

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE ST. LUCIE COUNTY COMMISSION CHAMBERS, 2300 VIRGINIA AVENUE, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, FEBRUARY 6, 2017.

1. **CALL TO ORDER** - Mayor Hudson called the meeting to order at 6:30 p.m.

2. **OPENING PRAYER** - Linda Cox, City Clerk, gave the 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 James Messer

5. **APPROVAL OF MINUTES**

a. Approval of minutes from the January 17, 2017 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve minutes from the January 17, 2017 regular meeting.

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

6. **PROCLAMATIONS**

a. Mayor Hudson issued a proclamation recognizing February 6 - 12, 2017 as 2-1-1 Awareness Week.

7. **LETTERS TO COMMISSION** - Copies of the following letters will be held at the City Clerk's office.

a. Letter from Tom Perona, Race Director, thanking Sgt. Schramm, Officer John Fasanello, Officer Damian Spotts and Officer Daniela Dreizehnter for their professionalism, which contributed to the success of the Annual Bridge Buster 5K on January 7, 2017.

b. Letter from Annette Brown extending her heartfelt gratitude to the following Police Officers for their support, diligence and on the job responses: Jean Sena, James Ippolito, Mayes Costa and Carlos Velez.

c. Letter from Dan Lambe, President, Arbor Day Foundation, congratulating the City of Fort Pierce for being recognized as a 2016 Tree City USA.

d. The City Marina received a 5 star review from Captain Minke36 on Active Captain for awesome customer service, very clean facilities, being very protected and for its location within walking distance of downtown Fort Pierce.

8. **COMMENTS FROM THE PUBLIC ON AGENDA ITEMS NOT REQUIRING PUBLIC HEARINGS** - There were no comments from the public.

9. **ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA**

Item **11c** is being postponed until the February 21, 2017 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve the agenda as amended.

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

10. **CONSENT AGENDA**

- a. Request for approval to submit grant application & receive grant award for marketing & promotion of tourism in Fort Pierce from Visit Florida.
- b. Request for approval to submit grant application and receive grant award from Visit Florida to 1st Annual Minority Business Expo in Fort Pierce.
- c. Approve grant award for Ola Moore, owner of Ola's Hair Parlor in the amount of \$3,000 as an eligible recipient under the 2016-2017 CDBG Grant Award for Small Businesses.
- d. Approve grant award for Ms. Sonja Johnson, owner of Massage Harmony by Sonja in the amount of \$3,000 as an eligible recipient under the 2016-2017 CDBG Grant Award for Small Business.

Commissioner Johnson requested to pull item **10d**.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve items **10a**, **10b** and **10c**.

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

As to item **10d**, Commissioner Johnson inquired about the vehicle purchase being within the program's guidelines as well as business taking place at the applicant's home. This item will be postponed until the February 21, 2017 regular meeting and the applicant will be invited.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to postpone item **10d** to February 21, 2017 regular meeting.

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

11. PUBLIC HEARINGS

- a. Review and approval for an application for Conditional Use with New Construction and Design Review, submitted by Property Owners, Paul D Mandel and Diane M Perkins, and representative, William P. Stoddard, Ph.D., P.E., are requesting approval of a Conditional Use with New Construction and Design Review for a single family home seaward of the Coastal Construction Control Line (CCCL), at 324 South Ocean Drive in Fort Pierce, Florida. The property is zoned Hutchinson Island Medium Density (R-4A). The Parcel ID is 2401-501-0026-000-3. (Postponed from January 3, 2017 and January 17, 2017 meetings)

Brandon Creagan, Planner, gave a brief presentation and was available for questions. The Coastal Construction Control Line (CCCL) is an invisible line that goes down the coast of Florida. Anything to the east of the line must receive City Commission and Florida Department of Environmental Protection (FDEP) approval. This item also requires a super-majority vote due to 25% of adjacent land-owner objections.

Mayor Hudson opened the public hearing.

William Stoddard, applicant representative, spoke on behalf of the client.
Paul Mandel, owner, supports modifications to make neighbors happy.
Rick Ross spoke in support.
Robert Zeist spoke in opposition.
Jane Peppers spoke in opposition of the design.
Raydell Whittenmeyer spoke in opposition of the design.
Bill Wink spoke in opposition of the design.
Fred Fickenwirth spoke in opposition of the design.
Sylvia Fickenwirth spoke in opposition of the design.
Harry Chase spoke in opposition.
Steve Tarr spoke in support.
William Stoddard, applicant representative, addressed some opposition.

Seeing no one else, Mayor Hudson closed the public hearing.

Commission discussion included increasing property values, buffering properties and development history of the South Beach area.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item **11a** with staff conditions.

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

- b. Review and approval of an application for Waiver of Distance submitted by Applicant/Owner; Sodawing LLC, Wingstop to obtain a 2COP alcohol license for on-premise consumption, in the C-3 General Commercial district, located at 2575 S. US Highway 1, Fort Pierce, FL. The property is zoned C-3, General Commercial (Parcel ID 2422-602-0264-000-8).

Vennis Gilmore, Planner, gave a brief presentation and was available for questions. The distance from the church on Gardenia Avenue is 1487 feet.

Mayor Hudson opened the public hearing.
Seeing no one, Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item **11b** with staff conditions.

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

Passed

- c. Review and approve with conditions an application for Site Plan & Design Review submitted by Property Owner(s) S And S Land Company LLC, First Citizens Premises Co Inc, and Representative, Jason Gunther of Thomas Engineering to construct an Aldi Grocery Store at 1412 S US Highway 1, Fort Pierce, FL. The properties are zoned General Commercial (C-3). Parcel IDs: 2415-601-0454-010-5, 2415-601-0450-000-4, 2415-601-0449-000-4, & 2415-601-0448-000-7).

This item is postponed until the February 21, 2017 regular meeting.

- d. Review and approve with conditions an application for Conditional Use submitted by Property Owner, Shawn Dufault, to operate a Dwelling Rental, offering lodging for less than six months, at 1138 Hernando Street, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A). Parcel ID: 2401-810-0017-000-6.

Kori Benton, Senior Planner, gave a brief presentation and was available for questions.

Commission discussion included previous conditional use approvals and the impact it may have on attracting hotel/motel business.

Mayor Hudson opened the public hearing.

Shawn Dufault, applicant, spoke in support.

Rick Ross spoke in support.

Seeing no one else, Mayor Hudson closed the public hearing.

Further Commission discussion included how the single-family vacation rental trend has grown and how many residents have been doing this for years and now trying to come into compliance. Commissioner Johnson would like to add a backup manager as part of the condition.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **11d** with the following conditions:

- 1) Registration of the property manager and a second contact, one of which is a resident of the City of Fort Pierce, accessible at all times available to resolve complaints;
- 2) Issuance of guide booklets for renters regarding local rules and public service resources to minimize conflicts;
- 3) Installation of a sidewalk connection, or payment in-lieu of construction, along the Hernando Property line;
- 4) Installation of a bicycle rack for guests; and
- 5) The applicant files for and obtains St. Lucie County and City of Fort Pierce Business Tax Licenses within fourteen (14) days of Conditional Use approval.

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

Passed

- e. Ordinance 17-002 Amending Chapter 22-60 - Off-street Parking, creating an exemption and special area standard for the Peacock Arts District. FIRST READING (Postponed from January 17, 2017 meeting)

Linda Cox, City Clerk, read the Ordinance, by title only, into the record as follows.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE IV, SUPPLEMENTARY REGULATIONS, SECTION 22-60 – OFF-STREET PARKING AND LOADING; CREATING AN EXEMPTION AND SPECIAL AREA STANDARD FOR THE PEACOCK ARTS DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Kori Benton, Senior Planner, gave a presentation and was available for questions.

Commission discussion included the City having to come up with parking structures, parking incentives, lack of parking detracting patrons from visiting the district and the need for defining what we are looking for in the district as a whole.

Mayor Hudson opened the public hearing.

Steve Tarr spoke in support of defining an overall plan for the district.

Seeing no one else, Mayor Hudson closed the public hearing.

Further Commission discussion included developing a committee or a reporting structure so that the Commission can have input.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item **11e**.

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

NAY: Commissioner Jeremiah Johnson

Passed

- f. Ordinance No. 17-003 amending City Ordinance Chapter 4 - Animals; Article IV - Impoundment; Section 4-76 - Release of Impounded Animals. SECOND READING

Linda Cox, City Clerk, read the Ordinance, by title only, into the record as follows.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 4 – ANIMALS; ARTICLE IV – IMPOUNDMENT; SEC. 4-76 – RELEASE OF IMPOUNDED ANIMALS; REQUIREMENT AND FEES; PROVIDING FOR A SEVERABILITY CLAUSE; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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 item **11f**.

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

Passed

g. Ordinance 17-004 Modifying Chapter 9, Peddlers, Solicitors and Canvassers FIRST READING

Linda Cox, City Clerk, read the Ordinance, by title only, into the record as follows.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 9, ARTICLE IV, "PEDDLERS, SOLICITORS AND CANVASSERS"; AMENDING DIVISION 1, SEC. 9-76 MODIFYING DEFINITIONS AND SEC. 9-79 MODIFYING PROHIBITED ACTS, AND; AMENDING DIVISION 2, SEC. 9-91 MODIFYING PERMIT APPLICATION REQUIREMENTS AND REGULATIONS AND SEC. 9-97 MODIFYING REQUESTS FOR VARIANCES AND; AMENDING DIVISION 3, SEC. 9-111 MODIFYING GENERAL REGULATIONS, AND SEC. 9-114 MODIFYING TENTS FOR SEASONAL SALE VENDORS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Linda Cox, City Clerk, gave a brief presentation and was available for questions.

Commission discussion included brick and mortar not being an option for everyone, the incentive for brick and mortar business to enhance their services with mobile vending units and being careful with making accommodations for these businesses.

Mayor Hudson opened the public hearing.

Seeing no one, Mayor Hudson closed the public hearing.

Further Commission discussion included coming up with a time certain for removal of vending units, defining the changes for prohibitions on public property and the bidding process.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve item **11g** removing the prohibitions for waiver for public property use until further discussion and amending Sec. 9-111(n) to three consecutive days.

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

Passed

12. MISCELLANEOUS REPORTS & REQUESTS

a. First Quarter Financial Report

Johnna Morris, Finance Director, reported on the first quarter finances. All funds, with the exception of the golf course, are in stable financial position. At this time, there are no projections for overages and shortages.

13. CITY COMMISSION - Applications have been distributed and voting will take place at the next City Commission meeting.

a. Appointments/Reappointments to the Planning Board

- b. Appointments/Reappointments to the Board of Adjustment
- c. Appointments to Communitywide Council.

14. COMMENTS FROM THE PUBLIC

Ann Merithew

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report

Nicholas Mimms, City Manager, plans to support and honor Khalil Mack for his NFL achievements. The 2nd Annual Job Fair on January 19, 2017 hopefully resulted in hiring. Matt Samuel has graciously loaned Highwaymen art for display throughout City Hall. Moore's Creek Clean Up on Saturday February 11. The 2nd Annual Highwaymen festival will be taking place on February 11. The Indian Hills Recreation Center Ribbon Cutting will take place on February 23. Conference Agenda will take place on February 13 with an interactive workshop on Effective Council Techniques.

James Messer, City Attorney, announced that the City Attorney's office has revised the contract for Marina customers.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander inquired about the Florida League of Cities awards. Mr. Mimms stated that we are applying for both the Environmental and Citizenship Awards.

Commissioner Perona stated that it was great to see how busy Fort Pierce was this weekend with the Pirate Fest. It is a great place to live, work and play.

Commissioner Sessions stated that the Dollar General on 17th and Orange Avenue is out of control with a lot of garbage.

Commissioner Johnson announced the Moore's Creek Clean Up and talked about the "water lettuce" growth around the 10th to 14th Street section of creek. Thanks in advance to City and County staff as well as volunteers. He was happy to see a sidewalk maintenance program to make the sidewalks more pedestrian friendly.

Mayor Hudson would like for someone to reach out to Ann Merithew for more information. This weekend was very busy and the pedestrian safety should be looked at around the roundabout on Avenue A. It has been 10 years since our concerted effort to reduce HIV/AIDS in our community and St. Lucie County will be recognized on Tuesday February 7.

- 17. ADJOURNMENT** - There being no further business, Mayor Hudson declared the meeting adjourned at 10:56 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER