

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, **JULY 2, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Reverend John Quarterman, Triumph the Kingdom of God in Christ

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 minutes from the June 18, 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

- a. Proclamation recognizing Charles C. Hayling Jr.

7. LETTERS TO COMMISSION

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

Mario Wilcox spoke on item 13 b.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Mr. Nicholas Mimms pulled item 12 g due to incomplete administrative action and follow-up needed from staff prior to presenting before the City Commission.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to postpone item 12 g and approve agenda as amended.

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

10. MISCELLANEOUS REPORTS

11. CONSENT AGENDA

- a. Approve emergency repair of parking garage in an amount not to exceed \$151,450.00 by Finrock Construction, Inc.
- b. Approve Property Owner Agreement for mural to be placed at 728 Avenue D.
- c. Request approval of Johnson-Davis, Inc. Change Order No. 1 in the amount of \$43,234.51 for the Avalon Avenue Drainage Improvement project.

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

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

Passed

12. PUBLIC HEARINGS

- a. **(PLEASE CONTINUE TO JULY 16, 2018 AT THE REQUEST OF THE APPLICANT'S REPRESENTATIVE)** Quasi-Judicial Hearing - Application for Development Review of a Conceptual Site Plan submitted by property owner, OCD Kids, Inc. and Applicant Michael Jacquin, President of Paul Jacquin & Sons, to construct a 2,796 sq. ft. building addition to an existing Pre-School at 2706 Sunrise Boulevard, Fort Pierce, FL. The property is zoned Single-Family Intermediate Density Zone (R-2). Parcel ID: 2421-513-0014-000-5.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to postpone to July 16, 2018 meeting per the request of the applicant's representative.

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

Passed

- b. Legislative Hearing - Ordinance 18-022 annexing property located at 2850 S Jenkins Road.
FIRST READING

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

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 2850 S. JENKINS ROAD IN FORT PIERCE, FLORIDA AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2018; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Vennis Gilmore, Planning Analyst, presented this voluntary annexation which would bring property into city limits and convert this property from current County FLU: RM, Residential Medium, to the City's designation of FLU: GC, General Commercial. The Planning Board voted 6-1 to recommend approval of the request as presented. The annexation meets the standards of the City Code and Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Staff recommends that the City Commission approve the proposed voluntary annexation along with the zoning and future land use designations.

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 Reginald Sessions to approve item 12 b.

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

Passed

- c. (PLEASE CONTINUE TO THE JULY 16, 2018 MEETING AT THE REQUEST OF THE APPLICANT) Legislative Hearing - Ordinance 18-023 - Affirming the Prior Approval for the Planned Development for Mayfair at Lawnwood – [2416-504-0199-000-1](#), [2416-504-0199-050-6](#) & [2416-504-0199-200-3](#) FIRST READING

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to postpone to July 16, 2018 meeting per the request of the applicant's representative.

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

Passed

- d. Legislative Hearing - Ordinance 18-024, Amending Chapter 22 to add Amusement Arcade as an eligible Conditional Use under the C-3, General Commercial zoning district. FIRST READING

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

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CH .22, ART. III, §22-22(e), TO ADD AMUSEMENT ARCADE AS AN ELIGIBLE CONDITIONAL USE UNDER THE C-3, GENERAL COMMERCIAL ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Brandon Creagan, Planning Analyst, stated the City Planning Department is requesting an amendment to Chapter 22-22, Allowed Uses, to fulfill the intent of Ordinance L-217 identifying Amusement Arcade as a Conditional Use in the C3, General Commercial zoning district. The Use Table along with Section 22-22, Allowed Uses was created with the adoption of Ordinance L-295. During the creation of the Use Table, the Amusement Arcade was omitted from the table. This amendment seeks to correct this error by adding the Amusement Arcade to the Use Table. Staff recommends that the City Commission approve Ordinance 18-024 for the proposed Amendment to Section 22-22, Allowed Uses, to classify Amusement Arcade as a Conditional Use in the C-3, General Commercial zoning district.

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 d.

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

Passed

- e. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owners, Wilbur & Karen Cox and Applicant Coldwell Banker Paradise, to establish a Dwelling Rental, offering lodging for less than six (6) months; with a minimum of one (1) month at 502 S. Compass Drive, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2507-714-0018-000-3.

Before commencing this Quasi-Judicial Hearing, James Messer, City Attorney, reminded the Commission when acting as a Quasi-Judicial Body they apply the laws and policies established and are held to stricter procedural requirements, following basic standards established and are held to stricter procedural requirements, following basic standards of notice and due process based on substantial evidence. As such, they conduct these proceedings as judges instead of legislators.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; no one had.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Vennis Gilmore, Planning Analyst, indicated this is a conditional use application with no new construction for a property located within the Ocean Village community. 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 Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 12 e.

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

- f. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owner, St. Nicholas Greek Orthodox Church, Inc. and Applicant Nicholas Gieseler, Attorney at Law, to establish a Private School at 2525 S 25th Street, Fort Pierce, FL. The property is zoned Medium Density Residential Zone (R-4), Parcel ID: 2420-141-0002-000-4.

James Messer, City Attorney, indicated the applicant was present when he went over the Quasi-Judicial Hearing procedures earlier, thereby, there was no need to repeat it.

Mayor Hudson called the proceeding to order.

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

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications; no one had.

City Clerk, Linda Cox, was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Vennis Gilmore, Planning Analyst, indicated the church is looking to establish a private school with a 50-person capacity which would be open Monday through Friday from 8 a.m. to 4 p.m., grades 2 through 9. Food will be catered. 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) Per City Code Sec. 22-62. - Sidewalks. (b) Applicability - Please install a sidewalk along the Stanton Avenue corridor or submit payment in lie off to St. Lucie County. Please install sidewalk linkages that connect to the sidewalks and between buildings.
- 3) Per City Code Sec. 22-60. Required off-street parking spaces for the handicapped shall be located near the front entrance of the main building for the use or if the use has no buildings, as close as practical to the center of the area where the principal activity associated with the use takes place.

Mayor Hudson opened the Public Hearing.
Nicholas Gieseler confirmed to being sworn in. He indicated the use of the space now is used as a Sunday school for the kids that attend church and so the use will be functionally the same.
Seeing no one else, the Mayor closed the Public Hearing.

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

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

- g. **(POSTPONED TO JULY 16, 2018 AT THE REQUEST OF CITY STAFF)** Quasi-Judicial Hearing and Resolution 18-R33- A hearing to allow the owners and/or parties of interest in the property identified as 204 N 17th Street to show cause why the structure located on the premises should not be condemned and demolished.

13. CITY COMMISSION

- a. The City Commission directed the Retirement Board to obtain an actuarial impact statement on the financial impact of amending the vesting period from 10 years to either 8 years or 5 years for employees hired after October 1, 2012.

Keith Stephens, the Retirement Board's Vice Chair, provided an Impact Statement for the City Commission at their request. Mr. Stephens indicated there had been potential employees which had declined to take a job and some staff members that are part of the board have experienced issues recruiting because of the 10-year vesting period as well. The Retirement Board is recommending the vesting period be changed from 10-years to 5-years.

Commissioner Perona stated his only concern was the City investing in individuals that soon after would quit their job because they were already vested. However, he also believed that you spend thousands of dollars more training an employee to then lose them because the vesting period is too long. Mayor Hudson indicated that when the retirement plan was changed in 2013, many of the changes were State mandated. She went on to detail other vesting programs she'd researched and she does believe that it should be minimized from 10 years, however, she does also believe this falls under the benefit plan and we have a great benefit plan. She prefers this be considered during the budget discussion instead of as a single item.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve item 13 a.

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

NAY: Mayor Linda Hudson

Passed

- b. Resolution 18-R32 Establishing the Police Department Advisory Committee

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA CREATING THE POLICE COMMUNITY ADVISORY COMMITTEE; ESTABLISHING ITS MISSION; PRESCRIBING the SCOPE OF THE COMMITTEE ; ESTABLISHING DUTIES AND RESPONSIBILITIES OF SELECTED MEMBERS; ESTABLISHING THE COMPOSITION, NUMBER AND QUALIFICATIONS OF MEMBERS; ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF MEMBERS; ESTABLISHING ORGANIZATIONAL STRUCTURE MEETINGS AND TERMS LIMITS; ESTABLISHING PROCEDURES FOR REMOVAL FROM OFFICE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Diane Hobbey-Burney, Chief of Police, indicated the mission statement had been changed based on the comments received from the City Commission and now read:
The Mission of the Police Community Advisory Committee (Committee) shall be to reduce crime and enrich the quality of life for the citizens of the City of Fort Pierce, through a collaborative partnership. Its main purpose is to facilitate interaction, build trust and mutual respect and improve understanding between Citizens and their Police Department.

Chief Hobbey-Burney stated this mission statement serves to act as a liaison between the community and the Police Department addressing public safety and related issues of our neighborhoods. The Community Advisory Committee foundation and planning document was based on the research of the Department of Justice Technical Assistance Program. Specifically, the Committee listens to the concerns of the citizens and helps further the goals of the Police Department by improving understanding between citizens and the Police Department. Committee members will complete the Fort Pierce Police Department's Citizen's Academy together as a group to familiarize all members with the operation of City Government, the Police Department, and the rules and operating procedures of the Committee. Training shall also include a minimum of two, 4-hour ride-alongs with an Officer of the Fort Pierce Police Department. Regarding the confidentiality agreement, there was never any mention or language in the development, drafts, or resolution that suggested Committee members who violated the confidentiality agreement could be prosecuted or

sanctioned. They City Attorney wrote an opinion stating that it should not be necessary for the Committee members to be exposed to any confidential matters during the course of their duties. Additionally, it was suggested that meetings should be held in the Sunshine.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to accept this document with the modification of section 5-6 stating community members should be permanent residents of the City of Fort Pierce.

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

14. COMMENTS FROM THE PUBLIC

Henry Duhart
Betty Bradwell
Lashonda Henderson

15. COMMENTS FROM THE CITY MANAGER

a. City Manager's Report

Nicholas Mimms, City Manager, stated the Sunrise Theatre Community Input Meeting was one of the most successful ones we've had. We received constructive criticism and many ideas. Additionally, upon opening the survey again, we've received approximately 1,300-1,400 more providing feedback. The Praise in the Park event was successful. The downtown restroom facility is complete. Indian Hills Golf Course Junior Camp is about to start. Sunrise Theatre and The Missoula Children's Theatre will be presenting Snow White & the Seven Dwarfs on Friday, July 13, 2018 at 6 pm. We currently have the basketball and football camps, as well as cheer at the PAL Center. On July 6, 2018 there will be a Khalil Mack Field Dedication and Family Movie. The Black Panther movie will show on the filed immediately after.

James Messer, City Attorney, had no comments.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander has seen Avenue D blossoming, but inquired about the roadwork to be done. City Engineer, Jack Andrews, indicated everything has been ordered and work will commence in approximately 30 days. He would like to see the City hire children to work as similar to World Changers.

Commissioner Perona was very happy to see so many people come out to the Sunrise Theatre Community Input Meeting and he wants to make sure that there is funding going forward and would like to discuss this during a workshop. He indicated the community came up with many ideas that can be implemented. He was amazed with the Braford Restaurant downtown and thought it was another benefit and asset to our beautiful city.

Commissioner Sessions said the Braford Restaurant gave the city a touch of class. Regarding the Sunrise Theatre, he sees the interest of the citizens for this theater, but drastic changes need to be made in order to help the theater to continue. He hopes that our staff can stay on top of Resolution #17-R38. He doesn't believe the Police Advisory Board is exactly what we need, but something is better than nothing.

Commissioner Johnson also commended the citizens that came to give their thoughts and suggestions at the Sunrise Theatre Community Input Meeting. A couple of weeks ago there was a Main Street Board Retreat and there are new ideas and ventures they are working on to take effect downtown. The Stars Over St. Lucie event will take place in celebration for the 4th of July. He addressed the Greenways and Trails program that can be used for connectivity from Key West all the way to Maine and may be used on Second Street.

Mayor Hudson echoed the sentiments of her fellow Commissioners regarding the Sunrise Theatre Community Input Meeting. She received emails from citizens afterward providing more in-depth information and ideas to help the Sunrise succeed. Mayor Hudson thanked staff for all their efforts and the extra work they are doing after hours for the recreation center.

17. ADJOURNMENT

The meeting adjourned at 8:08 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER