

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, **APRIL 2, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Rev. Bryan L. Wenger, Indian River Presbyterian Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

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

5. APPROVAL OF MINUTES

- a. Approval of the meeting minutes for the March 19, 2018 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 5 a.

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

6. PROCLAMATIONS

Mayor Hudson issued the Proclamations listed below.

- a. Arbor Day Celebration - April 14, 2018
b. Fort Pierce Housing Authority - Fort Pierce Housing Month
c. National Crime Victims' Rights Week
d. Boys & Girls Club Week
e. Stop the Bleed

7. LETTERS TO COMMISSION

- a. Email from Mel Loving commending Barrington Levy with the Parks & Grounds Division for going out of his way to assist a special needs individual.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve the agenda as presented.

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

10. MISCELLANEOUS REPORTS

- a. Monthly Financial Report for the Month Ending February 28, 2018

Johnna Morris, Finance Director, reported the Golf Course funds are moving in a positive direction. The Sunrise Theatre is still in the same position showing a positive in the funds because of the transfer previously made. The rest of the departmental funds are stable.

11. CONSENT AGENDA

There was no Consent Agenda presented.

12. PUBLIC HEARINGS

- a. Ordinance 18-008 amending Section 17-28(b) of the City of Fort Pierce Code of Ordinances to allow FDOT approved stormwater piping on private property. SECOND READING

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

ORDINANCE NO. 18-008 - AN ORDINANCE OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CODE OF ORDINANCES; SECTION 17-28, "DESIGN STANDARDS; STORMWATER MANAGEMENT; APPROVALS"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 12 a.

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

- b. Quasi-Judicial Hearing (waived) - Review and approval of an application for Conditional Use with no new construction, submitted by Property Owner, Treasure Coast Realty Investment 2 LLC, Applicant, Trident Property Management, and Representative Michael Broderick to operate a Dwelling Rental, located at 1042 Windward Drive #3403, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential (R-4A) Parcel ID: [2507-888-0069-000-1](https://www.fortpierceflood.com/parcel/2507-888-0069-000-1)

City Clerk, Linda Cox, stated the quasi-judicial hearing was waived.

Vennis Gilmore, Planning Analyst, mentioned the applicant is seeking to offer lodging for rentals with a minimum of one month and a maximum of six months. All affected City Departments have reviewed the proposed Conditional Use and have provided approval with conditions based on compliance with requirements of the City Code. Staff recommends that the City Commission approve the request with the following conditions:

- 1) The maximum occupancy ensures compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit;
- 2) Registration of the property manager accessible at all times, to resolve complaints or violations of City Code;
- 3) Issuance of guide booklets (available from Code Enforcement) for renters regarding local rules and public service resources to minimize conflicts; and
- 4) The applicant files for and obtains St. Lucie County & City of Fort Pierce Business Tax Licenses within thirty (30) days of Conditional Use approval.
- 5) Limit no more than 2 vehicles.

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

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

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

- c. Quasi-Judicial Hearing (waived) - Review and approval of an application for Conditional Use with no new construction, submitted by Property Owner, NuView IRA, Applicant, Little Angels Learning Academy, and Representative Cynthia O'Connell to operate a Daycare Facility, located at 436 N 7th Street, Fort Pierce, FL. The property is zoned General Commercial (C-3) Parcel ID: [2410-603-0028-000-8](#)

City Clerk, Linda Cox, stated the quasi-judicial hearing was waived.

Vennis Gilmore, Planning Analyst, stated the applicant is proposing a playground per the DCF requirements, four classrooms, catered-food/prep area, and reception drop-off. All affected City Departments have reviewed the proposed Conditional Use and have provided approval with conditions based on compliance with requirements of the City Code. Staff recommends that the City Commission approve the request with the following conditions:

- 1) Comply with City Code Section 22-60. Off-street Parking and Loading (c) Design Standards, d) Commercial Uses & (j) Lighting. Please provide the lighting plan with a minimum average of two (2) footcandles.
- 2) The applicant integrates landscaping around the perimeter of the recreational area pursuant to City Code Section 22-67 (d)(1).
- 3) The applicant re-stripes the parking spaces to fulfill the required spaces per City Code Section 22-60. Off-street Parking and Loading -- (d) Number of required off-street parking spaces.
- 4) Per City Code Section 22-60. Off-street Parking and Loading – (c)(4) Access; all off-street parking and loading facilities shall be so arranged that no automobile shall have to back into any street. Please consider parking located in the rear of the building or payment in-lieu to the city's multimodal fund for spaces that are not in accordance.

Mayor Hudson opened the Public Hearing.

Caleta Scott spoke in opposition.

Cindi O'Connell, representative and applicant, Myrtle Peterson, presented themselves to answer questions regarding the business and their plans.

June Raymond was concerned with the homeless project which may be near the site.

The Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12 c with staff conditions.

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

- d. Quasi-Judicial Hearing (waived) - Application for Conditional Use with no new construction submitted by property owners, Anthony Mannino and Applicant Yousef Qasem, to establish an Amusement Arcade Center with 50 arcade machines at 740 Orange Avenue, Fort Pierce, FL. The property is zoned General Commercial (C-3), Parcel ID: 2410-604-0078-000-6.

City Clerk, Linda Cox, stated the quasi-judicial hearing was waived.

Brandon Creagan, Planning Analyst, said the applicant has agreed to delay the opening of the site after church services have ended, thereby ending at 2 p.m. Since there is limited parking spaces in the community because of the reduction of parking spaces, the applicant would need to add 19 parking spaces and bicycle racks. Staff recommends that the City Commission disapprove the Conditional Use as the applicant has not demonstrated that the intended use will not adversely affect the health, safety, and general welfare of the surrounding community (City Code 22-74). Since the Planning Board passed a motion to recommend disapproval of the request, pursuant to City Code 22-76 (2) four (4) votes by the City Commission are required to approve the request.

Mayor Hudson opened the Public Hearing.

Mike Menard answered questions and believes this would bring business to the area, as well as, fill a vacant building.

Jennifer Gilcrest opposed the location.

Matt Samuel stated more parking was needed in the PAD.

Cathy Wassylenko opposed the element of this business.

Michael McLeod was in opposition.

The Mayor closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to disapprove item 12 d.

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

13. CITY COMMISSION

a. Consideration of the FPUA's FY 2017 Final Budget Amendment.

John K. Tompeck, Director of FPUA, indicated FPUA is seeking approval of the budget and the audit of the CAFR which triggers payment of the distribution to the City within 60 days as required by Charter. The final amended budget is essentially a true-up of the August 2017 amended budget and reflects actual values that are contained in the CAFR. The final budget amendment was adopted by resolution by FPUA's Board in March.

Nina B. Penick, Director of Financial Services with FPUA, reported the expenses were well below what the amended budget was. Operating income is up as compared to the prior year and the capital contributions were down as a result of some adjustments having to be made. Looking at a 10-year history, the electric revenue has decreased but only as a result of rate decreases. Increase in Net Position decreased from last year by a very small percentage. Ms. Penick proceeded to report on the electric, water, wastewater, and natural gas systems one by one. City distribution is increasing. FPUA requested approval of Resolution #UA2018-03 Fiscal Year 2017 Final Budget Amendment.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve FPUA's Final Budget Amendment.

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

b. Consider acceptance of the FPUA Comprehensive Annual Financial Report (CAFR) for FY 21017

Nina B. Penick, Director of Financial Services with FPUA, stated FPUA is requesting approval of the audit as being the unqualified opinion of the auditors that FPUA's financial statement for the fiscal year ending in September 30, 2017 are fairly presented in accordance with accounting principles generally accepted in the United States of America, and accept the filing of such audit with the City of Fort Pierce, the same to be kept together with the FPUA CAFR, on file with the City Clerk's office pursuant to the City Charter.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 13 b.

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

c. Resolution 18-R16 Correcting appointments and making new appointment to Construction Board of Adjustments and Appeals.

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

RESOLUTION NO. 18-R16 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, VOIDING APPOINTMENTS MADE IN ERROR AND CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk, Linda Cox, passed ballots to the City Commission to cast their votes.

Commissioner Alexander voted for Ken Waters.
Commissioner Johnson voted for Ken Waters.
Commissioner Perona voted for Ken Waters.
Commissioner Sessions voted for Ken Waters.
Mayor Hudson voted for Robert Allen.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona to approve Resolution 18-R16 appointing Ken Waters to the Construction Board of Adjustments and Appeals.

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

Passed

- d. Resolution 18-R17 designating 515 S Indian River Drive as Historic Property and a Contributing Site within River's Edge Historic District.

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

RESOLUTION NO. 18-R17 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING, 515 S INDIAN RIVER DRIVE AS HISTORIC PROPERTY AND A CONTRIBUTING SITE WITHIN RIVER'S EDGE HISTORIC DISTRICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebecca Grohall, Planning Director, explained the property owner submitted a Historic Designation Application for the property at 515 S Indian River Drive petitioning the Commission to grant designation of the property as Historic Property and a Contributing Site within River's Edge Historic District.

The Historic Preservation Board recommended this property to be designated as Historic Property and a Contributing Site within River's Edge Historic District. Staff identifies the architectural significance of the building as it represents characteristics of the Prairie Style and recommends approval of the designation of this property.

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

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

Passed

- e. Resolution 18-R19 reappointing Bennie Clark to serve on the Planning Board of Adjustment.

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

RESOLUTION NO. 18-R19 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT /REAPPOINTMENT OF MEMBERS TO THE BOARD OF ADJUSTMENT; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 13 e.

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

Passed

14. COMMENTS FROM THE PUBLIC

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

Virgiline Davis
David Harris
Eric & Shontee West
Priscilla Carter
Glenda Wyatt Petro

15. COMMENTS FROM THE CITY MANAGER

- a. City Manager's Report

Mr. Nicholas Mimms, City Manager, mentioned the name of several businesses that had opened within our City limits, certain events that had taken place and events that will be taking place in the near future. The City Manager's Monthly Report is also out for the public.

Mr. James Messer, City Attorney, said he believed he'd resolved the Fort Pierce Petroleum case he was asked to file and, therefore, requests a shade meeting as required. He indicated the meeting was scheduled for Thursday, April 5, 2018 for a closed session.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander stated he was not able to attend the Easter Day Parade but that he'd heard reports that it'd been a success. He also mentioned the recreation center needed more kids.

Commissioner Perona and Commissioner Johnson were able to attend a tour of the Lawnwood Regional Medical Center and he expressed the great experience they had. He came away having a sense of pride that they are within our community. There will be a Sales Tax Training Workshop on Tuesday, April 3, 2018.

Commissioner Sessions said there should be a policy in place for the City Commission to review employee contracts before they go into automatic renewal without it having been addressed by the Commission first. He hopes the legal staff and police staff combine efforts to eradicate crime sprees based on the nuisance ordinance.

Commissioner Johnson thanked Elizabeth Woodruff and staff for the Arts and Culture Festival and he hopes there will be more support for things like this as it will positively impact our community. He attended the Police Officers Ball in which Commissioner Perona was the key note speaker. New St. Lucie County Commissioner, Anthony Bonna is being sworn in on Tuesday, April 3, 2018.

Mayor Hudson said it is necessary to read the Charter carefully because there several people that report to them directly and others that the City Manager hires and fires with City Commission approval/disapproval. She reminded all of the Great American Clean-Up and the Oyster Fest.

17. ADJOURNMENT

City Commission meeting adjourned at 9:35 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER