landscaping shall be comprised of a berm of at least 15 feet in height with opaque fencing that shall be at minimum, eight feet in height erected on top of the berm.
- 11) The work hours shall be 7:30 am until 5:30 pm, Monday through Friday.

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

- g. Legislative Hearing - Ordinance 19-042 amending Chapter 9, the Vendor Ordinance, to remove the distance restrictions for mobile vendors in proximity to similar type of business. SECOND READING

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

ORDINANCE NO. 19-042

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 9, ARTICLE IV VENDORS, SOLICITORS AND CANVASSERS, DIVISION 3 – MOBILE VENDING OF THE CODE OF ORDINANCES; AMENDING SECTION 9-111 – GENERAL REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 19-042.

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

- h. Legislative Hearing - Ordinance 19-043 - Text Amendments to Chapter 5 and Chapter 22, Clarifying Planning Department and Planning Director Titles. FIRST READING

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

ORDINANCE NO. 19-043

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, CLARIFYING THAT THE PLANNING DIRECTOR MAY GRANT A SETBACK VARIANCE FOR THE CONSTRUCTION OF A FALLOUT SHELTER; CHAPTER 22, ARTICLE IV, SECTION 22-59, CHAPTER 22, ARTICLE VIII, SECTION 22-109, SECTION 22-111, SECTION 22-112, & SECTION 22-117, AND ARTICLE XIV, SECTION 22-118, AMENDING THE TITLE OF THE PLANNING DIRECTOR AND NAME OF THE PLANNING DEPARTMENT; PROVIDING FOR A

SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Rebecca Guerra, Assistant Planning Director provided an overview of Ordinance 19-043. This is a text amendment correct to the name of the Planning Department and the Title of the Planning Director.

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 Jeremiah Johnson to approve the Ordinance 19-043 with Staff recommendations.

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

Passed

- i. Legislative Hearing - Ordinance 19-044 Amending Chapters 5, 11.5 and 22 specific to modifying the Board of Adjustment. FIRST READING

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

ORDINANCE NO. 19-044

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, TO CORRECT THE NAME OF THE BOARD OF ADJUSTMENT IN REFERENCE TO SETBACK VARIANCES FOR THE CONSTRUCTION OF FALLOUT SHELTERS; CHAPTER 11.5, ARTICLE I, SECTION 11.5-33, ADDING THE CITY COMMISSION AS AN ENTITY WHICH MAY NOT VARY DISTANCE RESTRICTIONS FOR ADULT ENTERTAINMENT USES; CHAPTER 22, ARTICLE IV, SECTION 22-59(D)(2)(IV), REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VII, SECTION 22-102.1, PERMITTING CITY COMMISSION THE ABILITY TO GRANT SEPECIAL EXCEPTIONS FOR NONCONFORMING STRUCTURES AND ALLOWING FOR A MAJORITY VOTE OF EITHER THE BOARD OF ADJUSTMENT OR CITY COMMISSION TO APPROVE OR DISAPPROVE AN ENLARGEMENT OR ALTERATION OF A NONCONFORMING STRUCTURE AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VII, SECTION 22-105.1, PERMITTING CITY COMMISSION THE ABILITY TO ALLOW FOR THE USE OF A LOT FOR A DUPLEX AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VIII, SECTION 22-107, AUTHORIZING CITY COMMISSION TO GRANT OR DISAPPROVE VARIANCES, DELINEATING WHAT ACTIONS MAY BE TAKEN BY THE BOARD OF ADJUSTMENT AND CITY COMMISSION IN RELATION TO VARIANCES, NONCONFORMITIES OF USES AND/OR STRUCTURES, AND REVERSING DECISIONS OF THE PLANNING DIRECTOR, AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT OR CITY COMMISSION IN THEIR DECISIONS; CHAPTER 22, ARTICLE VIII, SECTION 109, SECTION 22-109(2), & SECTION 22-109(3), PERMITTING CITY COMMISSION TO GRANT VARIANCES FOR FLOOD HAZARD ZONE PROVISIONS, IDENTIFYING CONSIDERATIONS THE COMMISSION MAY UNDERTAKE IN SUCH DECISIONS, AND ALLOWING THE COMMISSION TO ATTACH CONDITIONS AS NECESSARY; CHAPTER 22, ARTICLE VIII, SECTION 22-110, PERMITTING CITY COMMISSION TO REQUEST ADDITIONAL INFORMATION OR PLANS WHEN DELIBERATING A VARIANCE REQUEST; CHAPTER 22, ARTICLE VIII, SECTION 22-111, REMOVING A REFERENCE TO A COURT OF RECORD ON APPLICATION FOR A STAY OF PROCEEDINGS ONCE A VARIANCE IS SOUGHT; CHAPTER 22, ARTICLE VIII, SECTION 22-112(C), CLARIFYING WHAT ACTIONS ON AN APPLICATION MAY BE TAKEN BY THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VIII, SECTION 22-115, USING THE VERBIAGE OF "DISAPPROVED" VS. "DENIED" AND "FINAL" VS. "EARLIER" IN REFERENCE TO THE LIMITATIONS OF REFILEING AN APPLICATION; CHAPTER 22, ARTICLE VIII, SECTION 22-118, ADDING A NEW SECTION WHICH WOULD ALLOW FOR DECISIONS OF THE BOARD OF ADJUSTMENT TO BE APPEALED TO THE CITY COMMISSION AND DELINEATING THE PROCEDURES, DEADLINES, DATES, AND COSTS ASSOCIATED WITH SUCH APPEALS; CHAPTER 22, ARTICLE VIII, RENUMBERING RESERVED SECTIONS 22-118 THROUGH SECTION 22-124 TO SECTION 22-119 THROUGH SECTION 22-124; CHAPTER 22, ARTICLE X, SECTION 22-140, ALLOWING FOR APPEALS FROM RULINGS OF ONLY THE PLANNING DIRECTOR RATHER THAN FROM ADMINISTRATIVE OFFICERS, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT TO DECIDE SUCH APPEALS; CHAPTER 22, ARTICLE X, SECTION 22-147, RESTRUCTURING THE BOARD OF ADJUSTMENT TO ALLOW FOR FIVE MEMBERS TO BE APPOINTED SINGULARLY BY EACH OF THE CITY

COMMISSIONS AND THE MAYOR, ELIMINATING THE TWO ALTERNATE POSITIONS ON THE BOARD, COORDINATING THE TERMS OF THE BOARD MEMBERS WITH THE TERMS OF THEIR RESPECTIVE APPOINTEES, AND ALLOWING FOR THE EXCUSING OF THREE CONSECUTIVE ABSENCES FROM REGULAR BOARD MEETINGS TO BE MADE WITHOUT A RESOLUTION; CHAPTER 22, ARTICLE XII, SECTION 22-182, REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT AND CLARIFYING THAT APPEALS OF DETERMINATIONS MADE BY THE PLANNING DIRECTOR SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT; CHAPTER 22, ARTICLE XIV, SECTION 22-218, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," REMOVING A REFERENCE TO CITY COMMISSION ESTABLISHING A FEE FOR APPEALS RELATING TO CONCURENCY ASSESSMENTS, AND CLARIFYING THE ROLE OF THE CITY, BOARD OF ADJUSTMENT, AND CITY COMMISSION PERTAINING TO APPEALS OF CONCURENCY ASSESSMENTS; CHAPTER 22, ARTICLE XV, SECTION 22-310, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," CORRECTING THE NAME OF THE BOARD OF ADJUSTMENT, AND ALLOWING CITY COMMISSION TO DECIDE UPON VARIANCES RELATING TO SIDEWALK CAFES AND OTHER SUPPLEMENTARY SIDEWALK REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Rebecca Guerra, Assistant Planning Director provided an overview of the text amendment changes proposed. The Board of Adjustment will remain a Quasi-Judicial Board; the board will be comprised of five (5) members rather than seven (7); members will be appointed by the Mayor and each City Commissioner; no alternate members; terms will be directly tied to the appointing Mayor or Commissioner; and, appeals of the board decisions may be brought before the City Commission rather than directly to Court. This process will mirror the Historic Preservation Board. Staff recommends approval of the proposed Text Amendment to modify Chapters 5 and 22 for changes to the Planning Department Director titles; and Staff recommends approval of the proposed Text Amendments to modify Chapters 5, 11.5 and 22 for changes to the role, function, make-up and responsibilities of the Board of Adjustment.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Ordinance 19-044.

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

13. CITY COMMISSION

- a. Applications submitted for appointment as Commission Alternates to the Civil Service Appeals Board.

Applications submitted for appointment as Commission Alternates to the Civil Service Appeals Board have been received. This item will come back to the City Commission for a vote at the next Regular Meeting.

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.

Mike Antillies
Rodney Delphin

15. COMMENTS FROM THE CITY MANAGER

Mr. Nick Mimms, City Manager said in celebration and acknowledgement of Florida City-County Government Week, we will have another award-winning Scavenger Hunt in downtown Fort Pierce on October 22, 2019. On Friday, October 25, 2019 there will be a Liberian Delegation coming from Africa to the beautiful City of Fort Pierce. We are coordinating with the Tourism Development Committee and Director of Tourism for St. Lucie County to provide a tour by trolley. On October 31, 2019, the City of Fort Pierce is partnering with the Downtown Business Alliance to provide Trick or Treat on Second Street or Downtown. Streets will be closed off and City Police Officers will have trunk-treats for the children. In addition, City Staff is putting together a Halloween Movie Night downtown on the lawn. A special meeting will be held on November 12, 2019 at 2:00 pm. City Attorney Peter Sweeney will have a final document that the consultant will review in detail regarding our eighty-five to ninety million dollar investment in the center of our community with our prospective partner, Audubon Development for the King Plant site which will now be called Kings Landing.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona saw signs posted near Causeway Park regarding the sale of property owned by the County. Commissioner Perona requested finding out more information regarding these signs. Mr. Mimms did reach out to the County Administrator and was informed that no decisions have been made regarding the sale of the property. The County Administrator will obtain feedback from a consultant that the FPUA and the County Commission have already commissioned to determine the usefulness and relocation of the wastewater treatment plant. The City does have an interlocal agreement with the County for recreational services. Several parks will be sequentially turned over to the City of Fort Pierce. We recently received Dreamland Park. We currently maintain some beach parks that are owned by the County; and, Mr. Mimms believes two more parks will be coming to the City soon.

Commissioner Sessions would like to know who will receive the tax credits and make the determination on how the money will be spent. It is his hope that deprived areas of our community will receive desperately needed funding. Commissioner Sessions would like to acknowledge Allegany Ministries for their enhancement to the City of Fort Pierce. Commissioner Sessions would like to show them appreciation perhaps by proclamation.

Commissioner Johnson would like to recognize Jim Oppenborn from St. Lucie County who takes care of our waterways and specifically Moore's Creek. They are doing extensive work clearing vegetation and general cleaning of our waterways. Regarding the tax credits, hopefully they should be used to enhance and enrich the community in the here and now. There are a lot of good things happening in Fort Pierce.

Mayor Hudson stressed that the money being spent is the taxpayers money or the rate payers money. We are not in the business of Real Estate and are paying a debt service for the decisions made in the past. We must work together with FPUA for the good of all residents in our community. This week, the City will be holding the Ghost Walks which is a great event and very educational.

17. ADJOURNMENT

Mayor Linda Hudson adjourned the meeting at 8:56 pm.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER

City Commission Regular Meeting

10. a.

Meeting Date: 11/04/2019

Re: Presentation on City of Fort Pierce Recreation Activities

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

SUBJECT:

Presentation on City of Fort Pierce Recreation Activities

Form Review

Inbox

City Manager

Form Started By: Mike Reals

Final Approval Date: 10/23/2019

Reviewed By

Nick Mimms

Date

10/23/2019 04:27 PM

Started On: 10/23/2019 07:49 AM

Finance Department
City Manager
Finance Department
Finance Department
City Manager

Johnna Morris
Anne Satterlee
Johnna Morris
Johnna Morris
Nick Mimms

10/10/2019 02:22 PM
10/22/2019 01:51 PM
10/24/2019 09:39 AM
10/28/2019 03:00 PM
10/30/2019 02:51 PM
Started On: 10/10/2019 11:01 AM

Form Started By: Anne Satterlee
Final Approval Date: 10/30/2019

Sunrise Theatre

Blanket PO's Over \$50,000.00 But Not Exceeding \$99,999.00 for FY 2020

Vendor #	Vendor	Amount	Explanation
11488	ANNIE'S MOBILE CATERING	55,000.00	CATERING FOR SHOWS
202533	TREASURE COAST NEWSPAPERS	80,000.00	PRINT & DIGITAL ADVERTSING
	TOTAL	135,000.00	

City Commission Regular Meeting

11. b.

Meeting Date: 11/04/2019

Re: Approve Blanket Purchase Orders over \$10,000, but not to exceed \$50,000 for the Sunrise Theatre

Submitted For: Sharon Engle, Executive Director, Sunrise Theatre

SUBJECT:

Approve Blanket Purchase Orders over \$10,000, but not to exceed \$50,000 for the Sunrise Theatre.

SUMMARY:

Approve Blanket Purchase Orders over \$10,000 but not exceeding \$50,000 for various vendors for services to the Sunrise Theatre.

RECOMMENDATION:

Recommend approval of blanket purchase orders for the 2019/20 fiscal year. These are established vendors with whom the Sunrise Theatre does business with on a regular basis.

ALTERNATIVES:

Find and use other vendors who may not meet all of the requirements of the scope of work to be performed.

RESPONSIBLE STAFF:

Sharon Engle, Executive Director of the Sunrise Theatre

COORDINATED WITH:

Purchasing Department
Finance Department

Fiscal Impact

Budgeted Y/N: Y
Fiscal Year: 2019/20
Account: Various
Amount: 263,000

OTHER INFORMATION:

Amount is budgeted in FY 2019/20

Attachments

Sunrise Theatre Blanket PO's 2019/20 FY

Form Review

Inbox

Finance Department

City Manager

Finance Department

City Manager

Form Started By: Anne Satterlee

Final Approval Date: 10/30/2019

Reviewed By

Johnna Morris

Nick Mimms

Johnna Morris

Nick Mimms

Date

10/24/2019 09:39 AM

10/25/2019 11:18 AM

10/28/2019 03:00 PM

10/30/2019 02:52 PM

Started On: 10/22/2019 02:53 PM

Sunrise Theatre

Balnknet PO's Over \$10,000.00 for FY 2020

Vendor #	Vendor	Reg. #	Amount	Explanation
10720	ANALYTIC SYNERGIES, INC	reg 823	33,000.00	Tech. & Maintenance
11489	ARTIST INSTRUMENT RENTAL	reg 838	18,000.00	Back-line rental
71229	CHOICE TICKETING	reg 829	20,500.00	Contractual Fees/Ticketing System
30998	COMCAST SPOTLIGHT	reg 865	15,000.00	TV Advertising
50933	ESI AUDIO	reg 839	15,000.00	Back-line rental
71095	GRIMES HEATING/THREE BROTHERS	reg 845	20,000.00	AC Maintinance
91441	IHEART MEDIA/CLEAR CHANNEL BROADCASTING	reg 871	20,000.00	Advertising
91372	INDIAN RIVE MAGAZINE/travel Guide	reg 872	12,000.00	Advertising
111501	KAMB CONSULTING	reg 825	21,600.00	Bar Management
132098	MEDIA GIANT DESIGN/WEBSITE	reg 826	15,900.00	Website & Advertising
182315	ROBINSON ENTERT./LEGENDS RADIO	reg 882	14,000.00	Advertising
193423	SOUTHERN GLAZER	reg 859	13,000.00	Beverage for Resale
202697	TREASURE AND SPACE COAST RADIO	reg 894	30,000.00	Advertising
222475	VERO BEACH BROADCASTING/ FM PARTNERS	reg 895	15,000.00	Advertising
	TOTAL		263,000.00	

City Commission Regular Meeting

11. c.

Meeting Date: 11/04/2019

Re: Annual Maintenance of Floating Vegetative Mats at Indian Hills Recreation Area

SUBJECT:

Approval of proposal from Beemats in the amount of \$105,600 for the annual harvesting, maintenance and replanting of the vegetative mats at Indian Hills Recreation Area.

SUMMARY:

The maintenance will be performed on an annual basis, harvesting and replanting each island, a total of twelve islands, one time a year for an annual cost of \$105,600.

The Purchasing Department has previously reviewed and investigated this request and found that all information provided justifies the waiving of the competitive procurement process and that the above item be treated as a "Single Source" commodity.

RECOMMENDATION:

Engineering Department recommends approval of the proposal from Beemats in the amount of \$105,600.00

ALTERNATIVES:

Train in-house staff on harvesting and replanting islands.

RESPONSIBLE STAFF:

SMU division of the Engineering Department

COORDINATED WITH:

Public Works Department

Fiscal Impact

Budgeted Y/N: Y
Fiscal Year: 19-20
Account: 403-4300-538.34-90
Amount: \$105,600.00

FISCAL IMPACT:

The annual maintenance cost of \$105,600.00 will be funded from SMU Revenue Account No. 403-4300-538.34-90

Attachments

Beemats Proposal

Form Review

Inbox

Finance Department

City Manager

Form Started By: John Andrews

Final Approval Date: 10/25/2019

Reviewed By

Johnna Morris

Nick Mimms

Date

10/24/2019 09:39 AM

10/25/2019 08:55 AM

Started On: 10/23/2019 04:07 PM

Beemats LLC
 3637 State Road 44
 New Smyrna Beach, FL 32168



Proposal

Estimate #	11-488
Date	10/1/2019

City of Fort Pierce
 PO Box 1480
 Fort Pierce, FL 34954-1480

Project

Quantity	Description	Rate	Total
42,240	Maintenance of Mats, per sq.ft. (12 islands, 3520 sq. ft. @ 2.50 each = \$8,800.00 per island) 2019-2020 *2019-2020 Island #1 - October, 2019 Island #2 - November, 2019 Island #3 - December, 2019 Island #4 - January, 2020 Island #5 - February, 2020 Island #6 - March, 2020 Island #7 - April, 2020 Island #8 - May, 2020 Island #9 - June, 2020 Island #10 - July, 2020 Island #11 - August, 2020 Island #12 - September 2020	2.50	105,600.00

Subtotal		\$105,600.00
Sales Tax (6.5%)		\$0.00
Total		\$105,600.00

Phone #
3864288578

E-mail
Beemats@gmail.com

INDIAN HILLS RECREATION AREA

Scheduled Harvest and Replanting:

PO# -

Island #1 – October, 2019

Island #2 – November, 2019

Island #3 – December, 2019

Island #4 – January, 2020

Island #5 – February, 2020

Island #6 – March, 2020

Island #7 – April, 2020

Island #8 – May, 2020

Island #9 – June, 2020

Island #10 – July, 2020

Island #11 – August, 2020

Island #12 – September 2020

City Commission Regular Meeting

11. d.

Meeting Date: 11/04/2019

Re: Holiday Lighting for Marina Square, Bld No. 2018-050

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

SUBJECT:

Approval to install holiday lighting at Marina Square by Lighting by Design, Wellington Florida in the amount of \$52,309.00 per year / three (3) years (156,927.00 total).

SUMMARY:

The Public Works Department is seeking approval to proceed with this installation of the holiday lights at Marina Square.

This will be year two of the three year contract awarded by City Commission on October 15, 2018, to Lighting by Design, Wellington, FL.

RECOMMENDATION:

The Public Works Department is recommending approval for Lighting By Design to provide Holiday lighting for Marina Square.

ALTERNATIVES:

Staff will proceed as directed by the Commission.

RESPONSIBLE STAFF:

Public Works Department

COORDINATED WITH:

Finance & Purchasing Departments

Fiscal Impact

Budgeted Y/N: Y
Fiscal Year: 2019
Account: 00160005138392
Amount: \$52309.00

FISCAL IMPACT:

\$50,000.00 has been budgeted for the Holiday lighting at Marina Square. Additional funding will need to be sought to fulfill this contract.

Attachments

Holiday lighting

Form Review

Inbox

Finance Department

City Manager

Form Started By: Mike Reals

Final Approval Date: 10/25/2019

Reviewed By

Johnna Morris

Nick Mimms

Date

10/24/2019 09:41 AM

10/25/2019 08:55 AM

Started On: 10/23/2019 07:43 AM

September 12, 2018



CITY OF FORT PIERCE

HOLIDAY LIGHTING FOR MARINA SQUARE

BID NO. 2018-050

ADDENDUM NO. 1

The purpose of this addendum is to extend the bid due date from 3:00 P.M. Thursday, September 13, 2018 to:

3:00 P.M., THURSDAY, SEPTEMBER 20, 2018

All other conditions of this bid remain the same.

Please acknowledge receipt of this addendum and include it with your submittal.

Signature: _____

Manual

Signature: _____

John Noll

Typed or Printed

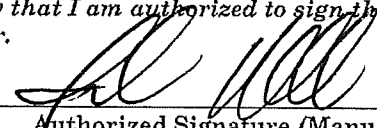
Company Name: John Noll LLC dba Ligting By Design

Address: 1922 Grantham Court

Wellington, FL 33414

Date: 9/18/2018

/gc

<p>DELIVER TO: City of Fort Pierce Purchasing Division, Room 101 100 North U.S. #1 Fort Pierce, FL 34950</p> <p>MAIL TO: City of Fort Pierce P.O. Box 1480 Fort Pierce, FL 34954-1480 Attn: Purchasing Division, Room 101</p>	<p>INVITATION TO BID</p> <p>and</p> <p>BIDDER ACKNOWLEDGMENT</p>
<p>Bid Writer: Latonya Hubbard, (772) 467-3748</p>	<p>Bid No: 2018-050</p>
<p>Mandatory Pre-Bid Conference: N/A</p>	<p>Bid Title: HOLIDAY LIGHTING FOR MARINA SQUARE</p>
<p>Mandatory Pre-Bid Conference Location: N/A</p>	<p>Bid Opening Location: City of Ft. Pierce Purchasing Div. 100 North U.S. #1, 1st Floor Ft. Pierce, Florida 34950</p>
<p>Bid Due Date & Time: 3:00 PM, THURSDAY, SEPTEMBER 13, 2018</p>	<p>If you need any reasonable accommodation for any type of disability in order to participate in this procurement, please contact this department as soon as possible.</p>
<p>Bidder Name: John Noll LLC dba Lighting by Design</p> <hr/> <p>Mailing Address: 1922 Grantham Court</p> <hr/> <hr/>	<p><i>I hereby certify that this bid is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting a bid for the same materials, supplies or equipment, and is in all respects fair and without collusion or fraud. I agree to abide by all conditions of this bid and certify that I am authorized to sign this bid for the bidder.</i></p> <p>X </p> <p>Authorized Signature (Manual)</p>
<p>City, State, Zip Code: Wellington, FL 33414</p>	<p>Typed or Printed Name: John Noll</p>
<p>Type of Entity (Circle One): <input checked="" type="radio"/> Corporation <input type="radio"/> Partnership <input type="radio"/> Proprietorship</p>	<p>Title: President</p>
<p>Incorporated in the State of: Florida Year: 2014</p>	<p>Delivery in _____ days, ARO</p>
<p>Phone Number: 561-714-4233</p>	<p>Payment Terms: Net 30 Days</p>
<p>Fax Number:</p>	<p>FEIN or SS Number: 47-1380140</p>
<p>E-Mail Address: john@johnnoll.com</p>	<p>Local Business: ___Y <input checked="" type="checkbox"/> N MWBE: ___Y <input checked="" type="checkbox"/> N</p>
<p>Bid Security is attached, when required, in the amount of \$ _____ F.O.B. DESTINATION</p>	<p>If returning as a "No Bid" state reason:</p>
<p>THIS PAGE MUST BE COMPLETED AND RETURNED WITH YOUR BID</p>	



BID RESPONSE FORM



Bid Item	HOLIDAY LIGHTING FOR MARINA SQUARE		
Bid Number	2018-050	Due Date & Time	3:00 pm, Thursday September 20, 2018

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

Lump Sum Total \$ \$156,927.00 for 3 years ((52,309.00 per year 2018,2019,2020)

PURCHASING CARD PROGRAM

(Please Check One)

- Do you accept the Purchasing Card (Visa)? Yes No
- Percentage of discount off bid price when payment is made with Visa: _____

The Bidder hereby acknowledges receipt of the following addenda:

ADDENDUM NO.	ADDENDUM DATE
1	9/12/2018

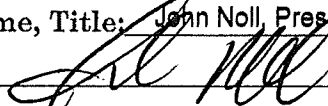
Vendor: John Noll LLC dba Lighting by Design

Address: 1922 Grantham Court

City, State, Zip Code: Wellington, FL 33414

Email Address: john@johnnoll.com

Typed Name, Title: John Noll, President

Signature  Date 9/18/18

Telephone # 561-714-4233 Fax # _____

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

Remit To: _____

Check block below for applicable minority indicator:

- Asian Indian Black Asian Pacific Hispanic Native American
 Small Business Women Owned Small Disadvantage Business

Request for Taxpayer Identification Number and Certification

**Give Form to the
 requester. Do not
 send to the IRS.**

Print or type See Specific Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. John Noll LLC		
	2 Business name/disregarded entity name, if different from above Lighting by Design		
	3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input checked="" type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ S <small>Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.</small> <input type="checkbox"/> Other (see instructions) ▶		4 Exemptions (Codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <small>(Applies to accounts maintained outside the U.S.)</small>
	5 Address (number, street, and apt. or suite no.) 1922 Grantham Court		Requester's name and address (optional) City of Fort Pierce Attn: Purchasing Department PO Box 1480 Fort Pierce, FL 34954
	6 City, state, and ZIP code Wellington, FL 33414		
	7 List account number(s) here (optional)		

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number	
[] - [] - []	[] [] [] [] [] []
or	
Employer identification number	
4 7 - 1 3 8 0 1 4 0	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here	Signature of U.S. person ▶	Date ▶ 9/18/2018
------------------	----------------------------	-------------------------

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



ANNE M. GANNON
CONSTITUTIONAL TAX COLLECTOR
Serving Palm Beach County

P.O. Box 3353, West Palm Beach, FL 33402-3353
 www.pbctax.com Tel: (561) 355-2264

****LOCATED AT****
 1922 GRANTHAM CT
 WELLINGTON, FL 33414

Serving you.

TYPE OF BUSINESS	OWNER	CERTIFICATION #	RECEIPT #/DATE PAID	AMT PAID	BILL #
81-0185 HOLIDAY DECORATING SERVICE	NOLL JOHN JR		B18.500736 - 07/26/18	\$33.00	B40123899

This document is valid only when receipted by the Tax Collector's Office.

STATE OF FLORIDA
PALM BEACH COUNTY
2018/2019 LOCAL BUSINESS TAX RECEIPT

B2 - 2716

LIGHTING BY DESIGN
 JOHN NOLL LLC
 1922 GRANTHAM CT
 WELLINGTON, FL 33414

LBTR Number: 200710837
EXPIRES: SEPTEMBER 30, 2019

This receipt grants the privilege of engaging in or managing any business profession or occupation within its jurisdiction and **MUST** be conspicuously displayed at the place of business and in such a manner as to be open to the view of the public.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/18/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER PAYCHEX INSURANCE AGENCY 150 Sawgrass Drive Rochester, NY 14620	CONTACT NAME: PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____ INSURER(S) AFFORDING COVERAGE INSURER A: NorGUARD Insurance Company NAIC # 31470 INSURER B: _____ INSURER C: _____ INSURER D: _____ INSURER E: _____ INSURER F: _____
INSURED John Noll LLC Lighting by Designs 1922 Grantham Ct Wellington, FL 33414-8907	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER: _____						EACH OCCURRENCE \$ 0 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 0 MED EXP (Any one person) \$ 0 PERSONAL & ADV INJURY \$ 0 GENERAL AGGREGATE \$ 0 PRODUCTS - COMP/OP AGG \$ 0
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N		JOWC983164	10/09/2018	10/09/2019	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Exclusions:
John Noll;

CERTIFICATE HOLDER City of Fort Pierce Attn: Purchasing Dept PO Box 1480 Fort Pierce, FL 34954	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/19/2018 1:26 PM

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

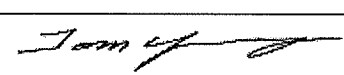
PRODUCER GEICO Insurance Agency, Inc. 1 GEICO Blvd Fredericksburg, VA 22412		CONTACT NAME: GEICO Insurance Agency, Inc. PHONE (A/C. No. Ext): 8008413000 FAX (A/C. No): E-MAIL ADDRESS:	
INSURED JOHN NOLL LLC DBA: LIGHTING BY DESIGN 1922 GRANTHAM COURT WELLINGTON, FL 33414		INSURER(S) AFFORDING COVERAGE NAIC # INSURER A: NATIONAL LIABILITY & FIRE INSURANCE 20052 INSURER B: COMPANY INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 390,697 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:						EACH OCCURRENCE	\$
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$
							GENERAL AGGREGATE	\$
							PRODUCTS - COMPOP AGG	\$
								\$
A	AUTOMOBILE AUTHORITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			73APG081165-01	02/14/2018 10:06 AM	02/14/2019 12:01 AM	COMBINED SINGLE LIMIT (Ea accident)	\$ 100,000
							BODILY INJURY (Per Person)	\$ N/A
							BODILY INJURY (Per accident)	\$ N/A
							PROPERTY DAMAGE (Per accident)	\$ N/A
							PIP Limit - \$10,000	Covered
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE	OTH-ER
							E. L. EACH ACCIDENT	\$
							E. L. DISEASE - EA EMPLOYEE	\$
							E. L. DISEASE - POLICY LIMIT	\$
								\$
								\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Vehicle Schedule: see attached

CERTIFICATE HOLDER CITY OF FORT PIERCE ATTN: PURCHASING DEPARTMENT PO BOX 1480 FORT PIERCE, FL 34954	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

Vehicle Schedule

Year, Make, Model, VIN	Collision	Comp or Spec. Caus.	Stated Amount	Phys. Dam. Deductible	In-Tow Limit	Cargo Limit
2003 CHEVROLET EXPRESS CARGO 1GCFG25X931204091						
2003 CHEVROLET EXPRESS CARGO 1GCFG25X531225049						
2003 FORD F-150 1FTRX17L13NA13775						
2005 FORD F-150 1FTRF12235NC10614						



THE SUNRISE CITY
FORT PIERCE
 PURCHASING
 DEPARTMENT
Florida

DRUG~FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certified that

John Noll LLC dba Lighting By Design

does:

(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are proposed a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under Bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.



Proposer's Signature

9/18/2018

Date



THE SUNRISE CITY
FORT PIERCE
 PURCHASING
 DEPARTMENT

Florida

100 North U.S.1, P.O. Box 1480
 Fort Pierce, Florida, 34954-1480

Phone: 772-467-3748
 Fax: 772-467-3848

REFERENCE CHECK FORM

(Please print or type)

Bid Number: <u>2018-050</u> Title: <u>HOLIDAY LIGHTING FOR MARINA SQUARE</u>	
Proposer/Respondent Name: <u>John Noll LLC dba Lighting By Design</u>	
Reference Company Name: <u>GRS Management</u>	
Telephone #: <u>561-641-8554</u>	Fax #: _____
Contact Name: <u>Leslie Distefano</u>	Email: <u>LDistefano@grsmgt.com</u>

Reference Instructions: Submit a minimum of three (3) References – Fill out top portion only. The City will send form to the referenced company for completion after the City's receipt of form in Bid.

The above company submitted a proposal to provide janitorial services to the City of Fort Pierce. He/she listed you as a reference. Please complete the questions below and fax back to (772)467-3848.

- When did this company work for you? From: _____ To: _____
- How would you describe the Contractor:

Quality of Work: _____

Dependability: _____

Integrity of owner and employees: _____

What areas could he/she improve upon? _____

Would you contract with this Contractor again? Yes No Maybe

- On a scale of 1 to 5, how would you rate his/her work in general? 1 2 3 4 5

- Add any information/comments that might help us evaluate their ability to perform for us?



THE SUNRISE CITY

FORT PIERCE

PURCHASING DEPARTMENT *Florida*

100 North U.S.1, P.O. Box 1480
Fort Pierce, Florida, 34954-1480

Phone: 772-467-3748
Fax: 772-467-3848

REFERENCE CHECK FORM

(Please print or type)

Bid Number: 2018-050 Title: HOLIDAY LIGHTING FOR MARINA SQUARE
 Proposer/Respondent Name: John Noll LLC dba Lighting By Design
 Reference Company Name: Link Outdoor Lighting
 Telephone #: (407) 876-5566 Fax #: _____
 Contact Name: Chuck Link Email: chuck@linkoutdoorlighting.com

Reference Instructions: Submit a minimum of three (3) References – Fill out top portion only. The City will send form to the referenced company for completion after the City's receipt of form in Bid.

The above company submitted a proposal to provide janitorial services to the City of Fort Pierce. He/she listed you as a reference. Please complete the questions below and fax back to (772)467-3848.

- When did this company work for you? From: _____ To: _____
- How would you describe the Contractor:

Quality of Work: _____

Dependability: _____

Integrity of owner and employees: _____

What areas could he/she improve upon? _____

Would you contract with this Contractor again? Yes No Maybe

- On a scale of 1 to 5, how would you rate his/her work in general? 1 2 3 4 5

- Add any information/comments that might help us evaluate their ability to perform for us?



THE SUNRISE CITY
FORT PIERCE
 PURCHASING
 DEPARTMENT

Florida

100 North U.S.1, P.O. Box 1480
 Fort Pierce, Florida, 34954-1480

Phone: 772-467-3748
 Fax: 772-467-3848

REFERENCE CHECK FORM

(Please print or type)

Bid Number: <u>2018-050</u> Title: <u>HOLIDAY LIGHTING FOR MARINA SQUARE</u>	
Proposer/Respondent Name: <u>John Noll LLC Idea Lighting by Design</u>	
Reference Company Name: <u>Let There Be Lights, Inc.</u>	
Telephone #: <u>(561) 248-9637</u>	Fax #: _____
Contact Name: <u>Dave Lockey</u>	Email: <u>masterilluminator@comcast.net</u>

Reference Instructions: Submit a minimum of three (3) References – Fill out top portion only. The City will send form to the referenced company for completion after the City's receipt of form in Bid.

The above company submitted a proposal to provide janitorial services to the City of Fort Pierce. He/she listed you as a reference. Please complete the questions below and fax back to (772)467-3848.

- When did this company work for you? From: _____ To: _____
- How would you describe the Contractor:

Quality of Work: _____

Dependability: _____

Integrity of owner and employees: _____

What areas could he/she improve upon? _____

Would you contract with this Contractor again? Yes No Maybe

- On a scale of 1 to 5, how would you rate his/her work in general? 1 2 3 4 5

- Add any information/comments that might help us evaluate their ability to perform for us?

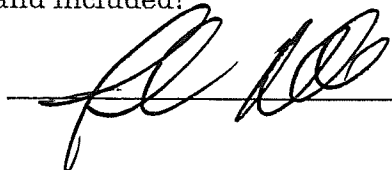
CITY OF FORT PIERCE BIDDER'S CHECKLIST

This checklist is provided to assist each Bidder in the preparation of their Bid response. Included in this checklist are important requirements, which is the responsibility of each Bidder to submit with their response in order to make their response fully compliant. This checklist is only a guideline, it is the responsibility of each Bidder to read and comply with the Invitation to Bid in its entirety.

Check "Yes" or "No" to each of the following:

	YES	NO
Is Invitation to Bid cover page (page 1) completed, signed and attached?	<u> x </u>	<u> </u>
Is Bid Response Form completed, signed and attached?	<u> x </u>	<u> </u>
Is W-9 Form completed, signed and attached?	<u> x </u>	<u> </u>
All prices have been reviewed for mathematical accuracy, all price corrections initialed, and all price extensions and totals thoroughly checked.	<u> x </u>	<u> </u>
Include proof of proper licensing as stated in Bid documents.	<u> x </u>	<u> </u>
Include proof of proper insurance as stated in Bid documents.	<u> x </u>	<u> </u>
Bid envelope is marked accordingly.	<u> x </u>	<u> </u>
Is Drug-Free Work Place form signed and enclosed?	<u> x </u>	<u> </u>
Is Debarment form signed and enclosed?	<u> x </u>	<u> </u>
Are three (3) complete Bid packages included (one original and two copies)?	<u> x </u>	<u> </u>
Is each Bid Addendum (when issued) signed and included?	<u> x </u>	<u> </u>

PLEASE SIGN AND RETURN WITH BID



City Commission Regular Meeting

12. a.

Meeting Date: 11/04/2019

Re: Text Amendment - Chapter 5 & Chapter 22 - Clarifying Planning Department & Planning Director Titles

SUBJECT:

Legislative Hearing - Ordinance 19-043 - Text Amendments to Chapter 5 and Chapter 22, Clarifying Planning Department and Planning Director Titles. SECOND READING

SUMMARY:

The proposed Text Amendment seeks to modify multiple sections of the Code of Ordinances to correct the Planning Director's title and the Planning Department's name within the Code of Ordinances. This ordinance must be read and approved before the ordinance affecting the Board of Adjustment is read by the City Commission. Both ordinances must become effective on December 6, 2019, in order to account for the Board of Adjustment meeting on December 5, 2019, and still have time for the City Commission and Mayor to be able to appoint members to the Board.

RECOMMENDATION:

Approval.

ALTERNATIVES:

Approval with modifications.
Disapproval.

RESPONSIBLE STAFF:

Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

COORDINATED WITH:

Technical Review Committee
Peter Sweeney, City Attorney

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

19-043
staff report

Form Review

Inbox

City Manager

Form Started By: Rebeca Guerra

Final Approval Date: 10/22/2019

Reviewed By

Nick Mimms

Date

10/10/2019 08:51 AM

Started On: 10/09/2019 10:46 AM

ORDINANCE NO. 19-043

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, CLARIFYING THAT THE PLANNING DIRECTOR MAY GRANT A SETBACK VARIANCE FOR THE CONSTRUCTION OF A FALLOUT SHELTER; CHAPTER 22, ARTICLE IV, SECTION 22-59, CHAPTER 22, ARTICLE VIII, SECTION 22-109, SECTION 22-111, SECTION 22-112, & SECTION 22-117, AND ARTICLE XIV, SECTION 22-118, **AMENDING THE TITLE OF THE PLANNING DIRECTOR AND NAME OF THE PLANNING DEPARTMENT**; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce in 1960 created the original Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Pierce on July 16, 2007, approved Ordinance K-497 that created Section 22-59, Design Review; and

WHEREAS, the City Commission of the City of Fort Pierce on March 2, 1987, approved Ordinance I-208 that created Section 22-109, Variances for FH Zone Provisions; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-111, Stay of Proceedings; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-112, Variance Procedure and later amended Section 22-112, Variance Procedure, by approving Ordinance I-98; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-117, Notice Requirement for Certain Structures in FH Zones; and

WHEREAS, the City Commission of the City of Fort Pierce on January 2, 2007, approved Ordinance K-465 that created Section 22-218, Concurrency Assessment; and

WHEREAS, the Code of Ordinances has been amended from time to time since it was first formally adopted in 1960; and

WHEREAS, the City of Fort Pierce has consistently referenced the Planning Department and the Planning Director by these titles; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on September 17, 2019, to consider the land development code amendment and recommended approval of the amendment, with one modification, by a vote of 6 to 0; and

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Article IX Section 5-303 is hereby amended so that the same shall read as follows:

ARTICLE IX. - FALLOUT SHELTERS

Sec. 5-303. - Setback variances.

In the event a variance in the existing setback regulations is necessary for the construction of a fallout shelter, the planning director ~~of planning and zoning~~ may grant such variance and make a special exception without the necessity of

advertising and holding a public hearing before the board of adjustments and appeals, provided however, that no fallout shelter shall be constructed unless there is a minimum distance of three (3) feet between the shelter and the property line.

SECTION 2. Article IV, Section 22-59(a) is hereby amended so that the same shall read as follows:

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 22-59. - Design review.

(a) *Applicability.* All development requiring site plan approval, or development abutting arterial roads, which submits application for development subsequent to the enactment of this ordinance, shall be subject to the city's design review process. In addition, all city-sponsored development projects not subject to site plan review shall require administrative review and approval according to the guidelines of this section. Such development proposals shall be reviewed for consistency with the city's design review guidelines outlined in this chapter. Until such time as a separate design review board is established, the city's planning board shall function as the design review board and shall be responsible for such design review, which shall be completed as part of the development review process. Applications for design review approval must satisfy the application submission requirements and shall be submitted to the planning department ~~of planning~~. Design review related to any changes to historic structures, or any new construction on an historic site or in an historic district shall be reviewed by the historic preservation board in lieu of the design review board in accordance with chapter 23. Use of obligatory verbs in this section such as "shall" and "must" are imperatives applicable as binding directives of the ordinance. Discretionary language such as "should," "may," "might," and "is encouraged" are applicable as general guidance for design choices. Design choices based on discretionary language will be subject to the assessment and recommendation of the ~~director of~~ planning director and the design review board.

SECTION 3. Article IV, Section 22-59(c) is hereby amended so that the same shall read as follows:

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 22-59. - Design review.

(c) *Submission requirements.* Applications for design review approval shall be submitted on a supplemental application form as published by the planning department ~~of Planning~~ along with the appropriate fee as required by section 22-142, Filing fees. All presentation materials shall include a graphic scale and may include scale figures of pedestrians, vehicles and other common elements found in the public environment. The following materials must be submitted with an application, unless waived by city administrative staff as not necessary, before an application shall be considered complete and accepted for review:

SECTION 4. Article VII, Section 22-109(5) is hereby amended so that the same shall read as follows:

ARTICLE VII. - VARIANCES

Sec. 22-109. - Variances for FH zone provisions.

(5) Conditions for variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic

character and design of the buildings;

- b. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;
- d. The planning director of ~~development~~ shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 5. Article VII, Section 22-111 is hereby amended so that the same shall read as follows:

ARTICLE VII. - VARIANCES

Sec. 22-111. - Stay of proceedings.

An appeal for a variance stays all proceedings in furtherance of the action appealed from, unless the planning director of ~~the department of development~~ certifies to the board of adjustment after the notice of appeal shall have been filed ~~with him~~, that by reason of facts stated in the certificate, a stay would, in the director's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment ~~or by a court of record on application~~, on notice to the planning director, ~~of the department of planning and development~~ and on due cause shown.

SECTION 6. Article VII, Section 22-112(a) is hereby amended so that the same shall read as follows:

ARTICLE VII. - VARIANCES

Sec. 22-112. - Variance procedure.

- (a) The ~~department of planning~~ department ~~and development~~ will prepare a staff report which presents any inconsistencies found between the requested variance and zoning ordinance requirements and will submit it to the board of adjustment.

SECTION 7. Article VII, Section 22-117 is hereby amended so that the same shall read as follows:

ARTICLE VII. - VARIANCES

Sec. 22-117. - Notice requirement for certain structures in FH zones.

When a variance is granted allowing a structure to be built or placed with the lowest floor elevation at or below the base flood elevation, the planning director of ~~the department of planning and development~~ shall give written notice to the owner of the structure that this is allowed and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.

SECTION 8. Article XIV, Section 22-218 is hereby amended so that the same shall read as follows:

ARTICLE XIV. – CONCURRENCY MANAGEMENT

Sec. 22-218. - Concurrency assessment.

(c) Certificate of concurrency. A valid, unexpired certificate of concurrency shall be obtained prior to site plan or temporary plat approval.

(1) Review prior to application for development approval. At the applicant's request, the city shall review and approve, approve with conditions or deny an application for a certificate of concurrency prior to consideration of a development approval application.

a. Application. An application for a certificate of concurrency determination shall be submitted to the planning director ~~of planning~~ at the time of filing an application for site plan or temporary plat approval. An application processing fee established by the city commission shall be part of the application. Applications for projects containing over ten (10) dwelling units or five hundred (500) gross square feet of nonresidential floor area shall also be required to bear the cost of preparing any necessary supplemental demand analyses at the time of application.

b. Determination of completeness. After receipt of an application for a certificate of concurrency, the planning director ~~of planning~~ shall determine whether it is complete within ten (10) business days. If it is determined to be incomplete, written notice shall be served on the applicant specifying the deficiencies. No further action on the application shall be taken by the city unless the deficiencies are remedied. Within twenty (20) business days after the application is determined complete, the planning director ~~of planning~~ shall review and grant, grant with conditions, or deny each public facility component in the application pursuant to the standards in section 1.5-6(f).

c. Appeals. Within thirty (30) business days after issuance of the determination of the planning director ~~of planning~~ on the application for a certificate of concurrency, an applicant may appeal to the board of adjustment. An application fee for processing appeals shall be established by the city commission. The committee shall hold a hearing on the appeal to consider the determination of the planning director ~~of planning~~ and public testimony. The city commission shall adopt, reject or modify the ~~director of planning's~~ planning director's determination on the application for a certificate of concurrency determination. The board of adjustment shall modify or reject the planning director's determination unless it finds that such determination is not supported by substantial competent evidence and is contrary to the criteria established in article XIV of chapter 22 of this code of ordinances and the intent of the comprehensive plan. Committee decisions shall include findings of fact for each criteria.

SECTION 9. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of

any part.

SECTION 10. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 11. This Ordinance shall become effective on December 6, 2019.

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 19-043 was duly advertised by title only in the St. Lucie News Tribune on Sunday, October 6, 2019, and Sunday, October 20, 2019; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 21, 2019; and was duly introduced, read by title only, and passed on second and final reading November 4, 2019, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 4th day of November, 2019.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)



TO: Nicholas C. Mimms, PE, City Manager

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: Amendment to Chapter 5 (Buildings and Building Regulations) and Chapter 22 (Zoning) – Planning Department and Planning Director Titles

BOARD DATES: October 21, 2019 and November 4, 2019

STAFF REPORT

The Planning Department seeks to amend the Code of Ordinances for Chapter 5-303 pursuant to Code 1960 § 6-44; Chapter 22-59 pursuant to Ordinance K-497; Chapter 22-109 pursuant to Ordinance I-208; Chapter 22-111 pursuant to Ordinance H-186; Chapter 22-112 pursuant to Ordinance H-186 and I-98; Chapter 22-117 pursuant to Ordinance H-186; and Chapter 22-218 pursuant to Ordinance K-465.

The proposed Text Amendment seeks to modify multiple sections of the Code of Ordinances in order to correct the Planning Director's title and the Planning Department's name within the Code of Ordinances. The subject ordinance must be read and approved prior to the ordinance affecting the Board of Adjustment is read by the City Commission. Additionally, both ordinances must become effective on December 6, 2019, in order to account for the Board of Adjustment meeting on December 5, 2019, and still have time for the City Commission and Mayor to be able to appoint members to the Board.

The purpose of the text amendment is to provide uniformity in how the Planning Director and the Planning Department are referenced within the Code of Ordinances. These changes do not identify all references to the aforementioned title or department. The remaining references shall be addressed with the upcoming comprehensive review and updating of the overall Code of Ordinances to be undertaken by the Legal Department.

Attachments:
Draft Ordinance

City Commission Regular Meeting

12. b.

Meeting Date: 11/04/2019

Re: Text Amendment - Chapters 5, 11.5, and 22 - Amending the Board of Adjustment

SUBJECT:

Legislative Hearing - Ordinance 19-044 Amending Chapters 5, 11.5 and 22 specific to modifying the Board of Adjustment. SECOND READING

SUMMARY:

The proposed Text Amendment seeks to modify multiple sections of the Code of Ordinances in reference to the Board of Adjustment. To this end, the following text amendment modifies existing language regarding the structure and standards of the review process. More specifically, the text amendment proposes the Board be comprised of five members appointed by the Mayor and each City Commissioner, subsequently eliminating the two additional "alternate" positions currently in place. The text amendment would also enable aggrieved parties to appeal decisions of the Board of Adjustment to the City Commission rather than the current process which dictates that an unsuccessful party must file an appeal with the appellate court to have the decision reviewed. Additionally, a concurring vote of a majority of the Board or Commission members will be needed to approve a Variance.

RECOMMENDATION:

Approval.

ALTERNATIVES:

Approval with modifications.
Disapproval.

RESPONSIBLE STAFF:

Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

COORDINATED WITH:

Technical Review Committee
Peter Sweeney, City Attorney

Fiscal Impact

OTHER INFORMATION:

N/A

Attachments

19-044
staff report

Form Review

Inbox

City Manager

Form Started By: Rebeca Guerra

Final Approval Date: 10/22/2019

Reviewed By

Nick Mimms

Date

10/10/2019 08:50 AM

Started On: 10/09/2019 11:39 AM

ORDINANCE NO. 19-044

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, TO CORRECT THE NAME OF **THE BOARD OF ADJUSTMENT** IN REFERENCE TO SETBACK VARIANCES FOR THE CONSTRUCTION OF FALLOUT SHELTERS; CHAPTER 11.5, ARTICLE I, SECTION 11.5-33, ADDING THE CITY COMMISSION AS AN ENTITY WHICH MAY NOT VARY DISTANCE RESTRICTIONS FOR ADULT ENTERTAINMENT USES; CHAPTER 22, ARTICLE IV, SECTION 22-59(D)(2)(IV), REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VII, SECTION 22-102.1, PERMITTING CITY COMMISSION THE ABILITY TO GRANT SPECIAL EXCEPTIONS FOR NONCONFORMING STRUCTURES AND ALLOWING FOR A MAJORITY VOTE OF EITHER THE BOARD OF ADJUSTMENT OR CITY COMMISSION TO APPROVE OR DISAPPROVE AN ENLARGEMENT OR ALTERATION OF A NONCONFORMING STRUCTURE AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VII, SECTION 22-105.1, PERMITTING CITY COMMISSION THE ABILITY TO ALLOW FOR THE USE OF A LOT FOR A DUPLEX AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VIII, SECTION 22-107, AUTHORIZING CITY COMMISSION TO GRANT OR DISAPPROVE VARIANCES, DELINEATING WHAT ACTIONS MAY BE TAKEN BY THE BOARD OF ADJUSTMENT AND CITY COMMISSION IN RELATION TO VARIANCES, NONCONFORMITIES OF USES AND/OR STRUCTURES, AND REVERSING DECISIONS OF THE PLANNING DIRECTOR, AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT OR CITY COMMISSION IN THEIR DECISIONS; CHAPTER 22, ARTICLE VIII, SECTION 109, SECTION 22-109(2), & SECTION 22-109(3), PERMITTING CITY COMMISSION TO GRANT VARIANCES FOR FLOOD HAZARD ZONE PROVISIONS, IDENTIFYING CONSIDERATIONS THE COMMISSION MAY UNDERTAKE IN SUCH DECISIONS, AND ALLOWING THE COMMISSION TO ATTACH CONDITIONS AS NECESSARY; CHAPTER 22, ARTICLE VIII, SECTION 22-110, PERMITTING CITY COMMISSION TO REQUEST ADDITIONAL INFORMATION OR PLANS WHEN DELIBERATING A VARIANCE REQUEST; CHAPTER 22, ARTICLE VIII, SECTION 22-111, REMOVING A REFERENCE TO A COURT OF RECORD ON APPLICATION FOR A STAY OF PROCEEDINGS ONCE A VARIANCE IS SOUGHT; CHAPTER 22, ARTICLE VIII, SECTION 22-112(C), CLARIFYING WHAT ACTIONS ON AN APPLICATION MAY BE TAKEN BY THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VIII, SECTION 22-115, USING THE VERBIAGE OF "DISAPPROVED" VS. "DENIED" AND "FINAL" VS. "EARLIER" IN REFERENCE TO THE LIMITATIONS OF REFILE AN APPLICATION; CHAPTER 22, ARTICLE VIII, SECTION 22-118, ADDING A NEW SECTION WHICH WOULD ALLOW FOR DECISIONS OF THE BOARD OF ADJUSTMENT TO BE APPEALED TO THE CITY COMMISSION AND DELINEATING THE PROCEDURES, DEADLINES, DATES, AND COSTS ASSOCIATED WITH SUCH APPEALS; CHAPTER 22, ARTICLE VIII, RENUMBERING RESERVED SECTIONS 22-118 THROUGH SECTION 22-124 TO SECTION 22-119 THROUGH SECTION 22-124; CHAPTER 22, ARTICLE X, SECTION 22-140, ALLOWING FOR APPEALS FROM RULINGS OF ONLY THE PLANNING DIRECTOR RATHER THAN FROM ADMINISTRATIVE OFFICERS, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT TO DECIDE SUCH APPEALS; CHAPTER 22, ARTICLE X, SECTION 22-147, RESTRUCTURING THE BOARD OF ADJUSTMENT TO ALLOW

FOR FIVE MEMBERS TO BE APPOINTED SINGULARLY BY EACH OF THE CITY COMMISSIONERS AND THE MAYOR, ELIMINATING THE TWO ALTERNATE POSITIONS ON THE BOARD, COORDINATING THE TERMS OF THE BOARD MEMBERS WITH THE TERMS OF THEIR RESPECTIVE APPOINTEES, AND ALLOWING FOR THE EXCUSING OF THREE CONSECUTIVE ABSENCES FROM REGULAR BOARD MEETINGS TO BE MADE WITHOUT A RESOLUTION; CHAPTER 22, ARTICLE XII, SECTION 22-182, REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT AND CLARIFYING THAT APPEALS OF DETERMINATIONS MADE BY THE PLANNING DIRECTOR SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT; CHAPTER 22, ARTICLE XIV, SECTION 22-218, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," REMOVING A REFERENCE TO CITY COMMISSION ESTABLISHING A FEE FOR APPEALS RELATING TO CONCURRENCY ASSESSMENTS, AND CLARIFYING THE ROLE OF THE CITY, BOARD OF ADJUSTMENT, AND CITY COMMISSION PERTAINING TO APPEALS OF CONCURRENCY ASSESSMENTS; CHAPTER 22, ARTICLE XV, SECTION 22-310, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," CORRECTING THE NAME OF THE BOARD OF ADJUSTMENT, AND ALLOWING CITY COMMISSION TO DECIDE UPON VARIANCES RELATING TO SIDEWALK CAFES AND OTHER SUPPLEMENTARY SIDEWALK REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce in 1960 created the original Code of Ordinances; and

WHEREAS, the City Commission of the City of Fort Pierce on April 20, 1998, approved Ordinance J-420 that created Section 11.5-33, Variances Prohibited; and

WHEREAS, the City Commission of the City of Fort Pierce on July 16, 2007, approved Ordinance K-497 that created Section 22-59, Design Review; and

WHEREAS, the City Commission of the City of Fort Pierce on December 20, 1982, approved Ordinance H-244 that created Section 22-102.1, Nonconforming Structure As Special Exception and later amended Section 22-102.1, Nonconforming Structure As Special Exception by approving Ordinance I-98 on January 7, 1985; and

WHEREAS, the City Commission of the City of Fort Pierce on December 20, 1982, approved Ordinance H-244 that created Section 22-105.1, Duplex As Special Exception and later amended Section 22-105.1, Duplex As Special Exception by approving Ordinance I-98 on January 7, 1985; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-107, Authorization To Grant Or Deny Variances; and

WHEREAS, the City Commission of the City of Fort Pierce on March 2, 1987, approved Ordinance I-208 that created Section 22-109, Variances for FH Zone Provisions; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-110, Application For A Variance; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-111, Stay of Proceedings; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-112, Variance Procedure and later

amended Section 22-112, Variance Procedure by approving Ordinance I-98 on January 7, 1985; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-115, Limitations Of Refiling Of Application; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-140, Appeals From Rulings Of Administrative Officer and later amended Section 22-140, Appeals From Rulings Of Administrative Officer by approving Ordinance I-98 on January 7, 1985; and

WHEREAS, the City Commission of the City of Fort Pierce on June 15, 1981, approved Ordinance H-186 that created Section 22-147, Board Of Adjustment and last amended Section 22-147, Board Of Adjustment by approving Ordinance 17-016 on April 7, 2017; and

WHEREAS, the City Commission of the City of Fort Pierce on January 22, 2002, approved Ordinance K-126 that created Section 22-182, Variances And Administrative Appeals; and

WHEREAS, the City Commission of the City of Fort Pierce on January 2, 2007, approved Ordinance K-465 that created Section 22-218, Concurrency Assessment; and

WHEREAS, the Code of Ordinances has been amended from time to time since it was first formally adopted in 1960; and

WHEREAS, the City of Fort Pierce has consistently referenced the Planning Department and the Planning Director by these titles; and

WHEREAS, the City of Fort Pierce Planning Board held a public meeting on September 17, 2019, to consider the land development code amendment and recommended approval of the amendment, with one modification, by a vote of 6 to 0; and

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. Article IX Section 5-303 is hereby amended so that the same shall read as follows:

ARTICLE IX. - FALLOUT SHELTERS

Sec. 5-303. - Setback variances.

In the event a variance in the existing setback regulations is necessary for the construction of a fallout shelter, the planning director may grant such variance and make a special exception without the necessity of advertising and holding a public hearing before the board of adjustments ~~and appeals~~, provided however, that no fallout shelter shall be constructed unless there is a minimum distance of three (3) feet between the shelter and the property line.

SECTION 2. Article I, Section 11.5-33 is hereby amended so that the same shall read as follows:

ARTICLE I. – IN GENERAL

Sec. 11.5-33. - Variances prohibited.

Neither ~~the~~ board of adjustment nor city commission may ~~not~~ vary those distance restrictions imposed by section 11.5-30

SECTION 3. Article IV, Section 22-59(d)(2) is hereby amended so that the same shall read as follows:

ARTICLE IV. - SUPPLEMENTARY REGULATIONS

Sec. 22-59. - Design review.

(d) Procedure for approval. When site plan approval is required pursuant to section 22-58, the following procedure relating to design review shall take place at the same time:

(2) The design review board shall review the application and make a recommendation to the commission for approval or disapproval. If the board recommends disapproval, the reasons shall be stated. The board shall consider the following standards:

- (i) The design, including landscape features, is architecturally compatible with surrounding structures so as to be reasonably harmonious in landscaping, style, and color;
- (ii) If the property is located within a historic preservation district, the design features are reasonably consistent with the historic character of the predominant architectural style within the district;
- (iii) The design features will enhance or preserve the quality of the surrounding area so as not to detract from existing property values or impact adversely on existing scenic, natural, or historic beauty;
- (iv) The design avoids undue monotony in structural design features.

The board may condition recommendation for approval upon an applicant obtaining of a suitable variance pursuant to article VIII ~~from the board of adjustment.~~

SECTION 4. Article VII, Section 22-102.1 is hereby amended so that the same shall read as follows:

ARTICLE VII. - NONCONFORMING LOTS, USES, STRUCTURES AND CHARACTERISTICS OF USES

Section 22-102.1. - Nonconforming structure as special exception.

(a) The board of adjustment and city commission ~~is~~ are authorized to permit the enlargement or alteration of a nonconforming structure, except any sign, as a special exception upon application, notice and hearing as provided in sections 22-141(a), 22-142(11), and 22-143, and upon finding and determining the following:

- (1) The granting of the special exception will not adversely affect the public interests;
- (2) Such enlargement or alteration is in harmony with the purpose and intent of this chapter and all amendments thereof;
- (3) The enlargement or alteration, if allowed, will not violate any height, yard, setback, area or density limitations imposed by the zoning district in which the property is located, or if the enlargement or alteration would increase such violation, such enlargement or alteration would not adversely affect traffic flow, safety and control, pedestrian safety and convenience or visibility at any street intersections, drives, rights-of-way, curbcuts or crosswalks;
- (4) Such enlargements or alteration shall be compatible with adjacent

properties and other properties within that zoning district;

- (5) If in a commercial, business or industrial zone, that adequate buffers are provided between such structures and adjacent residential areas;
- (6) That adequate off-street parking shall be provided for any multifamily, commercial, industrial or business use upon the property;
- (7) The enlargement or alteration will not increase gross floor area of the principal structure by more than fifty (50) per cent;
- (8) The use of the structure prior to, and subsequent to, the granting of the request for the special exception shall be a semi-restricted use or permitted conditional use within the district in which the property is located;
- (9) There will be adequate availability and access to, and for, public utilities as may be required.

~~(b) The board of adjustment shall confer with the city planning board on all applications for such special exception.~~

(be) In granting a special exception hereunder, the board of adjustment and city commission may require certain conditions and safeguards for the public health, safety and welfare, concerning the following:

- (1) Public off-street parking;
- (2) Adequate ingress and egress with particular emphasis upon traffic and pedestrian safety
- (3) Adequacy of and access for fire and other emergency vehicles;
- (4) Any signs and/or exterior lighting with reference to effect upon and harmony with surrounding properties;
- (5) Any required landscaping, greenbelts, buffers or fencing in any residential, commercial or business districts, with reference to compliance with provisions of this Code, harmony and effect upon surrounding properties, lines of vision.

~~(dc)~~ In granting any special exception, the board of adjustment and city commission may prescribe a reasonable time limit within which the enlargement or alteration for which the special exception is requested shall be begun and/or completed.

~~(ed)~~ The procedure by which an application shall be made to the board of adjustment under this section shall be as provided in section 22-110 and section 22-112.

~~(fe)~~ The approval or disapproval of any enlargement or alteration of a nonconforming structure as a special exception under this section shall require the conforming vote of ~~four (4) members of the board of adjustments~~ a majority of the board of adjustment or city commission.

SECTION 5. Article VII, Section 22-105.1 is hereby amended so that the same shall read as follows:

ARTICLE VII. - NONCONFORMING LOTS, USES, STRUCTURES AND CHARACTERISTICS OF USES

Sec. 22-105.1. - Duplex as special exception.

If a lot of record exists which could have been used for multifamily purposes involving a triplex structure or more before January 1, 1985, and the lot is no longer permissible for any use other than as a single-family dwelling then, in that event, the board of adjustment and city commission are ~~is~~ authorized to allow use of the lot for a duplex upon application, notice and hearing as provided in sections 22-141(a), 22-142(11), and 22-143, and upon finding and determining the following.

- (1) The granting of the special exception will not adversely affect the public interest;
- (2) Such duplex use would be in harmony with the purpose and intent of this chapter and all amendments thereof;
- (3) The duplex use, if allowed, will not violate any height, yard or setback area limitations imposed by the zoning district in which the property is located;
- (4) Such use shall be compatible with properties which are in the vicinity within the zoning district;
- (5) The use meets the landscaping requirements of section 22-68(c) as applied to triplex developments;
- (6) The size of the lot on which the duplex use is to be located has not decreased since the lot became nonconforming for anything other than a single-family dwelling by the action of the owner.

SECTION 6. Article VIII, Section 22-107 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-107. - Authorization to grant or ~~deny~~ disapprove variances.

The board of adjustment and city commission may authorize a variance from the regulations governing the height, area and size of structures and size of yards and open spaces only when consistent with the purpose of this article, this section and the criteria in sections 22-108 and 22-109. In granting a variance, the board of adjustment and city commission may prescribe appropriate conditions and safeguards which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this chapter. Guarantees and evidence may be required that such conditions will be and are being complied with. ~~No variance shall be granted without~~ The concurring vote of (4) members a majority of the board of adjustment or city commission ~~or~~ is required:

- (1) To grant or disapprove a variance;
- ~~(2)~~ To allow the establishment or expansion of a use of property for a purpose not authorized within the zone in which the property is located;
- ~~(3)~~ Due to nonconformities in any district or to a permitted use of lands, structures or buildings in an adjoining zoning district;
- ~~(4)~~ When a previous request for a variance has been denied by the board of adjustment or city commission and there has been no material change of circumstances since the previous application; or
- (5) To reverse any decision of the planning director.

SECTION 7. Article VIII, Section 22-109 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-109. - Variances for FH zone provisions.

The board of adjustment and city commission may grant variance requests for FH zone provisions subject to the following provisions:

(1) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedure set forth in the remainder of this section, except for subsection 22-109(5) a. and d., and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

(2) In passing upon variance applications, the board of adjustment and city commission shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

- a. The danger that materials may be swept onto other lands to the injury of others.
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location in the case of a functionally dependent facility;
- f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the affects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

(3) Upon consideration of the factors listed above and the purposes of this chapter, the board of adjustment and city commission may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(5) Conditions for variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the buildings;
- b. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
- c. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation;
- d. The planning director ~~of development~~ shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

SECTION 8. Article VIII, Section 22-110 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-110. - Application for a variance.

~~Appeals to the board of adjustment~~ An application for a variance may be made by the property owner of the area involved or their designated representative by filing an application with the planning department ~~of development and the board of adjustment~~. The application will specify the nature of the variance and the reasons for the variance. It will be in the form prescribed by the rules of ~~the board of adjustment~~ this chapter. The application will also be accompanied by plans, containing information specified in section 22-141. The planning director, board of adjustment, and city commission may request other drawings or information necessary for an understanding of the request.

SECTION 9. Article VIII, Section 22-111 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-111. - Stay of proceedings.

An appeal for a variance stays all proceedings in furtherance of the action appealed from, unless the planning director certifies to the board of adjustment after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, a stay would, in the director's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment ~~or by a court of record on application~~, on notice to the planning director, and on due cause shown.

SECTION 10. Article VIII, Section 22-112 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-112. - Variance procedure.

- (a) The planning department will prepare a staff report which presents any inconsistencies found between the requested variance and zoning ordinance requirements and will submit it to the board of adjustment.
- (b) Before the board of adjustment may act on an application for a variance or a special exception or an appeal from the decision of the planning director, it will hold a public hearing within thirty (30) days of the filing of the application and in accordance with the provisions of section 22-143. The board of adjustment will review the request and staff report at the public hearing.
- (c) Within thirty-five (35) days of the public hearing, except the board of adjustment with good cause demonstrated may allow an extension of time, the board of adjustment will determine whether the evidence supports a finding that the requirements of the zoning ordinance and other city laws have been met. It will approve, approve with conditions or ~~deny~~ disapprove the application accordingly.
- (d) The board of adjustment's decision will be sent by mail to the applicant within five (5) working days of the action.

SECTION 11. Article VIII, Section 22-115 is hereby amended so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-115. - Limitations of refiling of application.

Applications for which a substantially similar application has been ~~denied~~ disapproved will be heard by the board of adjustment only after a period of six (6) months has elapsed from the date of the ~~earlier~~ final decision.

SECTION 12. Article VIII, Section 22-118 is hereby added so that the same shall read as follows:

ARTICLE VIII. - VARIANCES

Sec. 22-118. - Appeals.

Within twenty (20) days of the written decision of the board, an aggrieved party may appeal the decision by filing a written notice of appeal and an appeal fee of twenty-five dollars (\$25.00) with the city clerk. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within sixty (60) days of the filing of the appeal or the first regular city commission meeting which is scheduled, whichever is later in time,

the city commission shall conduct a public hearing at which time they may affirm, modify, or reverse the board's decision. The decision of the city commission shall constitute final administrative review, and no petition for rehearing or reconsideration shall be considered by the city. Nothing contained herein shall preclude the city commission from seeking additional information prior to rendering a final decision. The decision of the city commission shall be in writing and a copy of the decision shall be forwarded to the board and the appealing party.

SECTION 13. Article III VARIANCES, Section 22-118 – Section 22-124. – Reserved. is hereby renumbered to read as follows:

Section 22-118~~9~~ – Section 22-124. - Reserved.

SECTION 14. Article X, Section 22-140 is hereby amended so that the same shall read as follows:

ARTICLE X. – ADMINISTRATIVE PROVISIONS

Sec. 22-140. - Appeals from rulings of ~~administrative officer~~ the planning director.

- (a) General. An appeal to the board of adjustment may be made by any person aggrieved or by any officer or ~~bureau~~ of the city affected by any decision of the ~~building inspector or any other administrative officer of the city~~ planning director regarding a provision of this chapter. Such appeal shall be made within a reasonable time, as provided by the rules of ~~the board~~ this section, by filing ~~with the officer from whom the appeal is made and with the board of adjustment~~ a notice of appeal specifying the grounds thereof through the planning department. The ~~officer from whom the appeal is taken~~ planning department shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was made.
- (b) Authorization to grant or ~~deny~~ disapprove appeals. The board of adjustment, in conformity with the provision of this section, may reverse or affirm, wholly or partly, or may modify the decision appealed from and may make such decision as ought to be made, and to that end shall have all the power, concerning this chapter, of the ~~officer from whom the appeal is made~~ planning director. The concurring vote of ~~four (4) members~~ a majority of the board shall be necessary to reverse any decision of ~~any such administrative official~~ the planning director.
- (c) Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the ~~officer from whom the appeal is made~~ planning director certifies to the board of adjustment after the notice of appeal shall have been filed ~~with him~~, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment ~~or by a court of record on application~~, on notice to the ~~officer from whom the appeal is made~~ planning director and on due cause shown.
- (d) Appeals procedure.
 - (1) Before the board of adjustment may act on an appeal from a ruling of an ~~administrative officer~~ the planning director pursuant to this section, it will hold a public hearing in accordance with the provisions of section 22-143.
 - (2) Within thirty-five (35) days of the public hearing, except the board of adjustment with good cause demonstrated may allow an extension of time, the board of adjustment will make its decision on the appeal.
 - (3) The board of adjustment decision will be sent by mail to the applicant within five (5) working days of its decision.

SECTION 15. Article X, Section 22-147(a) is hereby amended so that the same shall read as follows:

ARTICLE X. – ADMINISTRATIVE PROVISIONS

Sec. 22-147(a). - *Membership.*

(1) Regular. The board of adjustment shall consist of five (5) members, with one (1) appointed by each commissioner and one (1) appointed by the mayor. ~~and be removable~~ Any member may be removed for with or without cause by the city commission ~~upon written charges and after a public hearing held in accordance with section 22-143.~~ The terms of office of the members of the board shall be ~~three (3) years concurrent with the mayor's and appointing city commissioner's terms.~~ except that the five (5) members who shall be sitting upon the board of adjustment as of the effective date hereof shall continue as members of the board serving out the terms for which they were originally appointed. Thereafter, as each term expires, the appointment shall be for three (3) years.

~~(2) Alternate. The city commission shall also appoint two (2) alternate members. The terms of office of alternate members shall be three (3) years, except that the first two (2) shall serve respectively for terms of: One for two (2) years and one for three (3) years. Thereafter, as any term expires, the appointment shall be for three (3) years. An alternate member shall sit on the board when a regular member is not in attendance, whether such an absence is excused or not. If an alternate shall on two (2) successive occasions be unable to sit for a meeting as a member of the board when asked to do so, he shall be deemed to have resigned his position as an alternate member of the board.~~

~~(3) Other boards. At least one, but not more than two (2) members of the board of adjustment may also be members of the city planning board.~~

(24) Absences. Absence from three (3) consecutive regular meetings shall operate to vacate the seat of a regular member unless such absence is excused by the board by resolution.

SECTION 16. Article X, Section 22-182 is hereby amended so that the same shall read as follows:

ARTICLE X. – ADMINISTRATIVE PROVISIONS

Sec. 22-182. - Variances and administrative appeals.

A variance from any of these substantive requirements of this section or an appeal of any administrative determination made by the ~~department~~ planning director may be made in accordance with the procedures set forth for such relief under the current zoning code of the city. ~~The board of adjustments of the city shall be the board to which all variance requests or appeals under this article are made.~~ Any appeal should be initiated by a written notice filed with the planning department ~~city clerk~~ within thirty (30) days of the date of the administrative determination which is the subject of such appeal.

SECTION 17. Article XIV, Section 22-218 is hereby amended so that the same shall read as follows:

ARTICLE XIV. – CONCURRENCY MANAGEMENT

Sec. 22-218. – Concurrency assessment.

(c) Certificate of concurrency. A valid, unexpired certificate of concurrency shall be obtained prior to site plan or temporary plat approval.

(1) Review prior to application for development approval. At the applicant's request, the city shall review and approve, approve with conditions or ~~deny~~ disapprove an application for a certificate of concurrency prior to consideration of a development approval application.

- a. Application. An application for a certificate of concurrency determination shall be submitted to the planning director at the time of filing an application for site plan or temporary plat approval. An application processing fee established by the city commission shall be part of the application. Applications for projects containing over ten (10) dwelling units or five hundred (500) gross square feet of nonresidential floor area shall also be required to bear the cost of preparing any necessary supplemental demand analyses at the time of application.
- b. Determination of completeness. After receipt of an application for a certificate of concurrency, the planning director shall determine whether it is complete within ten (10) business days. If it is determined to be incomplete, written notice shall be served on the applicant specifying the deficiencies. No further action on the application shall be taken by the city unless the deficiencies are remedied. Within twenty (20) business days after the application is determined complete, the planning director shall review and grant, grant with conditions, or ~~deny~~ disapprove each public facility component in the application pursuant to the standards in section 1.5-6(f).
- c. Appeals. Within thirty (30) business days after issuance of the determination of the planning director on the application for a certificate of concurrency, an applicant may appeal to the board of adjustment. ~~An application fee for processing appeals shall be established by the city commission. The committee~~ city shall hold a hearing on the appeal to consider the determination of the planning director and public testimony. The ~~city commission board~~ board shall adopt, reject or modify the planning director's determination on the application for a certificate of concurrency determination. Neither ~~the~~ board of adjustment nor the city commission shall ~~not~~ modify or reject the planning director's determination unless it finds that such determination is not supported by substantial competent evidence and is contrary to the criteria established in article XIV of chapter 22 of this code of ordinances and the intent of the comprehensive plan. ~~Committee~~ Decisions shall include findings of fact for each criteria.

SECTION 18. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 19. All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

SECTION 20. This Ordinance shall become effective on December 6, 2019.

APPROVED AS TO FORM & CORRECTNESS:

Peter J. Sweeney
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 19-044 was duly advertised by title only in the St. Lucie News Tribune on Sunday, October 6, 2019, and Sunday, October 20, 2019; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on October 21, 2019; and was duly introduced, read by title only, and passed on second and final reading November 4, 2019, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this 4th day of November, 2019.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)



TO: Nicholas C. Mimms, PE, City Manager

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: Amendment to Chapter 5 (Buildings and Building Regulations),
Chapter 11.5 (Adult Entertainment Code), and Chapter 22 (Zoning) – Board of Adjustment

BOARD DATES: October 21, 2019 and November 4, 2019

STAFF REPORT

The Planning Department seeks to amend the Code of Ordinances for Chapter 5-303 pursuant to Code 1960 § 6-44; Chapter 11.5-33 pursuant to Ordinance J-420; Chapter 22-59 pursuant to Ordinance K-497; Chapter 22-102.1 pursuant to Ordinance H-244 and I-98; Chapter 22-105.1 pursuant to Ordinance I-128; Chapter 22-107 pursuant to Ordinance H-186; Chapter 22-109 pursuant to Ordinance I-208; Chapter 22-110 pursuant to Ordinance H-186; Chapter 22-111 pursuant to Ordinance H-186; Chapter 22-112 pursuant to Ordinance H-186 and I-98; Chapter 22-115 pursuant to Ordinance H-186; Chapter 22-140 pursuant to Ordinance H-186 and I-98; Chapter 22-147 pursuant to Ordinance H-186, I-16, I-98, I-309, J-125, L-126, and 17-016; Chapter 22-182 pursuant to Ordinance K-126; Chapter 22-218 pursuant to Ordinance K-465; and Chapter 22-310 pursuant to Ordinance K-492. Additionally, a new Chapter 22-118 is being created which would address how appeals from the Board of Adjustment would be undertaken.

The proposed Text Amendment modifies multiple sections of the Code of Ordinances in reference to the Board of Adjustment. To this end, the following text amendment modifies existing language regarding the structure and standards of the review process. More specifically, the text amendment proposes the Board be comprised of five members appointed by the Mayor and each City Commissioner, subsequently eliminating the two additional “alternate” positions currently in place. The text amendment would also enable aggrieved parties to appeal decisions of the Board of Adjustment to the City Commission rather than the current process which dictates that an unsuccessful party must file an appeal with the appellate court to have the decision reviewed. Additionally, a concurring vote of a majority of the Board or Commission members will be needed to approve a Variance.

Finally, a Resolution will need to be drafted by the Legal Department which would allow for the Board of Adjustment to be dissolved so that five members may be appointed by the Mayor and City Commissioners in a manner which would allow for their terms to match their respective appointing Commissioner’s (or Mayor). It would also serve to eliminate the two alternative positions currently required per Code. This Resolution is anticipated to be brought before the City Commission on November 4, 2019.

Attachments:
Draft Ordinance

City Commission Regular Meeting

13. a.

Meeting Date: 11/04/2019

Re: Request for Release of Right of Reverter by Quit Claim Deed - Parcel ID No.:
1430-231-0001-000-1

Submitted For: Pete Sweeney, City Attorney, City Attorney

SUBJECT:

Request for Release of Right of Reverter by Quit Claim Deed - Parcel ID No.:
1430-231-0001-000-1.

SUMMARY:

The current owner of property formerly known as the Hammondville Road Landfill, on Sun Citrus Boulevard in Fort Pierce, is requesting that the City of Fort Pierce release it right of reverter by quit claim deed. The property, which is next to the St. Lucie Airport and is directly south and west of the western approach to the main runway, is currently owned by Frank DiMaria, individually and as Trustee under the Revocable Living Trust Agreement. The parcel ID is 1430-231-0001-000-1. Mr. DiMaria purchased the property from the City of Fort Pierce via Special Warranty Deed in January of 1991.

Mr. DiMaria is under contract to sell the property, but the prospective buyer has objected based on the reverter language in the Special Warranty Deed. Mr. DiMaria's attorney requests the City to execute a quit claim deed to remove the reverter language. The attorney has not requested removal of any of the other language in the Special Warranty Deed.

If the language is removed and the current or future owners of the property fail to comply with any mandates related to environmental concerns, it is possible the City of Fort Pierce will be responsible for remediation but will not be able to reclaim the property. The reverter is designed to make all current or future owners of the property continuously comply with all environmental remediation rules or mandates, because otherwise the property will revert back to the City of Fort Pierce.

RECOMMENDATION:

Do not approve a Quit Claim Deed removing the reverter language.

ALTERNATIVES:

Approve a Quit Claim Deed removing the reverter language.

RESPONSIBLE STAFF:

Peter J. Sweeney, City Attorney

COORDINATED WITH:

Nicholas C. Mimms, City Manager
Jack Andrews, City Engineer

Fiscal Impact

OTHER INFORMATION:

Unknown at this time.

Attachments

Correspondence from Owner

Property location

Form Review

Inbox	Reviewed By	Date
City Manager	Nick Mimms	10/30/2019 02:54 PM
Form Started By: Pete Sweeney		Started On: 10/29/2019 08:59 AM
Final Approval Date: 10/30/2019		

DAVID R. ROY, P.A.
Attorneys At Law

David R. Roy, Esq.
4209 N. Federal Hwy.
Pompano Beach, FL 33064

Tel: (954) 784-2961
Fax: (954) 788-2425
E-Mail: David@davidroy.com
Web-Site: www.davidroy.com

September 26, 2019

City Attorney's Office
Attn: Pete Sweeney, City Attorney
100 N. US Highway 1
Fort Pierce, FL 34950

Re: Hammondville Road Landfill, Sun Citrus Blvd.
Parcel ID No. 1430-231-0001-000-1
Our File No. 19-DR-184

Dear Mr. Sweeney:

Please be advised that my office represents Mr. Frank DiMaria, individually and as Trustee under the Revocable Living Trust Agreement of Frank DiMaria pursuant to that certain Trust Agreement dated July 2, 2007 (hereafter the "Trust") with regard to the above referenced property. My client is under contract to sell this property and during the buyer's due diligence and title inspection period, objected to the language contained in the attached Special Warranty Deed executed by the City of Fort Pierce, Florida to Frank DiMaria. A copy of the Special Warranty Deed is attached hereto for your review and consideration. The specific objection is the reverter language contained on Exhibit "A" attached to the deed which provides as follows:

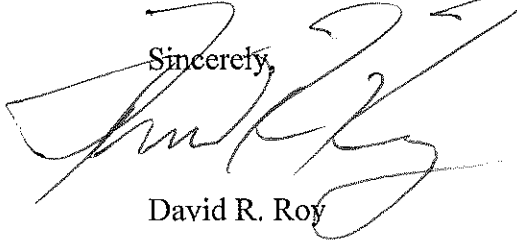
If the Grantee, his successors, grantees, assigns, personal representatives or heirs shall fail to comply with this requirement or any other requirement and the City of Fort Pierce is thereafter required to comply with DER requirements, this land shall revert to the City of Fort Pierce or by any future agreement with St. Lucie County, Florida to the Board of County Commissioners, St. Lucie County, Florida and the City of Fort Pierce shall retain all monies received upon acquisition of the property by Grantee.

Since the acquisition of this property, my client has complied with the requirements of the Florida Department of Environmental Protection as evidenced by that January 18, 2005 letter from the Department of Environmental Protection, a copy of which is attached hereto. I am also attaching the first 13 pages of the Phase II Environmental Report that was performed for the Treasure Coast Regional Planning Council back in September 2018 for your consideration. I can provide you with the entire Phase II report but it is 175 pages and most email servers do not support that size. Please advise if you would like me to forward this to you.

In order to overcome the objection of the buyer, I am requesting that the City of Fort Pierce release its right of reverter by executing a Quitclaim Deed to Mr. DiMaria, individually and to the Trust. I am not requesting that any of the other covenants and restrictions that run with the land be released and will leave that to the buyer to deal with.

The buyers due diligence is over but for this title objection and the closing is scheduled to close before the end of the year. If there is anything else that you may require or should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Roy", written over the word "Sincerely,".

David R. Roy

DRR/tj

Enclosure

**1991 SPECIAL WARRANTY DEED
FROM THE CITY OF FORT PIERCE TO DIMARIA**

1092165

Rec Fee \$ 15.00 DOUGLAS DIXON
Add Fee \$ St. Lucie County
Doc Tax \$ 880.00 Clerk of Circuit Court
Int Tax \$ By J.S. Deputy Clerk
Total \$ 895.00

Parcel ID Number:
Census #1 TR# 105 34 6143

[Space Above This Line For Recording Data]

Special Warranty Deed

This Indenture, Made this 29th day of January, 1991 A.D. Between
CITY OF FORT PIERCE, FLORIDA, a municipal corporation,, a corporation
existing under the laws of the state of Florida

of the County of St. Lucie, State of Florida, grantor, and
FRANK DIMARIA,

whose address is: 3428 E. Atlantic Blvd., Pompano Beach, Florida 33062

of the County of Broward, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of
----- TEN & NO/100 (\$10.00) ----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate,
lying and being in the county of St. Lucie State of Florida to wit:

See attached Exhibit A for legal description which is attached
hereto and incorporated herein by reference.

Subject to temporary easement in favor of the St. Lucie County Port and Airport
Authority for monitoring wells.

Together with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.
And the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has
good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will
defend the same against the lawful claims of all persons claiming by, through or under grantor.
In Witness Whereof, the grantor has hereto set their hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

Robert Horner
Frank Gabriel
Robert Horner
Frank Gabriel

CITY OF FORT PIERCE, FLORIDA, a
municipal corporation,
By: *William R. Dannahower*
William R. Dannahower
Mayor-Commissioner
By: *Cassandra Steele*
Cassandra Steele, City Clerk

APPROVED AS TO FORM AND CONTENTS
BY *Robert Horner* (Seal)
City Attorney (Corporate Seal)

STATE OF Florida
COUNTY OF St. Lucie

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements,
personally appeared William R. Dannahower and Cassandra Steele
well known to me to be the Mayor-Commissioner and City Clerk

respectively of the corporation named as grantor in the foregoing
instrument, and that they severally acknowledged executing the same, in the presence of two subscribing witnesses, freely and voluntarily under
authority duly vested in them by said corporation and that the seal affixed thereto is the true corporate seal of said corporation.

WITNESS my hand and official seal in the County and State aforesaid this 29th day of January, 1991.

This Document Prepared By:
JOHN T. BRENNAN, ESQUIRE
BRENNAN/HAYS/KAR, JEFFERSON & GORMAN, P.A.
515-519 S. Indian River Drive, P.O. Box 3779

Fort Pierce, FL 34954-3779
RECORD AND RETURN TO
ROBERT J. GORMAN, ESQ.
COURTHOUSE BOX 9

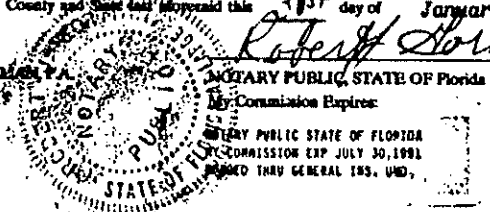


EXHIBIT "A"

The South 1/2 of the Northwest 1/4 of Section 30, Township 34 South, Range 40 East, LESS AND EXCEPTING the North 100 feet thereof, and LESS the West 40 feet for Fort Pierce Farms Drainage District Canal #2, and LESS the South 45 feet for Fort Pierce Farms Drainage District Canal #25, St. Lucie County, Florida.

The above described parcel previously has been utilized as a landfill location, but has not been actively used as such for a number of years. The parcel being a currently unused landfill may be subject to "Long Term Care" provisions presently and/or in the future as specified by the Department of Environmental Regulation of the State of Florida and/or any other applicable governmental entity, agency or body. The Grantee, by acceptance hereof, and his successors, assigns, heirs, personal representatives and grantees will be required to undertake all necessary steps to comply with DER provisions for "Long Term Care" including, but not limited to, application for closing, if not complete, monitoring, setting test wells, sampling, testing, cleanup, remedial work and as otherwise may be directed or required, as and if necessary. This covenant shall run with the land.

Grantee shall expend no less than \$100,000.00 for clean-up and remedial measures.

If the Grantee, his successors, grantees, assigns, personal representatives or heirs shall fail to comply with this requirement or any other requirement and the City of Fort Pierce is thereafter required to comply with DER requirements, this land shall revert to the City of Fort Pierce or by any future agreement with St. Lucie County, Florida to the Board of County Commissioners, St. Lucie County, Florida and the City of Fort Pierce shall retain all monies received upon acquisition of the property by Grantee.

The hereinabove described property shall not at any time be used for the storage, processing, disposing or recycling of any hazardous waste, toxic materials or substances deemed to be the same or otherwise subject to restrictions of any governmental body for storage, use, disposition or recycling.

This transaction shall further be subject to an agreement or understanding with the St. Lucie County Port and Airport Authority relative to the construction of structures, buildings or improvements of any type or nature within certain areas of the subject property and/or above certain elevations which agreement, though not of Public Record at this time, shall be binding upon Grantee upon its execution and recordation in the Public Records of St. Lucie County, Florida. Grantee further agrees that upon request of the St. Lucie County Port and Airport Authority, that he shall join in and execute such agreement. Said restrictions shall include, but not be limited to the following, and which restrictions the Grantee, by acceptance hereof, undertakes:

(1) Grantee shall neither construct nor permit the construction of any structures which would obstruct the visibility of any part of the air traffic patterns, approaches, runways, taxiways or operational portion of aprons or areas necessary for control of ground or air traffic on or at the St. Lucie County Airport from the air traffic control tower.

(2) The St. Lucie County Port and Airport Authority may remove or trim as required any trees or other plants which obstruct visibility from the control tower to any runways, taxiways, or operational portions of aprons and areas necessary for control of ground traffic now existing or as hereafter set out, established or utilized.

(3) At the request of the Federal Aviation Administration the Grantee will remove, adjust, or shield as required any light (i.e. beacon, street, security, etc.) owned and operated by the parties which causes air traffic controller visibility problems from the air traffic control tower.

(4) Grantee shall neither construct nor permit the construction of any structures within nine hundred fifty (950) feet of the centerline of Runway 9-27 and any westerly extension of such runway.

(5) These restrictions, covenants and agreements shall be deemed to be a covenant running with the land and shall be binding on the heirs, successors and assigns of the Grantee.

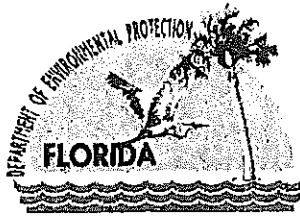
Grantee hereby accepts and agrees to be bound by all of the terms, conditions, restrictions and covenants herein stated.

By: *Frank DiMaria*
FRANK DIMARIA

91 JUN 31 P3:39
1092165
FILED AND RECORDED
DOUGLAS DIXON C.F.

O. R. BOOK 725 PAGE 284

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
LETTER FOR JANUARY 18, 2005**



Jeb Bush
Governor

Department of Environmental Protection

Southeast District
400 N. Congress Ave. Suite 200
West Palm Beach, Florida 33401

COPY

Colleen M. Castille
Secretary

JAN 18 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Frank DiMaria
3428 E. Atlantic Boulevard
Pompano Beach, FL 33062

Subject: Site Rehabilitation Completion Order
Hammond Road Landfill
North Hammond Road
Fort Pierce, St. Lucie County
FDEP Facility ID# OGC Case No. 91-1531

Dear Mr. DiMaria:

The Florida Department of Environmental Protection (Department) is in receipt of the following technical documents, prepared and submitted by Atlantis Environmental Engineering, SRC Environmental Solutions, Inc., Shaw Environmental Consultants, Inc., and Robert R. Maschue, for this site:

- Consent Order, executed on October 19, 1991
- Contamination Assessment Plan (CAP), prepared by H2O Environmental, Inc., dated January 15, 1992.
- Partial Response to Request for Additional Information, prepared by Atlantis Environmental Engineering (AEE), dated September 21, 1992.
- CAP Addendum, prepared by AEE, dated November 17, 1992.
- CAP Addendum, prepared by SRC Environmental Solutions, Inc. (SRC), dated April 18, 1994.
- CAP Addendum, prepared by SRC, dated July 25, 1994.
- CAP Addendum, prepared by SRC, dated January 2, 1995.
- CAP Modification Investigation, prepared by Shaw Environmental Consultants, Inc. (Shaw), dated September 21, 1995.
- Letter Report: Preliminary Contamination Assessment Activities, prepared by Shaw, dated October 11, 1995.
- Contamination Assessment Report (CAR), prepared by Shaw, dated November 30, 1995.
- Response to Request for Additional Information, prepared by Shaw, dated February 29, 1996.
- CAP Addendum, prepared by Shaw, dated June 13, 1996.
- Monitoring Only Plan (MOP), prepared by Shaw, dated September 17, 1997.
- MOP Addendum, prepared by Shaw, dated December 19, 1997.

"More Protection, Less Process"

Printed on recycled paper.

- Consent Order Amendment, executed on June 3, 1998
- Monitoring Report, prepared by Robert Maschue, P.G., dated April 10, 2003.

The Southeast District's Waste Cleanup Section has reviewed the Site Rehabilitation Completion Report and Request for No Further Action Proposal (SRCR) dated October 25, 2004 (received October 28, 2004), prepared and submitted by Robert Maschue, P.G., for this site. Documentation submitted with the SRCR confirms that criteria set forth in the executed Consent Order Amendment (OGC Case No. 91-1531) have been met. The SRCR is hereby incorporated by reference in this Site Rehabilitation Completion Order (Order). Therefore, you are released from any further obligation to conduct site rehabilitation at the site for contamination associated with the former landfill listed above, except as set forth below. Failure to abide by the following requirements will result in the revocation of this Order.

- (1) Disturbing the cover on the landfill site has the potential to impact groundwater quality. The Department shall be notified prior to any construction activities, including land clearing, taking place on the property. The owner shall demonstrate that construction activities and the ultimate use of the property will not impact groundwater quality. The Department issued a document titled, "Guidance for Disturbance and Use of Old Closed Landfills or Waste Disposal Areas in Florida" dated May 3, 2001 that provides guidance on what is required to demonstrate that water quality will not be impacted. Alternatively, the owner may reopen case through the state Brownfields or similar cleanup program.
- (2) If concentrations of Benzene, Chlorobenzene and/or other contaminants of concern increase above the levels approved in this Order, or if a subsequent discharge of occurs at the site, the Department may require site rehabilitation to reduce concentrations of contaminants of concern to the levels approved in the SRCR or otherwise allowed by Rule.
- (3) This order applies to the assessment and remediation related to this case. This case is limited to the areas and parameters that were assessed in the documents listed above. A completion request for any other areas or parameters that are not covered in this order will need to be submitted to the Department and will require a separate assessment and remediation, if necessary.
- (4) Additionally, you are required to properly abandon all monitoring wells within 60 days of receipt of this Order. The monitoring wells must be plugged and abandoned in accordance with the requirements of Rule 62-532.500(4), F.A.C.

Legal Issues

The Department's Order shall become final unless a timely petition for an administrative proceeding (hearing) is filed under Sections 120.569 and 120.57, Florida Statutes (F.S.), within 21 days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

- (A) If you choose to accept the Department's decision regarding the SRCR you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.
- (B) If you choose to challenge the decision, you may do the following:
 - (1) File a request for an extension of time to file a petition for hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order; such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing; or
 - (2) File a petition for administrative hearing with the Agency Clerk in the Office of General Counsel of the Department within 21 days of receipt of this Order.

Please be advised that mediation of this decision pursuant to Section 120.573, F.S., is not available.

How to Request an Extension of Time to File a Petition for Administrative Hearing

For good cause shown, pursuant to Rule 62-110.106(4), F.A.C., the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from Frank DiMaria, shall mail a copy of the request to Frank DiMaria at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) by the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of receipt of this Order. Petitioner, if

different from Frank DiMaria, shall mail a copy of the petition to Frank DiMaria at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under Sections 120.569 and 120.57, F.S.

Pursuant to Subsections 120.54(5)(b)4. and 120.569(2), F.S., and Rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- (a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the FDEP facility number, and the name and address of the facility;
- (b) A statement of when and how each petitioner received notice of the Department's action or proposed action;
- (c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- (e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's action or proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under Section 120.68, F.S., by filing a notice of appeal under Rule 9.110 of the Florida Rules of Appellate Procedure with the Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days after this Order is filed with the clerk of the Department (see below).

Mr. Frank DiMaria
FDEP Facility ID# OGC Case No. 91-1531
Page five

Questions

Any questions regarding the Department's review of your NFAP should be directed to Lee Hoefert at (561) 681-6676. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

The FDEP Facility Number for this site is OGC Case No. 91-1531. Please use this identification on all future correspondence with the Department.

Kevin R. Neal 11/4/05
Kevin R. Neal Date
District Director
Southeast District

HR Port KCR
KRN/JPP/PAW/lch

cc: Robert Maschue, P. G., Solutech, Inc.
Alex Padva
City Attorney, City of Fort Pierce
Michael Cushman
DEP/OGC
DEP/Port St. Lucie Office
St. Lucie County Health Department
File

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
§120.52 Florida Statutes, with the
designated Department Clerk, receipt
of which is hereby acknowledged.

Rachel Osborne 4/18/05
Clerk Date

**PHASE II ENVIRONMENTAL REPORT
PERFORMED SEPTEMBER 2018**

19 September 2018

Ms. Stephanie Heidt
Intergovernmental/Brownfields Coordinator
Treasure Coast Regional Planning Council
421 Southwest Camden Avenue
Stuart, FL 34994

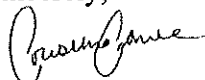
Subject: Phase II Environmental Site Assessment Report
**Subject Site: Approximately 71 acres of the Former Hammond Road Landfill,
Fort Pierce, St. Lucie County, Florida,
Parcel ID # 1430-231-0001-000-1**

Dear Ms. Heidt:

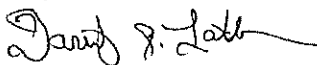
Pursuant to your authorization of Geosyntec Consultant's (Geosyntec's) proposal dated 23 March 2018 (authorization was provided in July 2018), Geosyntec has prepared the enclosed Phase II Environmental Site Assessment (ESA) report for the Treasure Coast Regional Planning Council ("TCRPC" or "Client") for the approximately 71-acres known as the Former Hammond Road Landfill located in Fort Pierce, St. Lucie County, Florida - Parcel ID # 1430-231-0001-000-1 ("Site"). Enclosed is an electronic copy of the report.

Should you have questions regarding this submittal or need additional information, please do not hesitate to contact us. We appreciate the opportunity to be of service to you.

Sincerely,



Cristina Graver, P.E.(FL)
Engineer



David J. Latham, P.G.(FL)
Senior Geologist

Copy: Barbara Alfano, USEPA
J. Chris Herin, P.G.(FL) – Geosyntec
Peter Jones – St. Lucie County
Terry Lewis, Esq. – Lewis, Longman & Walker
David Roy, Esq.

Geosyntec[▷]
consultants

Prepared for:



Treasure Coast Regional Planning Council
421 Southwest Camden Avenue
Stuart, Florida 34994

PHASE II ENVIRONMENTAL SITE ASSESSMENT

**Subject Site: Approximately 71 acres of the
Former Hammond Road Landfill,
Fort Pierce, St. Lucie County, Florida,
Parcel ID # 1430-231-0001-000-1**

Prepared by:

Geosyntec[▷]
consultants

900 Broken Sound Parkway NW, Suite 200
Boca Raton, Florida 33487

Project Number: FE2954
September 2018

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1 INTRODUCTION AND BACKGROUND

1.1 Introduction

Geosyntec Consultants, Inc. (Geosyntec) was retained by the Treasure Coast Regional Planning Council (TCRPC) (“Client”) to perform a Phase II Environmental Site Assessment (ESA) of an approximately 71-acre parcel known as the Former Hammond Road Landfill located in Fort Pierce, St. Lucie County, Florida - Parcel ID # 1430-231-0001-000-1 (referred to herein as the “Subject Site”, or “Site”, as shown in **Figure 1**). This work was completed pursuant to TCRPC’s authorization of Geosyntec’s 23 March 2018 proposal (authorization was provided in July 2018). Geosyntec understands that St. Lucie County submitted an application that was accepted by TCRPC for the completion of a Phase II ESA for this Site under the terms of TCRPC’s 2015 Brownfields Assessment Grant; this grant was awarded to TCRPC by the U.S. Environmental Protection Agency (USEPA). Consequently, Geosyntec was authorized by TCRPC to conduct a Phase II ESA of the Site, for the benefit of St. Lucie County.

At TCRPC’s request, between December 2016 and August 2018, Geosyntec conducted a Phase I ESA of this Site for TCRPC in general accordance with the scope and limitations of the American Society for Testing and Materials (ASTM) Practice E 1527-13, titled “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” (ASTM E 1527-13). Geosyntec’s August 2018 Phase I ESA to TCRPC concluded that Geosyntec found two recognized environmental conditions (RECs) and one historical recognized environmental condition (HREC) associated with this Site. With input from TCRPC, St. Lucie County, and USEPA, Geosyntec developed a Phase II ESA scope of work¹ that included the environmental assessment of soil and groundwater to evaluate the presence of certain types of subsurface impacts at the Subject Site in multiple locations. Through conduct of this Phase II ESA, Geosyntec attempted to further investigate Geosyntec’s 2018 Phase I ESA-identified RECs and HREC at the Site. A listing of the RECs that were investigated at the Subject Site is presented in **Table 1**. It should be noted that Geosyntec’s Phase II ESA focused on historical land use (as a municipal solid waste landfill) at the Site and past-identified soil and groundwater contamination at the Site based on historical testing by others.

¹ Please note that the sampling scoped herein was a coarse screening effort for soil and groundwater and did not consider other issues such as geotechnical concerns or other media such as landfill gas and canal surface water/sediment. This coarse sampling approach was not intended to be compliant with more conservative contamination assessment environmental agency guidance (for example, in terms of horizontal and vertical density of samples). Furthermore, the analytical suites may not have been comprehensive in terms of the types of contaminants which may be present. As such, the enclosed sampling could have missed contamination that may exist.

1.2 Site Location

The Site is an approximate 71-acre parcel located adjacent to Sun Citrus Boulevard, Fort Pierce, Florida. The Site is located in a residential, industrial and agricultural area and was found to be bounded by: the Treasure Coast International Airport (and Business Park) to the north, Hammond Road followed by Treasure Coast International Airport to the east; Fort Pierce Farms Water Control District (FPFWCD) Canal Number 25 followed by residential homes and the Sun Citrus Plant to the south; and, FPFWCD Canal Number 2 followed by orange groves to the west. The Site vicinity and topographic map are illustrated on **Figure 1**, and a Site layout is illustrated on **Figure 2**.

1.3 Site Description

Based on information provided by Mr. Frank DiMaria², who is the current owner of the Site, as well as observations made during Geosyntec's 5 December 2016 Site reconnaissance and follow-up Site reconnaissance on 20 June 2018, the Site was observed to be vacant with heavy vegetation covering a large portion of the Site. An approximate 6-foot chain link fence surrounded the perimeter of the Site. Two canals were identified near the Site along each of the western and southern Site boundaries. Several areas were observed by Geosyntec where buried waste was extending outside of the landfill's final cover. The observed waste items included used automobile tires, general household trash, an apparent electrical box and barbed wire. A detailed Site plan showing some general Site features is illustrated on **Figure 2**.

A listing of the RECs that were noted in Geosyntec's 2018 Phase I ESA of the Subject Site is summarized in **Table 1**. Based on observations made during Geosyntec's Phase I ESA file review, the Site was reportedly utilized as a municipal solid waste landfill from 1966 through the 1980s. According to a Florida Department of Environmental Protection (FDEP) September 1986 inspection, the landfill at the Site collected the following types of wastes: (i) residential; (ii) commercial; (iii) industrial; (iv) septic tank pumping; (v) dead animals; (vi) hazardous; (vii) medical; and, (viii) waste water treatment sludge.

Figure 1 illustrates the approximate Subject Site location and regional topography. According to Geosyntec's 2018 Phase I ESA, the Subject Site has an elevation of approximately 19 feet above mean sea level and is relatively flat. Based on previously-reported groundwater flow data in close

² Mr. DiMaria was provided with a copy of the Geosyntec's 2018 Phase I ESA, and Geosyntec's Phase II ESA scope of work. He had given permission to St. Lucie County for completion of the Phase I ESA work and subsequently gave permission to complete the Phase II ESA at the Site.

proximity to the Site, Geosyntec noted that interpretations by others showed the surficial groundwater flow direction in proximity to the Site was radial and, was also shown to be primarily towards the south. Reports indicate that the groundwater flow at and in the vicinity of the Site is likely influenced by the canals to the south and west. Local groundwater flow direction may vary depending on area groundwater pumping, surface water bodies, land use and development, localized topography, and other macro and micro features.

2 INVESTIGATION APPROACH

Geosyntec's 2018 Phase II ESA investigation approach was designed to target shallow subsurface soils and groundwater to address the two RECs and the HREC. For each of these, a selected number of soil and/or groundwater samples were planned for collection:

Work Item (Finding)	Number of Soil Borings	Maximum Boring Depth	Number of Temporary Monitoring Wells	Number of Samples	
				Soil	Groundwater
A (Historical Onsite Land Use) [REC]	10	10 feet below land surface (ft BLS)	10	1 per boring	1 per monitoring well
B (Known Contamination at the Site) [HREC]	Soil borings and sampling for Finding B are covered under the proposed soil sampling activities for Finding A.	10 ft BLS	1 – Additional monitoring well plus sampling for Finding B also covered under the proposed groundwater sampling activities for Finding A.	1 per boring	1 per monitoring well
C (Known Radionuclide Contamination at and in the vicinity of the Site) [REC]	Not Applicable (N/A)	N/A	1 – Additional monitoring well plus sampling for Finding C also covered under proposed sampling activities for Finding A and Finding B (3 wells under those prior work items also sampled for these parameters).	N/A	1 per monitoring well
Total	10	---	12	10	12

For each sampling location, the Phase II ESA incorporated a suite of chemical analyses designed to focus on certain potential impacts to soil and groundwater at that location based on observations made during Geosyntec's 2018 Phase I ESA. These generally included volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PAHs), organochlorine pesticides (OCPs), and the 8 Resource Conservation and Recovery Act (RCRA) metals as well as polychlorinated biphenyls (PCBs) in soil and total dissolved solids (TDS) in groundwater. Sample locations that were targeted for potential radionuclide contamination were analyzed for Radium 226, Radium 228, and Gross Alpha in groundwater based on review of historical data collected in December 1995 and reported in the December 1995 Contamination Assessment Report prepared by Shaw Environmental Consultants, Inc.; this report indicated the exceedance of regulatory criteria. Additionally, Geosyntec's interviewing efforts (including Paul Wierzbicki with the

Florida Dept. of Environmental Protection [FDEP]) indicated that the environmental assessment for radionuclides has not been conducted at the Site. Sampling locations were selected based on the environmental conditions identified during Geosyntec's 2018 Phase I ESA, and the approach was designed in an effort to assess soil and groundwater quality in the vicinity of areas where contamination had previously been detected and/or to provide additional sampling coverage for the Site (additional, in comparison to historical sampling reported in Geosyntec's 2018 Phase I ESA).

Geosyntec performed the Phase II ESA sampling activities at the Subject Site from 30 July 2018 to 3 August 2018. The Phase II ESA included targeted vegetative clearing (to allow better access to sampling locations) followed by hand auger (HA) and direct-push technology (DPT) drilling activities for the purposes of collecting soil samples, and installation of temporary, shallow monitoring well points into the water table for the purpose of collecting groundwater samples to address each of the concerns identified in **Table 1**. The general scoped sampling approach included the number of boreholes, depths, and samples as outlined in the above-provided summary, with the understanding that field modifications through the addition and/or removal of sampling locations could be necessary due to field-encountered Site-specific conditions (these deviations are discussed in Section 3.5). In all, this investigation addressed the following issues:

- Historical Onsite Land Use (REC #1);
- Known Contamination at the Site (HREC #1); and
- Known Radionuclide Contamination at and in the vicinity of the Site (REC #2).

Table 1 summarizes some rationale for including each of these as an environmental concern and presents the actual number of soil and groundwater samples collected for each of these RECs. These locations are illustrated on **Figure 3**.

3 INVESTIGATION METHODOLOGY

Geosyntec personnel mobilized to the Subject Site from 30 July 2018 to 3 August 2018. Prior to proceeding with intrusive Phase II ESA activities, Geosyntec provided notification to the Sunshine State One Call of Florida (SSOCOF) to locate public utilities in the area of the proposed drilling. Soil and groundwater samples were collected in general accordance with FDEP standard operating procedures.

3.1 Land Clearing

Geosyntec retained a contractor, South Florida Land Clearing (SFLC), to perform land clearing activities at the Site. On 30 and 31 July 2018, a track hoe with a “thumb” attachment was used to clear vegetation, consisting primarily of Peruvian pepper trees, from portions of the perimeter of the Site, as illustrated on **Figure 2**. Clearing activities were limited to portions of the Site that were targeted for Geosyntec’s Phase II ESA sampling effort. On 1 August 2018, SFLC returned to the Site with a bulldozer to further level cleared areas and compact loose soil to allow for improved navigation of the cleared areas with a DPT drill rig. Several areas of unearthened buried waste, including materials such as glass, wood debris, household waste (such as soda cans), plastics (which included a medical syringe), used tires and textiles, were observed in cleared areas at the Site.

3.2 Borehole Drilling

Geosyntec contracted a driller to perform the drilling activities at the Subject Site. Prior to commencing DPT drilling activities, boreholes were advanced using a hand auger for borings with depths less than or equal to four feet below land surface (ft BLS). Downhole drilling equipment was decontaminated before each borehole was advanced.

For depths below four ft BLS, the soil cores were retrieved from a truck-mounted DPT drilling rig driving a 2-inch stainless steel macrocore sampler at regular depth intervals. Soil samples were collected using new, disposable 1¾-inch interior diameter butyrate liners, which were dedicated one per sampling interval. The soil cores were visually inspected at 2-ft intervals for the presence of unnatural staining, sheens, or liquids, field-screened with an organic vapor analyzer (OVA) equipped with a 10.6 electron volt (eV) photo-ionization detector (PID), and examined for the purpose of documenting the soil’s lithology. Field observations and lithologic descriptions associated with each soil borehole are summarized in **Table 2**, and borehole locations are illustrated on **Figure 3**.

The calibration of the PID was checked prior to use in the field. The procedure involved verifying the instrument response against a 100 parts per million (ppm) isobutylene gas standard.

3.3 Soil Sampling

As noted above, field observations and lithologic descriptions associated with each soil borehole are summarized in **Table 2**, and borehole locations are illustrated on **Figure 3**. In accordance with the sampling strategy outlined in Geosyntec's 23 March 2018 proposal and based on visual observations and/or field screening results (e.g., positive OVA readings, evidence of staining, etc.), one sample from each borehole was selected for laboratory analyses. The requested analyses for each sample sent to the laboratory are summarized in **Table 3** and included the following:

- VOCs by USEPA Method 8260C;
- PAHs by USEPA Method 8100;
- PCBs by USEPA Method 8082;
- OCPs by USEPA Method 8081A; and
- 8 RCRA Metals by USEPA 6000/7000 Series Methods.

Following soil sampling activities, the retrieved soil samples were stored in coolers with ice and released under chain of custody protocol to a laboratory, which is accredited by the National Environmental Laboratory Accreditation Program (NELAP). Analytical methods used by the laboratory are referenced in the analytical reports presented in **Appendix A**. Soil boring logs are included in **Appendix B**.

In accordance with Geosyntec's 23 March 2018 proposal, one duplicate soil sample was collected and submitted for analysis.

Following sampling, the boreholes were used as pilot holes for installation of temporary monitoring wells (See **Section 3.4**).

3.4 Groundwater Sampling

As presented in the sampling strategy in Geosyntec's 23 March 2018 proposal, Geosyntec collected twelve groundwater samples using temporary monitoring wells installed at each of the ten soil boring locations as well as two additional temporary monitoring well locations (only). Temporary, shallow monitoring wells equipped with 0.75 inch diameter pre-packed screens were installed into the water table using a DPT rig. Prior to sample collection, physical water quality parameters (pH, temperature, specific conductivity, dissolved oxygen, oxygen reduction potential, and turbidity) were recorded on groundwater sampling logs which are included as **Appendix B**. Prior to collecting the groundwater samples, Geosyntec purged the temporary monitoring wells for up to 45 minutes or until the color of the water turned clear.

The requested analyses for each sample sent to the laboratory are summarized in **Table 4** and

included the following, with the understanding that the list of requested analyses varied from location to location within the Site:

- VOCs by USEPA Method 8260C;
- PAHs by USEPA Method 8100;
- OCPs by USEPA Method 8081A;
- TDS by USEPA Method 160.1;
- 8 RCRA Metals by USEPA 6000/7000 Series Methods and USEPA Method 245.1;
- Gross Alpha by USEPA Method 00-02;
- Radium 226 by USEPA Method 903.0; and/or
- Radium 228 by USEPA Method Ra-05.

Samples were collected into clean bottles which were supplied by the laboratory and placed in coolers with ice immediately after collection.

Following groundwater sampling activities, the retrieved groundwater samples were stored in coolers with ice and released under chain of custody protocol to the laboratory. Analytical methods used by the laboratory are referenced in the analytical reports presented in **Appendix A**.

In accordance with Geosyntec's 23 March 2017 proposal, one duplicate soil sample was collected and submitted for analysis.

Geosyntec personnel returned to the Site on 31 August 2018 with a licensed driller to perform temporary monitoring well abandonment activities. The temporary groundwater monitoring wells were removed from the ground and each well borehole was filled to land surface with a Portland cement grout mixture.

4 SAMPLING RESULTS

4.1 Soil

Based on Geosyntec's Site observations, the lithology encountered at the Site generally consisted of sand and organic materials (with this descriptor, organic materials refer to dark lithologies and/or vegetative materials) to depths of up to 10 ft BLS. Soil vapor concentrations measured with the OVA in the soil samples recovered from the boreholes are summarized in **Table 2**; the highest observed OVA reading was 5.0 ppm. Based on visual observations of the soil cores, buried waste was observed in five of the ten borings and limited orange staining was observed in one of the ten borings. Aside from these observations, other unusual stains or other unnatural features were not noted.

The analytical results for soil samples at the Subject Site are summarized in **Table 5**, and laboratory analytical reports are presented in **Appendix A**. Concentrations of constituents in soil were compared against the FDEP's default residential, industrial, and leachability-to-groundwater Soil Cleanup Target Levels (SCTLs) included in Chapter 62-777, Florida Administrative Code (FAC). From this comparison, the more notable findings associated with the soil analytical results are as follows:

- *OCPs*: At least one of five OCPs (gamma-Chlordane, alpha-Chlordane, 4,4-DDE, dieldrin, and total chlordane) were detected in three of the ten soil samples at relatively low concentrations. The reported concentrations did not exceed the associated FDEP SCTLs.
- *8 RCRA Metals*: Relatively low concentrations of barium, chromium, and lead were detected in each of the ten soil samples. The highest reported concentrations of barium, chromium and lead were 12.1 mg/kg, 6.7 mg/kg, and 7.68 mg/kg, respectively. Additionally, arsenic was detected in five of the eleven soil samples and cadmium was detected in four of the eleven soil samples. The highest reported arsenic and cadmium concentrations were 0.472 mg/kg and 0.334 mg/kg, respectively. The reported concentrations of metals did not exceed the associated FDEP SCTLs.
- *VOCs*: No detections of VOCs above laboratory method detection limits were reported for the soil samples analyzed.
- *PAHs*: No detections of PAHs above laboratory method detection limits were reported for the soil samples analyzed.

- *PCBs*: No detections of PCBs above laboratory method detection limits were reported for the soil samples analyzed.

4.2 Groundwater

Twelve groundwater samples were collected from 1 August 2018 to 3 August 2018. In these twelve temporary monitoring wells, the observed depth to groundwater ranged from 3 to 9.5 ft BLS. No free product or sheen was observed.

The analytical results for groundwater samples at the Subject Site are summarized in **Table 6**, and laboratory analytical reports are presented in **Appendix A**. Concentrations of constituents in groundwater were compared against FDEP's default Groundwater Cleanup Target Levels (GCTLs) included in Chapter 62-777, FAC. From this comparison, the more notable findings associated with the groundwater analytical results are as follows:

- *TDS*: TDS was detected above the laboratory method detection limit in each of the groundwater samples analyzed for TDS. Exceedances of the GCTL for TDS (500 milligrams per liter [mg/L]), were observed in TW-6 and TW-11
- *VOCs*: At least one of two VOCs (Chlorobenzene and 1,3-Dichlorobenzene) were detected in four of the groundwater samples analyzed for VOCs at relatively low concentrations. The reported concentrations did not exceed the associated FDEP GCTLs.
- *PAHs*: No detections of PAHs above laboratory method detection limits were reported for the groundwater samples analyzed.
- *OCPs*: No detections of OCP above laboratory method detection limits were reported for the groundwater samples analyzed.
- *8 RCRA Metals*: Relatively low concentrations of barium, chromium, and lead were detected in each of the ten groundwater samples analyzed for metals. The highest reported concentrations of barium, chromium and lead were 0.149 mg/kg, 0.021 mg/kg, and 0.015 mg/L, respectively. Additionally, mercury was detected in one of the groundwater samples analyzed for metals at a concentration of 0.0002 mg/L. The reported concentrations of metals did not exceed the associated FDEP GCTLs.
- *Radionuclides*: At least two of the three radionuclides (Gross Alpha, Radium 226, and Radium 228) were detected in each of the four groundwater samples analyzed for radionuclides. The reported radionuclide concentrations did not exceed the associated FDEP GCTLs.

5 CONCLUSIONS

A Phase II ESA was performed by Geosyntec personnel wherein field work was conducted in July and August 2018 at the Site located in Fort Pierce, St. Lucie County, Florida to help support environmental due diligence activities. During Geosyntec's 2018 Phase II ESA, 10 soil samples and 12 groundwater samples were collected from a total of twelve borehole locations.

The lithology encountered at the Site generally consisted of sand and organic materials to depths of up to 10 ft BLS. Through this Phase II ESA effort (and through Geosyntec's 2018 Phase I ESA), buried waste has been found to exist at the Site. Geosyntec's observed depth to groundwater was approximately 3 to 9.5 ft BLS. No chemical free product or sheen was detected.

Analytical results from the soil and groundwaters sampling were compared to the FDEP's SCTLs (for soil) and GCTLs (for groundwater), as described in **Section 4**. From this comparison, a summary of what Geosyntec considered to be some of the most notable findings are as follows:

- No detections in soil samples showed an exceedance of the listed SCTLs.
- No detections in groundwater samples showed an exceedance of the listed GCTLs except that TDS was observed in two of the groundwater samples (TW-6 and TW-11) above the GCTL. Other detections were found in one or more groundwater samples but did not exceed a GCTL; these include VOCs, metals, radionuclides, and OCPs.

Due to the nature of the buried waste that was observed during this Phase II ESA field work, the areal extent and thickness of the overlying cover soils as well as geotechnical considerations in dealing with the subsurface waste to support redevelopment/construction at the Site would be key points of emphasis in future assessment work at the Site (for consideration under a different work scope).

6 QUALIFICATIONS OF STAFF

Cristina Graver, P.E. (FL), Engineer

Ms. Graver is a Professional Engineer with Geosyntec Consultants in Boca Raton with over five years of experience in the environmental field. Her professional experience as an environmental consultant includes projects involving air quality permitting, air quality compliance, process safety management, environmental regulatory compliance and due diligence, remediation of contaminated soil and groundwater, groundwater plume delineation, wastewater treatment design and storm water management. Cristina is a registered Professional Engineer in Florida and holds a Bachelor's degree in Civil and Environmental Engineering from Florida State University.

David Latham, P.G. (FL), Project Manager

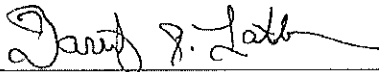
Mr. Latham is a licensed professional geologist (P.G.) in the State of Florida and has over 25 years of experience as a hydrogeologist dealing with assessment and remediation of impacted soil and groundwater at a wide range of commercial, industrial, and governmental facilities. His experiences include the following areas: property transaction environmental due diligence; environmental support for brownfields redevelopment; regulatory compliance; contamination assessments/site assessments; geophysical investigations for assessment of hydrogeological conditions; project and program management including compliance with quality assurance and environmental health and safety issues; and preparation and implementation of remedial action plans. Mr. Latham holds both a Master's Degree and Bachelor's Degree in Geology.

J. Chris Herin, P.G. (FL, KY, TX, PA), Project Director

Mr. Herin is a licensed P.G. in Florida, Kentucky, Texas, and Pennsylvania. He represents that at the time of preparation of this Phase II ESA report, he has over the last 28+ years worked as a hydrogeologist on a variety of projects. Included in his experience are the following types of work: property transaction environmental due diligence (e.g., Phase I and II ESAs; estimation of remediation costs; etc.); evaluation of compliance with environmental regulations; performance of remedial investigation/feasibility studies for contaminated properties; assessment of groundwater flow systems and the fate and transport of chemical contaminants in the environment; performance of geophysical investigations for assessment of hydrogeological conditions, buried materials and contamination; evaluation of the applicability of remedial measures for contaminated soil, groundwater and surface water systems. Over at least the last decade, Mr. Herin has served as the primary author or senior reviewer of over 500 environmental due diligence reports (Phase I and/or II ESAs) located throughout the U.S. Mr. Herin holds a Master's degree in Geology (with a concentration in hydrogeology) and a Bachelor's degree in Earth Science.

7 SIGNATURE BY ENVIRONMENTAL PROFESSIONAL

I declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR §312. I have the specific qualifications based on education, training, and experience to conduct a Phase II Environmental Site Assessment at a property of the nature, history, and setting of the Site.

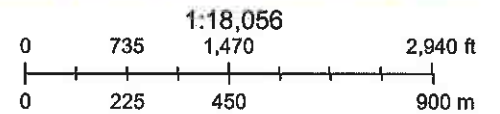


Signed by David J. Latham, P.G. – Geosyntec Consultants

Saint Lucie County Property Appraiser



October 29, 2019



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

City Commission Regular Meeting

13. b.

Meeting Date: 11/04/2019

Re: Resolution Establishing Parking Committee

Submitted For: Nick Mimms, City Manager, City Manager

SUBJECT:

Resolution 19-R45 establishing the City of Fort Pierce Parking Committee

SUMMARY:

Proposed Resolution 19-R45 formalizes the City of Fort Pierce Parking Committee, as discussed by the City Commission at the June 10, 2019 Conference Agenda meeting.

The proposed resolution was reviewed by the City Attorney and approved as to Form and Correctness on October 15, 2019.

RECOMMENDATION:

Staff recommends adoption of this resolution.

ALTERNATIVES:

Staff will proceed as directed by the City Commission.

RESPONSIBLE STAFF:

Nicholas C. Mimms, City Manager

COORDINATED WITH:

Peter J. Sweeney, City Attorney

Fiscal Impact

OTHER INFORMATION:

There is no fiscal impact.

Attachments

Resolution 19-R43

Form Review

Inbox	Reviewed By	Date
City Manager	Nick Mimms	10/23/2019 04:28 PM
City Manager	Nick Mimms	10/23/2019 04:28 PM
Form Started By: Jennifer Robinson		Started On: 10/16/2019 02:55 PM
Final Approval Date: 10/23/2019		

RESOLUTION NO. 19-R45

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ESTABLISHING THE CITY OF FORT PIERCE PARKING COMMITTEE**; RESPONSIBILITIES OF THE COMMITTEE, ELECTION OF PRESIDING OFFICER, MEETINGS, AND QUORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that there is a need to formalize the Parking Committee in an effort to ensure proper transparency and to adhere to all necessary state laws;

WHEREAS, the Parking Committee has demonstrated great value to the City Commission through its recommendations and proposals of improvements to maintain and manage the public parking resources.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

SECTION 1. The City of Fort Pierce, Florida hereby establishes a Fort Pierce Parking Committee as an advisory committee to the Mayor and City Commission.

SECTION 2. Membership and Qualifications: Term of Appointment; Vacancy

- A. The Committee shall consist of seven (7) members. All members shall have the following qualifications:
1. Members shall be Fort Pierce residents, property owners or business owners;
 2. One member shall be appointed by each member of the City Commission;
 3. Two members shall be appointed at large;
 4. Members shall not be elected officials or City staff members;
- B. The term of each member of the Committee appointed by an individual City Commission member shall coincide with the term of the City Commission member that appointed the member of the Committee. At-large members shall serve a term of four years.
- C. All Committee members appointed by an individual City Commission member shall serve at the pleasure of the City Commission member who appointed the Committee member.

- D. At-large Committee members shall serve at the pleasure of the majority of the City Commission. A majority is defined as three (3) members of the City Commission.
- E. Committee members shall be automatically removed for lack of attendance. Lack of attendance means failure to attend three (3) consecutive regularly scheduled meetings or failure to attend at least two-thirds of the regularly scheduled meetings during a calendar year. Absences shall be entered into the minutes of the Committee meeting. Absences may not be excused.
- F. Vacancies occurring for any reason during the term of office by a Committee member shall be filled within ninety (90) days from the date of the vacancy.

SECTION 3. Responsibilities and Duties:

- A. The Committee shall act solely in an advisory capacity to the City Commission on matters relating to parking. The Committee shall have the following responsibilities and duties:
 - 1. Evaluate the effectiveness of existing parking resources within the City of Fort Pierce.
 - 2. Make recommendations on policies and procedures and/or improvements to enhance public parking.
 - 3. Study parking alternatives and make recommendations to most effectively manage existing parking supply.
 - 4. Other duties as assigned by the City Commission.

SECTION 4. The Committee shall elect one of its members as a Chairperson, one as a Vice Chairperson, and one as a Second Vice Chairperson. Elections shall be held at the first regularly scheduled meeting, or as soon thereafter as practical, after appointment of the Parking Committee. The Chairperson shall preside and conduct meetings of the Parking Committee. The Vice Chairperson shall act in the absence of the Chairperson. In the absence of both the Chairperson and Vice Chairperson, the Second Vice Chairperson shall act as the Chairperson. The term of the Chairperson, Vice Chairperson, and the Second Vice Chairperson shall be for one year. A vacancy in the office of Chairperson or Vice Chairperson shall be filled at the earliest possible date by the Committee by the election of one of its members to fill the unexpired term.

SECTION 5. The Committee shall meet at least once per month unless there is no business to transact by the day before the regular meeting date. Special meetings may be called by the City Manager or as requested by City Commission.

SECTION 6. All meetings of the Committee shall be open to the public. City staff shall be responsible for recording minutes for all meetings of the Parking Committee. Minutes of the meetings and records shall be filed in the appropriate offices of the City and shall be public records.

SECTION 7. A majority of the Committee membership shall constitute a quorum for the transaction of business; providing, however, that no official action shall be taken by the Committee without the concurring vote of a majority of all members present at such meeting.

SECTION 8. This resolution shall take effect immediately upon its adoption.

IN WITNESS WHEREOF, this Resolution has been duly adopted this _____ day of October 2019.

Linda Hudson
Mayor Commissioner

ATTEST:

Linda W. Cox, City Clerk

Approved as to Form and Correctness:

Peter J. Sweeney, Esq.
City Attorney

City Commission Regular Meeting

13. c.

Meeting Date: 11/04/2019

Re: Submittal of Applications for Civil Service Appeals Board Alternates

SUBJECT:

Resolution 19-R46 appointing Commission Alternates to the Civil Service Appeals Board.

SUMMARY:

Following the employee election and Civil Service Appeals Board appointment, the previously appointed City Commission alternates were selected as full members. Therefore, the Commission is required to select two new alternates.

RECOMMENDATION:

Review applications for consideration.

ALTERNATIVES:

Seek additional applications.

RESPONSIBLE STAFF:

Linda W. Cox, City Clerk

COORDINATED WITH:

Human Resources Department

Fiscal Impact

Budgeted Y/N: Y
Fiscal Year: 2019
Account: N/A
Amount: N/A

OTHER INFORMATION:

There is no fiscal impact for this agenda item.

Attachments

19-R46
Amandro, Frank
Aller, Steven
Coe, Donna
Dahan, Michel
Gillette, Ellen
Neuman, Charlene

Todd, Jerome
Current Membership

Form Review

Inbox	Reviewed By	Date
City Manager	Nick Mimms	10/04/2019 09:39 AM
City Manager	Nick Mimms	10/07/2019 01:08 PM
Form Started By: Linda Cox		Started On: 10/04/2019 08:57 AM
Final Approval Date: 10/22/2019		

RESOLUTION NO. 19-R46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE CIVIL SERVICE APPEALS BOARD**; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida, in accordance the Fort Pierce City Charter, Article VII, Sec. 82, that the following be and are hereby appointed and/or reappointed as members of the Civil Service Appeals Board; said term to commence upon adoption of this resolution, and to expire as shown below, or when a successor has been duly appointed:

Name	Seat	Term Expires
_____	Commission Alternate #1	July 31, 2020
_____	Commission Alternate #2	July 31, 2021

BE IT FURTHER RESOLVED that this Resolution shall become effective on November 4, 2019.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 4th day of November, 2019.

LINDA HUDSON, MAYOR COMMISSIONER

ATTEST:

LINDA W. COX, CITY CLERK

(CITY SEAL)

APPROVED AS TO FORM
AND CORRECTNESS:

PETER J. SWEENEY, CITY ATTORNEY



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: Civil Service Appeals Board

Name: <u>Frank J. Amandro</u>	Phone: <u>(772) 579-1852</u>
Home Address: [REDACTED]	How long at this address? <u>8/2007</u>
City/Zip Code: [REDACTED]	
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>Assistant Director; St. Lucie County Public Safety Dept.</u>	
Do you own a business that operates within the City of Fort Pierce? If yes, list the address and nature of said business: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you now or in the future plan to do business with the City of Fort Pierce? If yes, in what capacity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are you employed by a business that is located within the City of Fort Pierce? If yes, state the business and location: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other: Describe your education, background, training and knowledge – (feel free to attach a resume): <u>see the attached resume.</u>	
Are you currently a member of a Commission-appointed board/committee? If yes, please specify: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have you ever been convicted of a felony? If yes, what was the nature of the crime(s) you were convicted of: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Referred by: <u>LINDA COX</u>	Applicant Email Address: <u>amandrof@stlucieco.org</u>
Date: <u>5/19/2019</u>	Applicant's Signature: <u>[Signature]</u>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.

Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950

fax (772) 467-3841 or via email at lcox@city-ftperce.com

Frank J. Amandro

Objective

I am a highly accomplished and motivated law enforcement executive with a Master's Degree in Criminal Justice Administration. I have twenty-five years of exemplary supervisory, management, administrative, and leadership experience with the City of Fort Pierce and the Fort Pierce Police Department. Eighteen of these years of experience is in an executive staff position.

Professional Development

Florida Department of Law Enforcement – Contemporary Issues for LE Executive (2007)
Federal Bureau of Investigation – National Academy 221st Session (2005)
Federal Bureau of Investigation – Florida Executive Development Seminar (2004)

Professional Experience

2019— Present

Assistant Director, Public Safety Department

St. Lucie County board of County Commissioners

- Management and administration of the Public Safety Department: Emergency Management Division, Radiological Division, 911 Communications Division, Animal Safety Division, Marine Safety Division, and the 800 MHz Radio System.
- Participate in the development and administration of the department's budget; approve the forecast of funds needed for staffing, equipment, materials and supplies; approve expenditures and implement budgetary adjustments and appropriate and necessary.
- Organization and facilitation of department, divisional, and community meetings, including public speaking engagements and presentations.
- Served as liaison between department and community leaders, governmental officials, and first responder agencies throughout the Treasure Coast.

2012 — 2019

Deputy Chief

Community Policing Bureau

- Management and administration of Patrol Division, Fiscal Management Division, Records Division, Information Technology Department, Grants, Armory, Fleet, and assisted the Public Information Officer.
- Participate in the development and administration of the department's budget; approve the forecast of funds needed for staffing, equipment, materials and supplies; approve expenditures and implement budgetary adjustments and appropriate and necessary

- Organization and facilitation of department, divisional, and community meetings, training events, including public speaking engagements and presentations
- Served as liaison between department and community leaders, business organizations, government officials, other law enforcement agencies and other city departments.
- Participate and coordinate in the development and implementation of goals, objectives, policies and priorities for assigned programs; recommend and administer policies and procedures.
- Monitor and evaluate the efficiency and effectiveness service for assigned programs; recommend appropriate service and staffing levels.
- Coordinate, organize, and schedule assigned personnel and other resources to achieve departmental goals; assign work activities, projects and programs; review and evaluate work products, methods, and procedures; meet with staff to identify and resolve problems.
- Provide staff assistance to the Chief of Police; participate in a variety of boards, commissions, and committees; prepared and presented staff reports and other necessary correspondence.
- Member of the City of Fort Pierce's Contract Negotiation Team, representing the Chief of Police while negotiating three annual contracts: Treasure Coast Police Benevolent Association, Lieutenants and Sergeants Unit; International Union of Police Association, Police Officers Unit, and the Local Teamsters Unit.
- Emergency Management Director for the City of Fort Pierce.

2006 — 2012

Captain

Administrative Services Bureau

- Management and administration of Fiscal Management Division, Records Division, Information Technology Department, Grants, Training and Recruiting, Armory, Fleet, Animal Control, Evidence, K-9 Unit, and Public Records Requests.
- Emergency Management Director for the City of Fort Pierce.

1999 — 2006

Lieutenant

Neighborhood Policing Bureau: Patrol Commander (2004 – 2006)

- Management and administration of patrol division, community policing, crime prevention, juvenile intervention, animal control, and traffic enforcement program and activities
- Back-up Public Information Officer
- Assistant Emergency Management Director

Crime Suppression Unit: Commander (2002-2004)

- Development, management, and administration of street crimes, covert, and narcotics investigations.
- Preparation, management, and administration of the Gang Reduction and Abatement Program, Weed & Seed Initiative, and Project Safe Neighborhoods Grant.

Community Response Division: Commander (2001-2002)

- Management and administrative of community policing, crime prevention, juvenile intervention, animal control, and traffic enforcement programs and activities.
- Coordination of law enforcement services for special events.

Investigative Services Bureau: Executive Officer (2001)

- Management and administration of criminal investigations, special operations, crime scene investigations and investigative/victim assistance programs and activities.
- Developed and implemented the Gang Reduction and Abatement Program, a federally funded grant and its \$95,000 annual budget, developing a strategic plan to reduce the persistent gang problem throughout the city.

Office of Professional Standards (1999-2001)

- Created and managed the transition from an internal administration division, a one member unit to a multi-faceted Office of Professional Standards to include Accreditation, Training and Recruiting.
- Management and administration of random drug testing/screening, investigation of personnel complaints, conducted staff inspections and audits of various operations within the entire agency, as well as Accreditation, Training, Recruiting and the Armory.

1997— 1999

Sergeant

- General assignment: supervisory responsibility for shift personnel and activities, including scheduling, evaluation, critical incident management, personnel complaint investigation and field supervision.

1997

Detective

- General assignment: management and investigation of criminal investigations ranging from theft or homicide investigations.

1994 - 1997

Police Officer

- General assignment: patrol duties including enforcement, prevention, report writing, evidence collection, and providing court testimony

Skills and Accomplishments

2011 – 2014

Adjunct Professor

2006 – 2018

Emergency Management Director

Education

August 2003— May 2005

Lynn University

Boca Raton, Florida

Master's of Science Degree: Criminal Justice Administration

January 1985— June 1989

St. John's University

Jamaica Queens, New York

Bachelor of Fine Arts: Graphic Design

Professional and Community Memberships

Florida Police Chief Association, Member

Federal Bureau of Investigation National Academy – Florida Chapter, Member

Treasure Coast Chiefs of Police and Sheriffs Association, Member

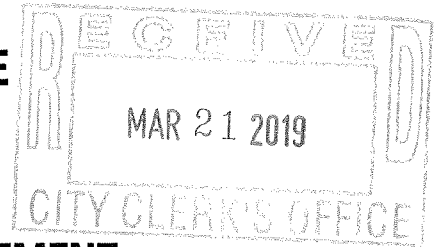
St. Lucie Chamber of Commerce, Fort Pierce Area Council, Member

Florida Department of Emergency Preparation, Member



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841



APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: Civil Service Appeals Board

Name: <u>Steven E. Aller</u>	Phone: <u>772-579-8214</u>
Home Address: <u>411 NW Sheffield Circle</u> City/Zip Code: <u>Fort St. Lucie FL 34983</u>	How long at this address? <u>14 years</u>
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>Retired Telecommunications Manager</u>	
Do you own a business that operates within the City of Fort Pierce? If yes, list the address and nature of said business: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you now or in the future plan to do business with the City of Fort Pierce? If yes, in what capacity? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Are you employed by a business that is located within the City of Fort Pierce? If yes, state the business and location: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No Engineering: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Real Estate Brokering: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Contracting: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input type="checkbox"/> No Other: <u>Public Utilities</u> Describe your education, background, training and knowledge – (feel free to attach a resume): <u>Resume Attached.</u>	
Are you currently a member of a Commission-appointed board/committee? If yes, please specify: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have you ever been convicted of a felony? If yes, what was the nature of the crime(s) you were convicted of: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Referred by: <u>N/A</u>	Applicant Email Address: <u>Senilers2@gmail.com</u>
Date: <u>3/19/19</u>	Applicant's Signature: <u>[Signature]</u>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.
Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950
fax (772) 467-3841 or via email at lcox@city-ftpierce.com

Resume Steve Aller

Date: January 26, 2017 Page 1 of 3

I would like to find a position that will use my technical and customer contact skills at any Level.

Experience: I took an early retirement offer as a Director with SBC communications in Columbus, Ohio. During my career I was a lineman, cable repairman, splicer, installer and test deskman. I managed outside crews doing Installation and Maintenance, Cable Rehabilitation crews, Fiber Optic and Digital Maintenance, Remote Terminals, Controlled Environmental Vaults, Air Pressure and Air Dryer maintenance, Plant Protection and New Construction crews as well. My last assignment consisted of managing four area managers, 40 managers and over 400 non-management employees across the state of Ohio covering numerous disciplines of the telecommunications business under the Infrastructure Maintenance umbrella. I have an extensive safety background in man-holes, controlled environmental vaults, ladders, aerial lifts, trenches/open pits, tools, work area protection, motor vehicle safety, gas cylinders and much more. I am familiar with lock-out/tag-out procedures as well.

I have project Manager experience on a regional level. I project managed the Ameritech Y2K remote terminal DLC carrier back-up power plants and maintenance. I developed the first Digital Loop Carrier maintenance organization for Ohio which was later the model for the Ameritech Region which I Project Managed as

Page 2 of 3

well. I was also one of the Project Managers for the development and implementation of the Infrastructure Maintenance organization across the SBC/Ameritech region. I developed the first Cable Rehabilitation crew in Columbus, Ohio which was then used as the model across the entire five state region.

Education: 1980 Associates Degree Franklin University Columbus, Ohio. 1990 Certificate of Management from Capital University Columbus, Ohio

I am able to work flexible hours and can travel to meet job expectations.

I was employed by Ameritraining Inc. as a contract trainer. I was qualified to train the entire AT&T U-Verse IPTV training package including VOIP. I was also qualified to train Centurylink's entire Prism IPTV courses. I have also been a Red Cross Instructor. 12/2005 to 5/2010.

I was employed as a Supervisor Regional Operations by Centurylink. My responsibilities were to manage 14 Technicians in a very large geographical area in South Carolina to provide phone and internet services. I was assigned numerous projects during my time with Centurylink and served on many regional projects. 5/2010 to 12/2016

Community Service Officer, Hollywood Police Dept. Hollywood, Florida 4/2004 to 11/2004

Page 3 of 3

I do volunteer work for the St. Lucie Humane Society and do rescue work for them.

Contact Information: Steve Aller

Home Address: 411 NW Sheffield Circle

Port St. Lucie, Florida 34983

Home Telephone#: 772-579-8214

Cell#: 772-579-8214

E-Mail: sealler@ameritech.net.



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

RECEIVED

MAY 09 2019

HUMAN RESOURCES
CITY OF FORT PIERCE

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: _____

Name: <u>DONNA L. COE</u>	Phone: <u>772.323.5243</u>
Home Address: <u>7205 OCALA AVE</u> City/Zip Code: <u>FORT PIERCE, FL 34951</u>	How long at this address? <u>5 1/2 years</u>
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>BRANCH MANAGER</u>	
Do you own a business that operates within the City of Fort Pierce? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list the address and nature of said business: <u>7205 OCALA AVE DEE FCEE'S TRUCKING, LLC</u> <u>FORT PIERCE, FL 34951 HAUL FREIGHT THROUGHOUT</u> <u>STATE OF FL</u>	
Do you now or in the future plan to do business with the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, in what capacity?	
Are you employed by a business that is located within the City of Fort Pierce? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, state the business and location: <u>PNC BANK</u> <u>500 VIRGINIA AVE</u> <u>FORT PIERCE FL 34982</u>	
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other: Describe your education, background, training and knowledge – (feel free to attach a resume): <u>M.S. in Human Resource Development & Administration</u> <u>B.S. in Professional Administration</u>	
Are you currently a member of a Commission-appointed board/committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please specify:	
Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what was the nature of the crime(s) you were convicted of:	
Referred by: <u>SERITA REEVES</u>	Applicant Email Address: <u>dcoecoe@att.net</u>
Date: <u>5/9/19</u>	Applicant's Signature:

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.

Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950

fax (772) 467-3841 or via email at lcox@city-ftpierce.com

DONNA L. COE

7205 Ocala Avenue
Fort Pierce, FL 34951
Phone: (772)323-5243
Email: deecoe@att.net

OBJECTIVE

To secure a position that will enable me to maintain and enhance production while developing strong manpower, identifying talent, and deploying professional development programs in order to achieve organizational goals and fulfill employees' needs through efficient and effective training.

QUALIFICATIONS

- Articulate and remarkable communicator with the ability to work well with others while maintaining extremely professional manner in all business environments.
- Capable of administering multiple projects at once with a strict adherence to time.
- Skilled problem solver by applying creative approach and resourcefulness to maintain smooth flow in a fast pace environment.
- Knowledgeable and proficient in creating various types of reports in Microsoft Word, Excel, Power Point, and Access.
- Valuable motivator to personnel in need of personal and professional growth to better performance within an organization.
- Strong operational management skill with a great team building character.
- Competent of supervising and coaching diverse group of individuals in effective atmosphere while maintaining patience to understand and satisfy the needs of consumers in today's market.

EDUCATION & LICENSING

- 2006 Master of Science in Human Resource Development & Administration, Barry University
2003 Bachelor of Science in Professional Administration, Barry University
- Indian River State College Teaching Certificate in Human Resources
 - Public Notary, State of Florida

EMPLOYMENT

- 11/2000 – present **Branch Manager;** PNC Bank, Ft. Pierce, FL
- Supervise, audit, and coach team of 10 employees
 - Conduct performance and developmental monthly one-on-one coaching sessions
 - Resolve client service issues.
 - Network with community leaders to advance prospective sales opportunities
 - Monitor and increase branch profitability by expanding client and prospect relationships through effective profiling, cold calls, and outreach initiatives.
 - Interview, hire, and recruit diverse talent for positions of customer service representatives, teller supervisor, consumer bankers, licensed financial consultants, and assistant managers.
 - Community promoter by creation of acquisition events and facilitation of financial literacy workshops
- 07/1998 – 11/2000 **Assistant Sales Manager;** Service Merchandise, Jensen Beach, FL
- Supervise, train, and evaluate diverse group of 53 employees
 - Motivate higher sales performance by 3% monthly increase through weekly sale meetings, team task, contests and time off incentives.
 - Recruit, interview and hire diverse candidates through job fairs, table stands advertisements and store walk-ins for employment with the jewelry and home goods departments
 - Generate weekly 40-hour work schedules for non-exempt employees
 - Encourage sales and resolve customer service issues
 - Inventory stock and arrange floor displays.



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: CSAB *KS for M. Dahan*

Name: <u>Michel Dahan</u>	Phone: <u>772-812-9600</u>
Home Address: City/Zip Code: <u>1809 Eucalyptos Av F.P. 34948</u>	How long at this address?
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>Realtor</u>	
Do you own a business that operates within the City of Fort Pierce? If yes, list the address and nature of said business:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Do you now or in the future plan to do business with the City of Fort Pierce? If yes, in what capacity?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are you employed by a business that is located within the City of Fort Pierce? If yes, state the business and location:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input type="checkbox"/> No Real Estate Brokering: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input type="checkbox"/> No Other: Describe your education, background, training and knowledge – (feel free to attach a resume): <u>I'm a Realtor</u>	
Are you currently a member of a Commission-appointed board/committee? If yes, please specify:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>CSAB</u>
Have you ever been convicted of a felony? If yes, what was the nature of the crime(s) you were convicted of:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Referred by:	Applicant Email Address: <u>Michel.Dahan@yahoo.com</u>
Date: <u>6/13/19</u>	Applicant's Signature: <u>[Signature]</u>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.

Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950
fax (772) 467-3841 or via email at lcox@city-ftpierce.com



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: Civil Service Appeals

Name: <u>Ellen Gillette</u>	Phone: <u>910-890-2839(c)</u>
Home Address: <u>859 Noa Street</u> City/Zip Code: <u>Fort Pierce, FL 34982</u>	How long at this address? <u>6 yrs.</u>
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>Freelance writer/photographer ; substitute teacher</u>	
Do you own a business that operates within the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>BUT!</u> If yes, list the address and nature of said business: <u>as a book author I am sometimes a vendor at city events.</u>	
Do you now or in the future plan to do business with the City of Fort Pierce? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, in what capacity? <u>I occasionally volunteer with FPPD, but understand I may need to quit that if chosen to serve on the Civil Service Appeals Board.</u>	
Are you employed by a business that is located within the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <u>BUT!</u> If yes, state the business and location: <u>Technically, I am employed as a sub by the Diocese of Palm Beach but I sub for John Carroll High /St. Anastasia</u>	
Do you have special training or knowledge in the area of: <u>Schools in Fort Pierce.</u> Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other: Describe your education, background, training and knowledge - (feel free to attach a resume): <u>No special training in construction but have helped build roof, etc. Primary skills are writing, editing, communication, speaking, teaching.</u>	
Are you currently a member of a Commission-appointed board/committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please specify:	
Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what was the nature of the crime(s) you were convicted of:	
Referred by: <u>Lt. Caleb Gillette</u>	Applicant Email Address: <u>ellengillette22@gmail.com</u>
Date: <u>5/8/19</u>	Applicant's Signature: <u>Ellen Gillette</u>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.

Please return form to: City Clerk's Office - 100 North US Hwy 1, Fort Pierce, Florida 34950

See (772) 467-3065 or via email at lcny@city.fortpierce.com



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: _____

Name: <i>Charlene Newman</i>	Phone: <i>772 461 6493</i>
Home Address: <i>5710 Palmetto Dr.</i> City/Zip Code: <i>Fort Pierce FL 34983</i>	How long at this address? <i>37yr</i>
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <i>Book Keeper</i>	
Do you own a business that operates within the City of Fort Pierce? If yes, list the address and nature of said business: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you now or in the future plan to do business with the City of Fort Pierce? If yes, in what capacity? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>LF Staffing Employee at Sunrise Theatre</i>	
Are you employed by a business that is located within the City of Fort Pierce? If yes, state the business and location: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input type="checkbox"/> No Other: Describe your education, background, training and knowledge – (feel free to attach a resume): <i>Associate Degree in Accounting Tidewater Community College</i> <i>Associate Degree in Business Indian River Community College</i>	
Are you currently a member of a Commission-appointed board/committee? If yes, please specify: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Have you ever been convicted of a felony? If yes, what was the nature of the crime(s) you were convicted of: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Referred by:	Applicant Email Address: <i>charneu@BellSouth.net</i>
Date: <i>3-1-19</i>	Applicant's Signature: <i>Charlene J Newman</i>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.
Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950
fax (772) 467-3841 or via email at lcox@city-ftpierce.com



THE SUNRISE CITY
FORT PIERCE
HUMAN RESOURCES
DEPARTMENT
Florida

RECEIVED

MAR 15 2019

HUMAN RESOURCES
CITY OF FORT PIERCE

February 24, 2019

Charlene Neuman
5710 Palmetto Drive
Fort Pierce, FL 34982

Dear Mrs. Neuman,

RE: Board Member Term Expiration

Your term as a Commission Appointed Regular Member of the Civil Service Appeals Board has expired. If you would like to be re-appointed to the Board, please respond by March 6, 2019.

Enclosed is an "Application of Re-Appointment" that ***needs to be filled out and returned with your response***. You may email it to bmoore@city-ftpierce.com or mail it by using the stamped, self-addressed envelope that is enclosed for your convenience.

Thank you for your past and continued support of the Civil Service Appeals Board. If you have any questions, please feel free to contact me.

Sincerely,

KEB for Barbara Moore

Barbara G. Moore

Assist. Secretary to the Civil Service Appeals Board

Enclosure

I elect **to serve** another term I elect **not to serve** another term



CITY OF FORT PIERCE

100 NORTH US HWY 1
FORT PIERCE, FLORIDA 34950
(772) 467-3065 fax (772) 467-3841

RECEIVED
MAY 09 2019
HUMAN RESOURCES
CITY OF FORT PIERCE

APPLICATION FOR APPOINTMENT/REAPPOINTMENT

Name of Board or Boards for which you are applying: Civil Service Appeals Board

Name: <u>Jerome E Todd SR.</u>	Phone: <u>772-318-8079</u>
Home Address: <u>690 N. W. Kingston Street</u> City/Zip Code: <u>St Lucie, 34983</u>	How long at this address? <u>12 years</u>
Are you a citizen of the United States? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Occupation: <u>semi Retired</u>	
Do you own a business that operates within the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list the address and nature of said business:	
Do you now or in the future plan to do business with the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, in what capacity?	
Are you employed by a business that is located within the City of Fort Pierce? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, state the business and location:	
Do you have special training or knowledge in the area of: Architecture: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Engineering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Real Estate Brokering: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Contracting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Land Development: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other: Describe your education, background, training and knowledge – (feel free to attach a resume): <u>Please see resume</u>	
Are you currently a member of a Commission-appointed board/committee? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please specify:	
Have you ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what was the nature of the crime(s) you were convicted of:	
Referred by:	Applicant Email Address: <u>Jerome.Todd@comcast.com</u>
Date: <u>5/9/19</u>	Applicant's Signature: <u>[Signature]</u>

APPLICATIONS EXPIRE 6 MONTHS FROM THE DATE OF SUBMISSION. PLEASE REAPPLY AS OFTEN AS DESIRED.
Please return form to: City Clerk's Office – 100 North US Hwy 1, Fort Pierce, Florida 34950
fax (772) 467-3841 or via email at lcox@city-ftpierce.com

Jerome E Todd Sr
690 NW KINGSTON ST
PORT SAINT LUCIE, FL 34983
Phone: (772) 336-1705
Email: jerometodd@gmail.com

Profile

Looking for a career with a fast paced company with many chances to advance. I would like to utilize my experience and leadership in mentoring, providing trainings, encouragement and motivation.

Professional Skills

- Non-Violent Crisis Intervention
- Certified Red Cross Trainer
- Train The Trainer
- Primary Leader
- 20 Years of supervising staff
- Oversee the Daily operations of youth programs
- Veteran of US Army 82nd Airborne Division

Experience

Patient Services/Security Manager

09/2015 - 04/2018 Dynamic Life Recovery Ctr Fort Pierce, FL

- Supervised 14 Behavioral Health Technician
- Responsible for shift scheduling all staff trainings
- Internal investigation dealing with staff and patients concerns
- Provided a detail report for supervisor
- Scheduled transportation for patients to any appointments off campus
- Supervised the maintenance department and housekeeping
- Responsible for the upkeep of the facility's ordering supplies to meet the need of staff and patients.

Life Coach

11/2013 - 06/2015 Eckerd Youth Alternatives Port Saint Lucie, FL

- Actively engage with youth (ex-gang members, gang affiliated, youth with backgrounds and social/family issues) in the center and community in preparation for life and educational experiences by encouraging them to explore learning opportunities while persevering to challenging tasks.
- Interview, review records, and confer with other counselors to evaluate individuals' mental and physical condition and to determine their suitability for participation in a specific programs.
- Complete and maintain accurate records or reports regarding histories and progress, services provided, or other required information.
- Confer with youth to discuss options, develop short and long term goals with a plan to reach them while accessing needed services.
- Provide crisis intervention individually or in group sessions in overcoming background situations, adjusting to life or making changes
- Complete at least 10 hours of professional development each year.

Unit Director

06/2005 - 05/2013 Boys and Girls Club of St Lucie County Fort Pierce, FL

- Managed the training and supervision of up to 7 staff and volunteer workers in enforcing rules and regulations of recreational facilities while maintaining discipline and the assurance of safe and fun activities.

- Greet new arrivals to activities, introducing them to other participants, explaining facility rules while encouraging participation.
- Organized, led, and promoted interests in recreational activities, such as arts, crafts, sports, games, camping, and hobbies.
- Encouraged educational opportunities by scheduling events with military branches, vocational schools, service industry professionals and local colleges.

Assistant Director

06/1997 - 06/2005

S.T.O.P. Camp

Hobe Sound, FL

- Assisted the Program Director in the daily operations of the camp.
- Conducted the interviewing, hiring and training of new personnel.
- Prepared staff work schedules and assigned specific duties.
- Directed and supervised staff in the planning, scheduling and coordination of all activities.

Education

Issuing Institution	Location		Course of Study
Brookline College	FL	Bachelor's Degree	Management
Currently working on a Bachelor's Degree in Management			
Red Cross	Vero Beach, FL	Vocational School Certificate	CPR Trainer
Valencia College	Orlando, FL	Vocational School Certificate	Train the Trainer
This course taught different techniques on how to train employees.			
Bocas	Amityville, NY	1 Year of College or a Technical or Vocational School	Electronic Tech and Computer Repair

Certifications

Certification Title	Issuing Organization	Completion Date	Expiration Date
Restorative Justice And Victim Impact	DJJ West Central Region	03/2003	
Instructor Techniques Workshop	Criminal Justice Institute	10/2004	
Non-Violent Crisis Intervention	Children Services Council Of Palm Beach County	01/2005	
Instructors Red Cross Training	Red Cross	02/2009	02/2017

Achievements

- Volunteer Speaker at locale High Schools
- Volunteer Wrestling Coach- Ft Pierce Central High School
- Army Achievement Award
- Good Conduct Award
- Army Service Ribbon
- Parachute's Badge
- NCO Professional Development Medal
- Teaching Basic computer skills to senior citizen
- Electronic Technician

First Name	Last Name	District/Position	Start	End
Pearl	Davis Liverpool	Employee Rep	5/5/2014	8/23/2021
Wesley	Taylor	Employee Rep	6/14/2016	8/23/2020
Edward	Cox	CSAB Appt	8/7/2017	9/18/2020
J.W.	Gaines	Comm Appt/Chairman	5/5/2014	7/31/2020
Christine	Taylor	Comm Appt	7/6/2015	7/31/2021
Kori	Benton	Alt. Employee	8/23/2019	8/23/2021
William	Conavay	Alt. Employee	8/23/2019	8/23/2021
Samuel Tony	Barnes	Alt. CSAB	9/18/2019	9/18/2021
Bertha	Sullivan	Alt. CSAB	6/14/2016	9/18/2021

City Commission Regular Meeting

13. d.

Meeting Date: 11/04/2019

Re: Food for Fines - Resolution

Submitted For: Peggy Arraiz, Code Compliance Manager, Code Enforcement

SUBJECT:

Resolution 19-R47 establishing a Food for Fines Program for the City of Fort Pierce.

SUMMARY:

A resolution to establish a program called "Food for Fines" in which parking citations issued between the dates of November 11, 2019 and December 31, 2019 can be paid with non-perishable food items.

- Each qualifying food item will earn a \$2.00 credit toward the amount owed on the citation up to \$50.00.
- Only one citation per motorist is eligible and only for first time offenders.
- Damaged, expired or opened items will not be accepted.
- Handicapped parking violations are not included with the program.

RECOMMENDATION:

Approve the Resolution as submitted.

ALTERNATIVES:

Deny the Resolution in full.

Amend the Resolution.

RESPONSIBLE STAFF:

Margaret M. Arraiz, Code Compliance Manager

COORDINATED WITH:

City Manager's Office

Fiscal Impact

OTHER INFORMATION:

Minimal.

Attachments

Resolution 19-R47

Form Review

Inbox

City Manager

Form Started By: Peggy Arraiz

Reviewed By

Nick Mimms

Date

10/30/2019 02:52 PM

Started On: 10/28/2019 09:01 AM

Final Approval Date: 10/30/2019

RESOLUTION NO. 19-R47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA APPROVING A PROGRAM TO BE KNOWN AS "FOOD FOR FINES"; ALLOWING FOR PAYMENT OF CERTAIN PARKING CITATIONS, OR PORTION THEREOF, TO BE PAID WITH DONATIONS OF CANNED FOOD OR NON-PERISHABLE FOOD ITEMS AND PROVIDING FOR EFFECTIVE DATES.

WHEREAS, St. Lucie County has the largest number of food insecure individuals on the Treasure Coast; and

WHEREAS, for a limited period the City Commission of the City of Fort Pierce desires to allow motorists to pay their parking fines with donated canned goods or pre-packaged non-perishable food items; and

WHEREAS, the goal of the program is to raise awareness about and generate donations to feed the hungry during the holiday season; and

WHEREAS, the City Commission has determined that it would be beneficial to its citizens to implement this program; and

WHEREAS, the food will be delivered to the Code Enforcement offices at Fort Pierce City Hall, 100 North US Highway 1, Fort Pierce, FL 34950, during the hours of operation Monday thru Friday 8:00 am – 5:00 pm; excluding holidays; and

WHEREAS, the food items will be donated by the City of Fort Pierce to the Treasure Coast Food Bank, a non-profit, 501(C)(3) corporation, for distribution in the Fort Pierce area; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Fort Pierce, Florida as follows:

- a) Donated canned food items: \$2.00 per approved food item at a maximum credit of \$50.00 will be applied toward payment of a current parking citation issued between November 11, 2019 – December 31, 2019. Current parking citations are those issued on or between the afore set out dates and paid on or before 30 days from the date issued; and
- b) Only one citation per motorist is eligible; and
- c) Damaged, expired or opened items will not be accepted: and

- d) This option shall be available only to “first offenders”; and
- e) This option shall not be available for any handicapped parking violations.

NOW THEREFORE,

Be it resolved that the afore set out parking citation program is hereby approved as described above

PASSED AND ADOPTED by the City Commission of the City of Fort Pierce, FL, on

Linda Hudson
Mayor Commissioner

ATTEST:

Linda Cox, City Clerk

Approved as to Form
And Correctness:

Peter J. Sweeney
City Attorney

City Commission Regular Meeting

15. a.

Meeting Date: 11/04/2019

Re:

SUBJECT:

Reports

Attachments

Purchase Orders

Form Review

Form Started By: Linda Cox

Started On: 10/29/2019 05:10 PM

Final Approval Date: 10/29/2019

Purchase Order Approvals between \$10,000 and \$50,000 by the City Manager from October 1, 2019 to October 30, 2019

1. Purchase Orders

- a. DEPARTMENT OF ENVIRONMENTAL PROTECTION ANNUAL LEASE FEE 2019/2020 IN THE AMOUNT OF \$34,337.52
- b. Approval for Pulseway 8TB 1 Year Data Retention (3 year subscription) in the amount of \$31,641.37.
- c. Request to extend contract with UF/IFAS Extension through an agreement with St. Lucie County to provide watershed, estuarial and pollinator education programs within the City of Fort Pierce for an annual amount of \$10,000.
- d. Approval to pay annual investment partnership fee to the Economic Development Council of St. Lucie County, Inc. for an amount not to exceed \$25,000 for Fiscal Year 2020.
- e. Approve Payment to Classic Car Coating Collision Center, Fort Pierce, FL for repairs to leased, Code Enforcement vehicle Unit# 15280 with damages due to an accident. Not to exceed the amount of \$17,668.73.
- f. Request approval to award Johnson-Davis, Inc. a \$40,110 preliminary design service contract, under the umbrella of a future design-build contract, to proceed with generating a preliminary engineering design for a stormwater pump station.
- g. Provide funding for Gone Fishing Landscaping, Fort Pierce, FL, to conduct lot clearing services in the amount of \$35,000. Funding provided by the General Fund.
- h. Provide funding for Mow 4 Less LLC, Fort Pierce, FL to conduct lot clearing servies in the amount of \$35,000. Funding provided by the General Fund.
- i. Provide funding for Gone Fishing Landscaping, Fort Pierce, FL to conduct nuisance abatement services in the amount of \$25,000. Funding provided by the CSI fund.
- j. Provide funding for Mow 4 Less LLC, Fort Pierce, FL for nuisance abatement services in the amount of \$25,000. Funding provided by the CSI fund.
- k. Approval of payment of \$35,000 to St. Lucie County Chamber of Commerce for the operation of the Seven Gables House Visitor Center for Fiscal Year 2019-2020.
- l. Approval to piggyback the Florida Sheriff's Association Contract No. FSA19-VEL27.0 (Bid award period of 10/1/19 - 9/30/20), for the purpose of purchasing Specification number 195: a 2020 Ford F-150 1/2-Ton Extended Cab Pickup Truck 4X4 (X1E) from Duval Ford, LLC of Jacksonville, FL for the amount of \$29,414.00.
- m. Request Purchase Order for repair and rehabilitation of Vac-Con truck in the amount of \$22,694.62

- n. Approval of payment in the amount of \$15,000 to Main Street Fort Pierce, Inc. for the sponsorship of the 31st Annual Sights and Sounds on Second Christmas Event and Parade.
- o. Approval of Holiday Decorations by Clark Sales Display, Tavares FL, in an amount not to exceed \$16,840.00 as per Bid Number 2018-056.
- p. Approval of disbursement of \$10,000 to Lincoln Park Main Street for the sponsorship of Jazz on Moore's Creek events from October 2019 to September 2020.