

MINUTES OF A SPECIAL MEETING OF THE FORT PIERCE REDEVELOPMENT AGENCY, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 5:45 P.M. ON MONDAY, DECEMBER 5, 2016.

1. **CALL TO ORDER** - Chairwoman Hudson called the meeting to order at 5:45 p.m.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Present: Chairperson Linda Hudson; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Absent: Commissioner Rufus Alexander

Staff Present: City Manager Nick Mimms  
City Clerk Linda Cox  
City Attorney James Messer

4. There was no approval of minutes at the Special Meeting.

5. **COMMENTS FROM THE PUBLIC** - There were no comments from the public at the Special Meeting.

6. **OLD BUSINESS** - There was no Old Business discussed at the Special Meeting.

7. **NEW BUSINESS**

a. Report from HD King Community Meeting

Nick Mimms, City Manager, reported that the Planning Manager along with other staff held a community meeting in which they sought input from the community regarding future development of the formerly known HD King Plant. Rebecca Grohall, Planning Manager, informed the Board that they held a Community Meeting with the Planning Department staff members present as well as members of the City Manager's office. About 50 people attended the meeting. It was designed so that the attendees could speak with the Planning Department staff members one on one so that people who had questions could get answers that evening. The consensus from the attendees was development of a hotel with a conference center. There was also support for high end residential or condominiums as well as restaurants and retail spaces. This site will compliment the recently renovated Veteran's Memorial Park, the Marina, the Backus Museum, and the ever growing Downtown businesses.

Chairwoman Hudson mentioned that she attended the meeting. She said that many builders were present along with other people that are very interested in the development of Downtown. She was very pleased with the turnout.

Commissioner Perona stated that he was present at the meeting as well. It was great to see that most of the attendees agreed on what should be built at the site. In his opinion, this property is one of the best properties that are available in Fort Piece.

Commissioner Sessions suggested to Mr. Mimms the possibility of having the City own and operate the hotel and restaurant instead of having private developers own and operate the hotel. He explained that the City does a great job of the Marina operation and he knows that this project would be no different with proper management.

Commissioner Johnson asked if the trend continued with surveys and emails that were returned and Ms Grohall confirmed.

- b. Approval of Motion declaring certain properties to be surplus and authorizing staff to issue an RFP for the properties commonly known as the FPRA owned parcels at the HD King former site.

Nick Mimms, City Manager, explained that prior to proceeding with any disposal or long term lease or sale, it is important that this property be declared as surplus. The FPRA can issue a motion of approval. There are 3 parcels that were involved with the site remediation and hopefully by the end of 2016 the City would receive the all clear to begin the redevelopment process. He informed the Board that once the motion of approval is issued, it will allow staff to seek a qualified developer to bring us product that everyone is looking for in our City.

Parcel 1: 2410-503-0041-020-4

Parcel 2: 2410-503-0012-010-9

Parcel 3 (comprised of both) 2410-503-0019-000-5 and 2410-503-0020-000-5

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 7. b.

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

Passed

- c. Discussion and decision regarding the Fort Pierce Redevelopment Agency vs. Cephus Cruickshank, Circuit Court Case No. 2008-CA-488.

James Messer, City Attorney, explained that back in 2006 Mr. Cruickshank signed a contract to sell the FPRA a piece of property located at 324 N 12<sup>th</sup> St. for the appraisal price of \$10,000. The contract provided that Mr. Cruickshank would convey the marketable title. However, title commitment revealed that there were mortgages on the property. On January 16, 2008 this agency filed a lawsuit to force Mr. Cruickshank to sell the property that he was contractually obligated to sell as well as satisfy the liens. The problem is that since December 2008, the City has not done anything to proceed with the lawsuit. The judge sets certain timelines and deadline and this has gone past that deadline. Mr. Messer's office attended the hearing and the judge gave 90 days to come back with a decision on whether or not the City wants to continue the lawsuit. Mr. Messer's legal recommendation is to voluntarily dismiss the case. The alternative to dismissing the case is to notice the trial and proceed with the lawsuit. The attorney for Mr. Cruickshank, Curtis Randolph, was invited by Mr. Messer. He explained that Mr. Cruickshank forgot about this since it had been so long ago. Mr. Randolph recommended that the City proceed with a Voluntary Dismissal.

Commissioner Perona asked Commissioner Sessions if he remembered what the purpose or benefit was for the purchase of this property. Commissioner Sessions said he does not remember. Commissioner Perona said that the City holds many pieces of vacant property that he can't imagine why the City would need another piece of vacant property.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to dismiss Circuit Court Case No. 2008-CA-488

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

Passed

- d. Discussion and decision regarding T.D. Bank vs. Sunrise City Community Housing Development Organization, Inc., Circuit Court Case No. 2015-CA-001829.

James Messer informed the Board that this an uncontested bank foreclosure of a property located at 2907 Zora Neale Drive. The lot was originally transferred to Sunrise City Community Housing Development Organization, Inc. (Defendant) on February 13, 2008, for the purpose of developing an affordable housing project known as Pioneer Park. The FPRA granted funds to the developer for the purpose of paying closing costs and interest payments on construction loans. The lot was mortgaged by

the Defendant, but it was unable to find a qualified buyer and the bank foreclosed. The City was neither a party to this lawsuit nor had notice of the foreclosure. The Defendant failed to respond to the complaint. A default judgement in favor of the bank was granted and the property was sold to the highest bidder R&D Management and Investments Inc. on August 24, 2016 for the amount of \$60,700. The counsel for the Buyer contacted the City in November because after ordering title work, a recorded Memorandum of Agreement between the FPRA and the Defendant appeared as a cloud on the title. The MOA provided that the property would not be sold, transferred, mortgaged or encumbered, except as specified under the terms of a Property Disposition and Development Agreement. If mortgaged, encumbered or sold in violation of the terms of the Agreement the property reverts back to the FPRA at its option. Mr. Messer recommends working with the Buyer's counsel to remove the cloud on the title.

The counsel, Steve Tierney, representing R&D Management Investments Inc. explains that his client was the purchaser in the foreclosure sale. After the sale, R&D Management Investments Inc. had the title investigated and they found this cloud on the title from this Memorandum. He is asking that the City cooperate and help them get this cloud cleared from the title so that his clients can sell the property and provide a clear title.

Commissioner Sessions asked if Mr. Messer is asking for permission from the Board to clear the cloud over the title. Mr. Messer said that he did not have direction from the Board. He stated that creating a document that eliminates the Reverter to this agency would relinquish any right, title or interest that FPRA has in the property. Mr. Tierney agreed that a document as such would be sufficient.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to assist in clearing this cloud from the title.

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

Passed

8. **STAFF COMMENTS** - There were no staff comments.
9. **BOARD COMMENTS** - There were no Board comments.
10. **ADJOURNMENT** - Chairwoman Hudson declared the meeting adjourned at 6:30 p.m.

ATTEST:

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CITY CLERK

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CHAIRPERSON