

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 16, 2018.**

1. CALL TO ORDER

2. OPENING PRAYER - Sheritta Johnson, Risk Manager

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 July 2, 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 following Proclamations.

- a. Proclamation recognizing Treasure Coast Waterway Cleanup Week
b. Proclamation recognizing Farmers Market Week

7. LETTERS TO COMMISSION - The following letters will be kept on file in the City Clerk's Office.

- a. Email from Martha Wright thanking Joe Sweat, Marketing Specialist, Mike Reals, Public Works Director and Nick Mimms, City Manager for the interesting and informative presentation at the Hibiscus Park Neighborhood Association meeting on June 19, 2018.
b. Letter from Sherry Strong commending Mike Reals, Public Works Director and Derrick Johnson, Deputy Public Works Director for the demonstration of their devotion to the City of Fort Pierce and its citizens at the recent Restoring the Village initiative.

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

Rick Reed spoke on item 13 d.
Brad Culverhouse spoke on item 13 d.
Glen Crickenburger spoke on item 13 f, requesting that this issue be revisited in 30 days.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

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

10. MISCELLANEOUS REPORTS

- a. [Preventing Crime in the Black Community Youth Attendees Presentation to the City Commission](#)

The youth that attended the 33rd Preventing Crime in the Black Community Conference spoke of the things they learned at the conference, what their favorite dissertations were, and their overall take-away from the convention, as well as how they intend to utilize it personally and/or in the community. They also thanked the Commission for allowing them the opportunity to attend.

11. CONSENT AGENDA

- a. Request approval of a \$2,106,100.00 construction contract issued to Brothers' Construction, Inc. as required for emergency restoration of the Virginia Avenue Outfall Canal located between Heathcote Boulevard and Indian Hills Recreation Area.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 11 a.

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

12. PUBLIC HEARINGS

- a. Presentation and Public Hearing of the 2018-2019 Community Development Block Grant (CDBG) Action Plan

Elizabeth Woodruff, Grants Administrator, presented the City Commission with the City's Fiscal Year Action Plan Overview. The approved activities include economic development, public services, public facilities, owner-occupied housing rehab assistance, neighborhood revitalization and code enforcement. The City has received a funding increase from CDBG for the 2018-2019 program year. This year there was an increase of approximately \$70,000 over last year. Staff intends to use the total of \$553,298 as follows: Economic Development-\$120K; Public Services-\$80K; Public Facilities-\$20K; Owner-Occupied Housing Rehab Assistance-\$40K; Neighborhood Revitalization-\$183,422; and Program Administration-\$109,876.

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

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

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 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 August 6, 2018 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 (originally continued from July 2, 2018 Meeting)

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to continue this item to the August 6, 2018 Regular Meeting per the applicant's request.

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. SECOND 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.

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 d.

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

Passed

- e. 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. (Continued from July 2, 2018 meeting)

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; Commissioner Johnson met with the applicant approximately a year prior. Mayor Hudson stated she'd also met with the applicant but it had also been quite a while. Commissioner Alexander also met with the applicant.

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, presented the City Commission with a visual of the existing building and where the proposed 2,796 sq. ft. building would be constructed, along with parking spaces, dumpster, and sidewalk. There will be five classrooms and two restrooms with an exterior entryway. All affected City Departments have reviewed the

proposed Conditional Use and have provided approval without conditions based on compliance with requirements of the City Code. The proposed Conceptual Development Plan generally meets the requirements of the City Code and is conceptually consistent with the City's Comprehensive Plan; therefore, staff recommends approval of the conceptual plan.

Mayor Hudson opened the Public Hearing.

Michael Jacquin confirmed he'd been sworn in. Mr. Jacquin gave a history of the property, and how they had tweaked the property's site plan to incorporate more children. Per Mayor Hudson's question regarding drop-off, Mr. Jacquin said they're going to have an asphalt parking lot once more revenue comes in. Additionally, Mr. Jacquin replied to Commissioner Perona that they'd conduct a workshop again for the neighbors to make them privy to what was going on and what they should expect.

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve the conceptual site plan of item 12 e.

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

Passed

- f. Quasi-Judicial Hearing - Review and approval of an application for waiver of distance submitted by Kris Einstein, and property owner Crownman FL, LLC to obtain a 4COP – Beer, Wine, & Liquor License to offer sale of alcohol for on premise consumption at a bed and breakfast, located at 515 S. Indian River Drive, Fort Pierce, Florida, subject to conditions. The property is zoned C-1, Office Commercial Zone (Parcel ID 2410-810-0001-000-9).

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; Commissioner Sessions, Commissioner Perona and Commissioner Johnson all met with the applicant. Mayor Hudson indicated she'd had some communication but she wasn't aware if it was on this particular request. Commissioner Alexander does not recall this particular address.

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.

Brandon Creagan, Planning Analyst, indicated the applicant is looking to acquire a 4COP license for beer, wine and liquor sales for on-premise liquor consumption. Because this property is within 1,600 feet from St. Andrews Upper School a waiver of distance is required. The Planning Board voted unanimously to recommend approval of the request as presented. The requested Waiver of Distance is consistent with City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare. Staff recommends that the City Commission approve the requested Waiver of Distance for a 4COP Alcoholic Beverage License for the proposed establishment with the following conditions:

1. Provide a lighting plan or photometric survey that demonstrates compliance with City Code 22-60(j)(1)(d). This must be coupled with the forthcoming Planned Development Plan prior to the PDs City Commission Hearing.
2. Provide a Landscape Plan that demonstrates compliance with City Code 22-187, General Landscaping Requirements. This must be coupled with the forthcoming Planned Development Plan prior to the PDs City Commission Hearing.

Mayor Hudson opened the Public Hearing.

Kris Einstein confirmed she'd been sworn in. She presented herself to answer any questions. Seeing no one else, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson 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

13. CITY COMMISSION

- a. Submittal of application for the Planning Board

Linda Cox, City Clerk, indicated she'd bring this back in the form of a resolution if we did not receive any applications. Currently there is only one application and it is a reappointment.

- b. Resolution 18-R34 Establishing Polling Places for the Primary Election to be held on AUGUST 28, 2018.

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, PROVIDING FOR PUBLICATION OF THE DESIGNATED PRECINCT POLLING PLACES IN THE CITY OF FORT PIERCE FOR THE PRIMARY ELECTION TO BE HELD ON AUGUST 28, 2018; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson 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-R35 Honoring 50 Years of Municipal Home Rule

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, HONORING FIFTY YEARS OF MUNICIPAL HOME RULE IN THE FLORIDA CONSTITUTION AND COMMITTING TO AN EDUCATIONAL INITIATIVE TO HELP FLORIDIANS UNDERSTAND THIS BENEFICIAL RIGHT; PROVIDING FOR AN EFFECTIVE DATE.

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

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

- d. Resolution 18-R36 Correcting a scrivener's error in Resolution 17-R38 adopting rules of procedure for condemnation and demolition of structures.

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, CORRECTING A SCRIVENERS ERROR IN RESOLUTION 17-R38 ADOPTING RULES OF PROCEDURE FOR CONDEMNATION AND DEMOLITION OF STRUCTURES; PROVIDING FOR RETROACTIVITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Alexander expressed concern as to making this change during litigation. Commissioner Sessions felt this was approved improperly and from a legal perspective he doesn't feel the court system would support this argument.

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

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

Passed

- e. Review and Consideration of modification of eligibility requirements for the Police Community Advisory Committee at the request of Commissioner Perona.

Commissioner Perona would like to amend section 7-3 of the resolution to allow the City Commission to appoint any citizen, despite citizen's district of residency.

Additionally, Commissioner Sessions and Commissioner Alexander expressed that they did not like having to have at least three votes from other members of the City Commission to allow them to choose the person they'd like to appoint as has been done in the past. The City Commission deliberated over the pros and cons of this. At a later time this will be discussed to consider a future amendment to address the resolution to make appointments to the PCAC.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to make an amendment to this resolution, section 7-3 to remove the words "from their respective districts".

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

Passed

- f. Reconsider the approval of the technical specifications in preparation of the issuance of an RFP for the operation of Little Jim Bait and Tackle.

During public comments, the applicant's representative requested a 30-day extension. Commissioner Perona mentioned no reason was given for this extension. Commissioner Johnson indicated he didn't see a means to an end in hearing and speaking about the same thing all over again and was of the opinion that a removal of the RFP as it stands would be more appropriate and a new one should be started.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to rescind the RFP for the Little Jim Bait & Tackle process.

AYE: Mayor Linda Hudson, Commissioner Jeremiah Johnson, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

14. COMMENTS FROM THE PUBLIC

Kelvin Hair
Felicia Bruce
Rick Reed
Don Forrester
Maloma Peterkin
Tom McCarthy

15. COMMENTS FROM THE CITY MANAGER

Nicholas Mimms, indicated the Budget Workshop will soon take place and will talk specifically about the Police Department and how the goals established by the City Commission can be accomplished. Deputy Chief Amandro was thanked for his years of service now that he is retiring within the next 11 days. The Khalil Mack Field Dedication & Family Movie Night went over really well. There was a Youth Summit that took place at the Percy Peek Gymnasium that was a total success. On July 20, 2018, E.N.D. IT! will be presenting "Daddy-A Live Teen Drama About Human Trafficking" at the Sunrise Theatre. Last week there was a GLOW Party for teens at the Sunrise Theatre as well and approximately 150 teens attended. Mayor Hudson added that a lot of money was raised at the Chili Cook Off over the weekend for the Boys & Girls Club.

James Messer, City Attorney, thanked Deputy Chief Amandro for his service. The funds for the petroleum case were wired to the city per the \$100K settlement agreement. Mr. Messer indicated this was a reflection of staff's time and cooperation. Attorney Caroline Valentin from our legal staff, gave a presentation at The 37th Annual Seminar of the Florida Municipal Attorneys Association; Mr. Messer indicated he'd received favorable reports from attendees. Additionally, he stated the goal for his legal office is to be looked upon as thought leaders

instead of followers.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona said he'd spoken to Mr. Kelvin Hair who spoke during Public Comments. He believes the State Department of Alcohol & Tobacco, as well as our Police Department should investigate his concerns. Regarding, Little Jim Bait & Tackle, he said there was about 80 months to operate the shop anyway they would like; he believes the RFP put too much control in the arms of the lessee and none in the hands of the lessor.

Commissioner Sessions inquired about the subject of the Police Department salaries and Mr. Mimms explained it is an issue because there has been talk about having some officers at our local schools, but the focus should also be on retaining the force we already have and from a compensation and benefits angle we are not competitive, hence, why it will be discussed at the next August 2, 2018 Budget Workshop meeting. Commissioner Sessions saw the need in broaching this subject and he's looking forward to what will be presented on this topic. Mr. Hair presented the Commission with data, visual and other documents that Commissioner Sessions hopes staff will look into and take the necessary action.

Commissioner Sessions made reference to the public comments of Ms. Maloma Peterkin and the old head start building and how it indeed should be used, but he realizes there is a process to go through. This past weekend was very productive and great for the youth. He enjoyed the Khalil Mack Dedication and felt it was a small scale super bowl; he took pride in it happening in the City of Fort Pierce. The Youth Summit this past weekend catered to 106 boys when only 50 were expected. He stressed the importance in investing in our young people in order to prevent crime in the future in our communities.

Commissioner Johnson met with Mr. Kelvin Hair and he would like to acquire clarification on what the Florida Statue classifies as a "member" and "non-resident guest". Retaining employees, police officers and school resource officers, while a challenge, he recognizes the salary rates are necessary to take a look at and he appreciates everyone's patience while they work out a system that works.

Commissioner Alexander expressed we needed to be our own cheerleaders when it comes to Fort Pierce. He was happy to see that there were several parties in the past weeks for the kids in our community, both in and outdoors. Regarding the Khalil Mack Field Dedication, he said he could tell Mr. Mack was sincerely touched. He thanked Deputy Chief Amandro for going beyond the call of duty during all his years of service, as well as answering his phone even when he's been called at 2 a.m. Commissioner Alexander said we needed to do better in regards to salary for our law enforcement because they put their lives on the line every day. In relation to 505 N. 7th Street, he inquired if we were going back with an RFP for the property. Mr. Mimms indicated we've had bids, RFPs, quotes, proposals, etc. and nothing has panned out. Commissioner Alexander took a moment to show appreciation for the city's legal team.

Mayor Hudson also spoke about the salary for our law enforcement. After the Parkland shooting, the Legislature devoted a lot of money to law enforcement, but mainly sheriff departments. She understands this is why it's more of a challenge and so she knows how important it is to get this correct and spend time in doing so. St. Lucie County Schools increased the number of A schools from five to eight; we are now a high B school district and at least nine schools increased a letter grade. The high graduation rate is still being maintained. She was pleased the sanitation covers were painted along Orange Avenue with different artist renditions.

17. ADJOURNMENT

The meeting adjourned at 9:11 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER