

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, **NOVEMBER 19,2018.**

**1. CALL TO ORDER**

**2. OPENING PRAYER** - Bishop Stafford Fisher, New Covenant Prayer Center

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

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

Absent: Commissioner Reginald Sessions

Staff Present: Interim City Attorney Benjamin Bryan  
City Clerk Linda Cox  
City Manager Nicholas Mimms

Commissioner Reginald Sessions arrived at 6:34 p.m.

**5. APPROVAL OF MINUTES**

- a. Approval of minutes from the November 5, 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 Proclamation.

- a. Proclamation recognizing Captain John Brandon and Captain Dan Porter

**7. LETTERS TO COMMISSION**

The following letters will be kept on file in the City Clerk's Office.

- a. Letter from Tom Fitzgerald in recognition of the friendlier crew and remarkable change at Indian Hills Golf Course under the direction of Danny Visconti, Golf Course Manager.
- b. Email from Peggy Belgard and Kathy Rice thanking Caleta Scott, Lincoln Park Revitalization Coordinator, for the soil donation and in appreciation of a true community effort towards the successful completion of the MRC kids' garden.

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

James Edwards spoke on item 11 f.

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona 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. Presentation of \$3,000 donation from Second Life Animal Sanctuaries Inc. for TNVR Program.

Steve Wilke, with Second Life Animal Sanctuary, presented the City Commission with a check for \$3,000. He indicated, while they are based out of Stuart, FL, they are presenting this check because the City of Fort Pierce has shown their interest in being able to reduce their community cat population by a humane method like TNVR which stands for Trap, Neuter, Vaccinate, Return. By neutering, the cat population is reduced and by vaccinating the risk for disease in the community is also reduced when they are returned to the environment to live out their lives without reproduction.

- b. Presentation and update on Trap/Neuter/Vaccinate/Return (TNVR) program.

Peggy Arraiz, Code Enforcement Manager, indicated the City of Fort Pierce currently works with three veterinarians and three local animal organizations that support the TNVR (trap, neuter, vaccinate, return) method. Since the program's inception 20-months ago, the number of cats they've been able to vaccinate and sterilize has consistently increased and they're currently totaling 700 cats. Because 376 of those were female cats, and they typically have approximately 10 kittens annually, the reduction in the stray cat population is roughly 3,760.

## 11. **CONSENT AGENDA**

- a. Approval of travel costs in the amount of \$803.96 for Commissioner Reginald Sessions' attendance to the Florida League of Cities Legislative Conference held on November 14-16, 2018.
- b. Approve the Collective Bargaining Agreement Between the City of Fort Pierce and Coastal Florida Police Benevolent Association PBA October 1, 2015 - September 30, 2018 and a Memorandum of Understanding.
- c. Approve the Collective Bargaining Agreement Between the City of Fort Pierce and International Union of Police Associations October 1, 2016 - September 30, 2019 and a Memorandum of Understanding.
- d. Approval to enter into a new Early Lease Renewal with Yamaha Motor Corporation for 65 new golf carts for a period of 48 months beginning December 1, 2018 for an amount not to exceed \$46,800 annually. The new terms will also include 5 golf carts from our current fleet at no charge that we will own outright.
- e. Approve request to reduce code enforcement lien in the amount of \$474,300.00 against 621 N 9th Street, Ft. Pierce, FL 34950 - Parcel ID #2403-711-0032-000-9 previously owned by Eva Gilliam, 14860 Harrison Street, Miami, FL 33176 and currently owned by John Travers, 1630 Seaway Dr., Ft. Pierce, FL 34949 to \$850.00 (includes the \$250.00 City Commission administration fee) payable in 6 months.
- f. Approve waiver of interest, penalties, and administrative fees in the amount of \$12,253.60 associated with demolition lien against 811 Avenue C, Fort Pierce, FL 34950, Parcel ID Number 2410-604-0030-000-8 owned by Mt. Olive Missionary Baptist Church, 811 Avenue C, Fort Pierce, FL 34950 contingent upon payment of \$9,500.00 within 24 months.
- h. Approve waiver of fees in the amount of \$158.53 associated with lot clearing lien against 621 N 9th Street, Fort Pierce, FL 34950, Parcel ID #2403-711-0032-000-9 previously owned by Leon Gilliam, 619 N 9th Street, Fort Pierce, FL and currently owned by John Travers 1630 Seaway Drive, Fort Pierce, FL contingent upon payment of \$150.00 payable in 30 days. Please note, applicant is requesting a waiver of all fees, including hard costs.
- i. Approve waiver of fees in the amount of \$129.92 associated with lot clearing lien against 621 N 9th Street, Fort Pierce, FL 34950, Parcel ID #2403-711-0032-000-9 previously owned by Leon Gilliam, 619 N 9th Street, Fort Pierce, FL and currently owned by John Travers 1630 Seaway Drive, Fort Pierce, FL contingent upon payment of \$125.00 payable in 30 days. Please note, applicant is requesting a waiver of all fees, including hard costs.
- j. Approve request to waive interest, penalties, and administrative fees in the amount of \$2,984.53 associated with lot clearing lien against 811 Avenue C, Fort Pierce, FL 34950, Parcel ID Number 2410-604-0030-000-8 owned by Mt. Olive Missionary Baptist Church, 811 Avenue C, Fort Pierce, FL 34950 contingent upon payment of \$573.16 within 24 months.
- l. Approval of Specific Authorization No. 5 in an amount not to exceed \$20,865.00 (reimbursed by USDA NRCS) for professional engineering services relating to the canal stabilization of a portion of Canal No. 9 situated between Oleander Avenue and Sunrise Boulevard.

- m. Approval of a project Agreement between the City of Fort Pierce and NRCS in the amount of \$696,860.22 for canal stabilization of a portion of Canal No. 9, commonly referred to as Edwards Road Canal.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve items 11 a through 11 m.

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

Passed

## 12. PUBLIC HEARINGS

- a. Legislative Hearing -Ordinance 18-036 for a Planned Development (PD) for Indian River Villas to rezone the subject site and to authorize the development of a 12 unit multi-family development that will include 2 (6 unit) buildings with garages. Parcel IDs:2410-808-0017-000-7 & 2410-808-0019-000-1 SECOND READING

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

ORDINANCE NO. 18-036 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT 401 & 411 S. INDIAN RIVER DRIVE, FROM C-1, OFFICE COMMERCIAL ZONE, TO PD, PLANNED DEVELOPMENT; FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 Reginald Sessions to approve item 12 a.

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

NAY: Commissioner Jeremiah Johnson

Passed

- b. Legislative Hearing - Ordinance No. 18-038 Amending Code Section 13-27; establishing procedure to be followed by means of which employees returning to City employment from active military duty may claim retirement credit or intervening military service. FIRST READING

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

ORDINANCE NO. 18-038 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CODE SECTION 13-27; ESTABLISHING PROCEDURE TO BE FOLLOWED BY MEANS OF WHICH EMPLOYEES RETURNING TO CITY EMPLOYMENT FROM ACTIVE MILITARY DUTY MAY CLAIM RETIREMENT CREDIT OR INTERVENING MILITARY SERVICE; REPEALING ORDINANCES OR PARTS THEREOF; PROVIDING FOR SEVERANCE; PROVIDING FOR AN EFFECTIVE DATE.

Karen Logue, Chief Accountant, explained this was being brought before the City Commission as it was a recommendation from our legal counsel. This recommendation had the total support of the Retirement Board.

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 b.

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

Passed

- c. Legislative Hearing - Ordinance 18-040 A voluntary annexation submitted by the property owner Oleander Properties of Fort Pierce, LLC to annex property located at 702 Revels Lane. The property is currently zoned RM-11, Residential Multi-Family 11 du/acre with a Future Land Use of RH, Residential High 15 du/acre. Parcel ID: 2427-701-0082-000-7 FIRST READING

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

ORDINANCE NO. 18-040 - AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 702 REVELS LANE 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, 2019; 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.

Vennis Gilmore, Planning Analyst, indicated this is a voluntary annexation application. The subject site is located at the corner of Revel Lane and 7th Street and is approximately 0.88 acres. The proposed City Zoning is R-5, High Density Residential and the proposed City Future Land Use is RH, High Density Residential.

As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Staff recommends that the City Commission approve Ordinance 18-040 along with the aforementioned 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 Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 c with staff recommendations.

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

Passed

- d. Legislative Hearing - Ordinance 18-041 amending Chapter 5, Article I of the Code of Ordinance entitled "Building Code" amending Section 5-1.140 regulating the Construction Board of Adjustment and Appeals. FIRST READING

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

ORDINANCE NO. 18-041 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 5, ARTICLE I OF THE CODE OF ORDINANCES ENTITLED "BUILDING CODE"; AMENDING SECTION 5-1.140.2.1, TO PROVIDE ADDITIONAL RULES FOR CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS MEMBERSHIP; AMENDING SECTION 5-1.140.2.2, PROVIDING FOR BOARD TERMS; AMENDING SECTION 5-1.140.2.3 PROVIDING BOARD QUORUM REQUIREMENTS; AMENDING SECTION 5-1.140.2.4 PROVIDING BOARD SECRETARY DUTIES; AMENDING SECTION 5-1.140.2.5, TO PROVIDE CONDUCT OF BOARD MEMBER REQUIREMENTS; AMENDING SECTION 5-1.140.6.1, PROVIDING BOARD RULE MAKING AUTHORITY; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Paul Thomas, Building Official, indicated this is an amendment to the Construction Board of Adjustments. The same was done for the Board of Examiners of Contractors about a month or two ago; they are streamlining. This is based off the City Commission's request to look at the boards and the former City Attorney made these recommendations for the amendment. Since the Commission appoints the board, the board responds to them.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander 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 - Ordinance 18-039 Approval of a Zoning Atlas Map Amendment (rezoning) submitted by property owner, Autz, Inc. A New York Company, applicant, Mark Youssef, and representative Brad Currie of Engineering, Design, & Construction, Inc. to rezone the property from C-1, Office Commercial to PD, Planned Development to allow for a pharmacy to become an allowed use on the property. Parcel ID: [2417-444-0001-000-7](#).  
FIRST READING

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

ORDINANCE NO. 18-039 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING PROPERTY GENERALLY LOCATED AT 2201 S. 25TH STREET FROM C-1, OFFICE COMMERCIAL, TO PD, PLANNED DEVELOPMENT; FURTHER APPROVING A DEVELOPMENT PLAN PURSUANT TO SECTION 22-40, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Before commencing this Quasi-Judicial Hearing, Ben Bryan, Jr., Interim 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.

The only other individuals that may be heard are people who might have relevant information and their comments are limited to three (3) minutes each. Members of the public may be permitted to present their non-expert opinions, but the Commission must know that public sentiment is not relevant to the decision which must be based on competent, substantial evidence.

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; there were none.

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 application for rezoning is to allow for the use of a pharmacy. This property is located at the northwest corner of Virginia Avenue and South 25th Street. The proposed pharmacy would be 1500 square feet. The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

- (1) The amendment is consistent with the comprehensive plan;
- (2) The amendment will not have an adverse effect on the ability of the city to:
  - a. Satisfy land and water use needs; and
  - b. Meet transportation demands and provide community facilities and services; and
- (3) The amendment will promote and protect the public health, safety and general welfare.

The Planning Board at their October 9, 2018 meeting voted 4-3 to recommend approval of the request as presented. As proposed, the Zoning Atlas Map Amendment meets the above standards of the City's Comprehensive Plan, as well as City 22-40, Planned Development, therefore, staff also recommends that the City Commission approve the development plan and Ordinance 18-039.

Mayor Hudson opened the Public Hearing.

David Baggett with Engineering Design & Construction, Inc., Mark Youssef, the applicant and Hoyt Murphy all presented themselves to the City Commission at once and all confirmed having been sworn-in.

Mr. Murphy indicated Mr. Youssef wants to replicate his current Port St. Lucie pharmacy located near Saint Lucie Medical Center and he was not, under any circumstances, wanting to sell medical marijuana from this pharmacy.

Mr. Youssef addressed the traffic concerns indicating since it's a small business their traffic is less than a Walgreens or CVS, and hence, there would not be a lot of traffic coming into the pharmacy at the same time.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions 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 Waiver of Distance for a 2COP – Beer & Wine License for sale of alcohol for on premise consumption at 1409 Delaware Avenue submitted by the applicant Claufene Belizaire. The property is zoned C-3, Parcel ID: 2409-818-0003-000-3.

Mayor Hudson indicated Ben Bryan, Jr., Interim City Attorney, did not have to re-read the Quasi-Judicial Hearing information again. No one requested it be re-read.

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; there were none.

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 previously established business was looking to include a beer and wine license and, therefore, required a waiver of distance since they fall within 1200 feet from the Creative Arts Academy of St. Lucie. The Planning Board acting as the Local Planning Agency, voted unanimously to recommend approval of the request as presented. The requested Waiver of Distance is consistent with the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare. Staff also recommends that the City Commission approve the requested Waiver of Distance for a 2COP Alcoholic Beverage License for the proposed establishment.

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

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

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

- g. Quasi-Judicial Hearing - Application for a Conditional Use with No New Construction submitted by the applicant, Coldwell Banker Paradise, to establish Dwelling Rentals, offering lodging for less than six (6) months; with a minimum of one (1) month at 355 S. Ocean Drive # 803, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-522-0051-000-2.

Linda Cox, City Clerk, indicated items 12 g and 12 h would be presented together since the applicant was requesting the same thing for each unit and each of those units are side by side. However, two separate votes are required for each item.

Mayor Hudson indicated Ben Bryan, Jr., Interim City Attorney, did not have to re-read the Quasi-Judicial Hearing information again. No one requested it be re-read.

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; only Commissioner Johnson indicated he'd received emails from some individuals regarding this.

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 0.17 acre property is located within the Ocean Village Community. Ocean Village is a gated, planned-community that is nestled on approximately 120 acres with approximately 3,500 feet of beach frontage. Ocean Village offers 24-hour security. The structure is a one-story, single-family home with a finished floor area of 2,164 square feet, containing three bedrooms, three bathrooms and traditional support rooms. There is a driveway for parking two vehicles. The property is located north of Southstar Drive; between Southpointe Drive and Windward Drive. The site is surrounded by single-family residences and condominiums to the north, east and west. The corresponding R-4A zone designation is compatible with the Medium Density Residential Hutchinson Island designation in the comprehensive plan. The future land use category allows single-family detached and attached units, duplexes and multifamily residences at densities ranging up to eight dwelling units per acre. 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. The Planning Board voted unanimously to recommend approval. Staff also recommends that the City Commission approve the request with the following conditions for each of the two units, 802 and 803:

- 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 two (2) vehicles.
- 6) Include the City of Fort Pierce Business Tax number on all advertising.

Because of the 82 notifications sent to neighbors for input, and nine being received in favor and another 9 in opposition, the City Commission deliberated between the pros and cons of transient traffic from the condominium and how that would affect the neighbors residing permanently.

Mayor Hudson opened the Public Hearing.

Because there were new individuals wanting to speak on this matter, City Clerk, Linda Cox, was again asked to swear in those wanting to speak.

Addressing the traffic going and coming from these units, Annie Davis with Coldwell Banker, indicated tenants in this community are only allowed to rent the property to two tenants per year; not only would the condo association regulate that, but they would as well since the rentals would come through them as managers of the property.

Jean Doster, the owner of the units, indicated some of her neighbors asked if they were supposed to reply to the notifications as they weren't aware; she would have had more in favor if they'd known to reply.

Seeing no one else, the Mayor closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 g with staff conditions.

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

NAY: Commissioner Reginald Sessions  
Passed

- h. Quasi-Judicial Hearing - Application for a Conditional Use with No New Construction submitted by the applicant, Coldwell Banker Paradise, to establish Dwelling Rentals, offering lodging for less than six (6) months; with a minimum of one (1) month at 355 S. Ocean Drive # 802, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-522-0001-000-7.

This item was presented along with item 12 g since the applicant was requesting the same thing for both units and these units are side by side. However, two separate votes are required for each item.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12 h with the staff conditions listed in item 12 g.

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

NAY: Commissioner Reginald Sessions  
Passed

- i. Quasi-Judicial Hearing - Application for a Conditional Use with New Construction submitted by the applicant, Paul Jacquin & Sons, Inc. to construct a new one-story 2,796 sq. ft. 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.

Mayor Hudson indicated Ben Bryan, Jr., Interim City Attorney, did not have to re-read the Quasi-Judicial Hearing information again. No one requested it be re-read.

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; all 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 applicant is looking to build an additional one-story building adjacent to its existing preschool located east of Sunrise Boulevard and north of Jasmine Avenue. The current zoning designation is R-2, Single-Family Intermediate Density Residential and a Future Land Use of RL, Low Density Residential. The proposed space is 2,796 square feet with 24 existing parking spaces and one handicapped parking space, dumpster enclosure and sidewalk. 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. Forty-three notifications were sent out to the adjacent property owners and, while three replies were received in favor, 12 were received in opposition. The Planning Board voted unanimously in favor of recommending approval. The proposed Conditional Use with New Construction meets the criteria specified in our City Code and promotes and protects the public health, safety, and general welfare; therefore, staff also recommends that the City Commission approve the application.

Linda Cox was asked to swear in Interim City Attorney, Ben Bryan, Jr., and the Planning Director, Rebecca Grohall.

Commissioner Johnson noticed in the design plan the drainage system will be contained on site through exfiltration and then outfall to Sunrise Blvd. He wanted to know what system was set up on Sunrise Blvd. Jack Andrews, City Engineer, explained this was a County road and they were comfortable with the parameters with their onsite storage capacity; if we could not have a positive outfall they would simply increase the amount of storage onsite.

Mayor Hudson opened the Public Hearing.

Mike Jacquin, the applicant, confirmed being sworn in and indicated regarding the dumpster that was what they'd proposed, however, they were happy to relocate it. There is no site fencing at this time but it could be added and they'd work with staff in order to add it to the site.

Shy Abedin, engineer on this project, confirmed being sworn in and indicated there is no current drainage system at this time but they are proposing an underground drainage system for the discharge.

Wylee J. Barrow was sworn in and expressed concern about flooding, especially during hurricanes if this comes to fruition. He is also concerned about traffic and vehicle headlights shining in through their bedrooms while traffic increases to and from this location, as well as parent-teacher pick-up where his children currently ride their bikes and he would like the community to remain as it is without this preschool.

Marilyn Stork confirmed being sworn in and also expressed concern about the traffic, flooding, more noise than there is now because of the current pre-school already there, the increased garbage with another preschool and increased traffic of strangers coming through. Glenn Snead was sworn-in. Mr. Snead also expressed concerns about the flooding and the commercial dumpster in a residential area.

Jean Powell confirmed being sworn-in. Ms. Powell provided the City Commission with the history of how this school had impacted the community negatively as the years went on as it relates to noise, traffic, speeding, congestion, parents dropping off where they're not supposed to, food truck deliveries waking up neighboring residences at 5 a.m., children throwing trash on neighboring lawns, etc.

Mike Jacquin returned to the podium to address concerns. He addressed the drainage indicating since there is no current drainage system; the one that would be put in would be an improvement of the situation in which the residents were discussing. Parent pick-up would be on the south side and there would be queuing. The dumpster would have an enclosure and landscaping to remove the eyesore. The hours of operation are typical for a daycare. They have made improvements to reduce the noise. There will also be parking improvements to reduce traffic.

Shy Abedin indicated the city requirement in regards to drainage is that when it is improved the flow cannot be increased and must remain within the limit in which it is currently thus this improvement will not add to flooding along Sunrise Boulevard.

Ovida Taylor clarified she is tax exempt as a result of having passed a rigorous state examination.

Seeing no one else, the Mayor closed the Public Hearing.

The City Commission discussed their recollections from previous meetings related to this same business' expansion. They believe moving the dumpster would not in fact solve the issues, but only move the current issues to the new dumpster location, clarification was given about the easement and its purpose, or lack thereof, current traffic congestion increasing and wondered if the expansion of would in fact impact the neighborhood negatively as they expect it will. Commissioner Perona indicated it was evident to him that, being Sunrise Boulevard is a main road and traffic would increase exponentially, approving this would put in jeopardy the safety of the neighbors, children within the community that play outside and the children within the preschool. Commissioner Johnson agreed and thought there were too many underlying issues based on all the testimony they received from the community tonight.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to deny item 12 i.

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

- j. Quasi-Judicial Hearing - Application for a Conditional Use with New Construction submitted by the applicant, Red Lion Construction, Inc. to construct a new one-story 26,926 sq. ft. Assisted Living Facility at 4201 S. 25th Street, Fort Pierce, FL. The property is zoned Office Commercial Zone (C-1), Parcel ID: 2432-411-0001-000-2.

Mayor Hudson indicated Ben Bryan, Jr., Interim City Attorney, did not have to re-read the Quasi-Judicial Hearing information again. No one requested it be re-read.

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 spoke to one of the neighbors.

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 was a request for Conditional Use to construct a new, one-story, 26,929 square foot assisted-living facility. The applicant is seeking to open the Manor Assisted Living Facility, consisting of approximately 1.4 acres which will have landscaping to accentuate the aesthetics of the property and will consist of 32 units, covered driveway, lobby and reception area, kitchen and cafeteria area, recreation area, 22 parking spaces and an open middle-courtyard. 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. The Planning Board voted 6-1 to recommend approval. The proposed Site Plan, Design Review, and Conditional Use applications meet the criteria specified in City Code and promotes and protects the public health, safety and general welfare; therefore, staff also recommends that the City Commission approve the applications with the following conditions:

- 1) Please provide secured access for the pedestrian access entrances of the refuse collection area.
- 2) Per City Code Section 22-29. Office Commercial Zone; no building shall exceed a height of sixty-five (65) feet above grade.

Mayor Hudson opened the Public Hearing.

Richard Ladico, with the Firm of Ladico Design Group and representative of the applicant, confirmed being sworn-in and clarified landscaping questions. Mr. Ladico indicated he was familiar with the school noise in the area, as well as the industry activity going on in this area. Bob Humphrey had concerns with whether the site lighting would flood his residence, as well as whether the applicant could, in the future, decide to build a second-story.

Richard Ladico returned to the podium and indicated if ever they would want to make any changes, especially adding a second-story, they'd have to go through the Planning Board again, staff and the City Commission. However, because they only have 22 parking spaces for 32 units they're already maxed out to even consider this. Regarding lighting they only have enough to fulfill the lighting requirements.

Seeing no one else, the Mayor closed the Public Hearing.

Commissioner Johnson had more questions regarding lighting and said he'd like to possibly see more landscaping that would omit the lighting for neighbors in the surrounding area. Commissioner Perona indicated he could see other applications for this facility that would not be as friendly for the neighborhood.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve item 12 j with staff conditions.

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

Passed

### 13. CITY COMMISSION

- a. Resolution No. 18-R56 determining that the structure located at 1705 N 27th Street is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on December 17, 2018.

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

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1705 N 27TH ST IN FORT PIERCE, FLORIDA IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT CONDEMNED AND DEMOLISHED IN ACCORDANCE WITH THE CHARTER OF THE CITY OF FORT PIERCE; AND NOTIFYING ALL PARTIES OF POTENTIAL ACTION BY THE CITY OF FORT PIERCE FOR FAILURE TO ACT; AND THAT A PUBLIC HEARING BE HELD AT THE REGULARLY SCHEDULED CITY COMMISSION MEETING ON DECEMBER 17, 2018 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 N US HWY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES.

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

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

b. Submittal of application for the Historic Preservation Board

City Clerk Linda Cox indicated we have a submittal application for the Historic Preservation Board. This will be presented to the Commission at the next Regular Meeting in the form of a resolution.

c. Resolution No. 18-R57 authorizing the sale of 505 N 7th Street to Maloma Peterkin of Dreamchasers Preschool, in the amount of \$75,000 for the purpose of a pre-school program.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE SALE OF REAL PROPERTY NOT NEEDED FOR A PUBLIC PURPOSE, KNOWN AS 505 N 7th STREET, OWNED BY THE CITY OF FORT PIERCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Nicholas Mimms, City Manager, indicated this property was originally utilized by the ALPI organization and the City of Fort Pierce took possession of it a few years ago. Subsequently, it was determined that this property was to be designated as surplus and advertised this on a number of occasions for bids. Rebecca Grohall, Planning Director, indicated this originated as a community preschool. Since it's been vacant for a number of years, the property has suffered with vagrancy and broken windows. There have been two excellent bids received, one for sale and another for a 20-year lease. The sale of the property is most cohesive with the city's goals. Since the property is being sold at a lesser value than the appraised value, it will only be cleaned and then sold as-is.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 13 c.

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

**14. COMMENTS FROM THE PUBLIC**

Dwayne Alexander Henry  
Justice Henry  
Darren Henry  
Asver Austin

**15. COMMENTS FROM THE CITY MANAGER**

Nicholas Mimms, thanked our staff and the City Commission with all that was done with regards to the education of our community on Amendment 14. On November 26, 2018 at 4 p.m. there will be a meeting in the Commission Chambers to discuss and determine the finalists to be interviewed by the City Commission for the position of City Attorney. On December 6, 2018 the interviews will be conducted for that position. Additionally, 49 applications have been received for the Sunrise Theatre Director position and interviews will be conducted during the first week of December 2018.

**16. COMMENTS FROM THE COMMISSION**

Commissioner Perona thanked staff for the Collective Bargaining Agreement, item 11 c. He congratulated the County for the Port. Additionally, he is involved in the Skeeter Scoot which is a 50K Ultra Run taking place on December 9th in the mosquito impound and he's collaborating with the Tourist Development Council for this.

Commissioner Sessions is looking forward to seeing activity in the Port soon. He remembers Coach Justice from the Fort Pierce Boxing Club and wondered why they were no longer a part of the recreation department. The Sunrise Theatre Advisory Board would like to be a part of the screening process when hiring the new Theatre Director.

Commissioner Johnson asked staff to research when the Board of County Commissioners was looking to increase the Tourism Sales Tax. Regarding road contracts, he would like everything in place so that we are not competing with sister entities within the county to get our roads resurfaced by means of creating a partnership with these sister entities so there is no artificial inflation. Regarding FPUA Strategic Planning, he would like FPUA staff and Director, John Tompeck, to come in and meet with the Commission to state what they are looking to do and, while they are not our employees, whatever they do impacts us. He'd like for them to report to the Commission on what they do quarterly.

Mayor Hudson agreed with Commissioner Johnson and indicated she'd already asked Mr. Tompeck to come in quarterly to provide an update. Amendment 1 failed, as a result, the Florida League of Cities is working on a program called We Live Local to allow citizens to be informed as to what is happening in the state and how that affects them in their municipalities. She thanked Commissioner Johnson for stepping in for her at Coffee with the Mayor while she was away at the Florida League of Cities Legislative Conference. She congratulated Delores Hogan Johnson who is our new State Representative and would like to invite her to a Commission Meeting at some point.

**17. ADJOURNMENT**

The meeting adjourned at 10:14 p.m.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER