

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 15, 2019.**

**1. CALL TO ORDER**

The meeting was called to order at 6:30 p.m.

**2. OPENING PRAYER -** Apostle Vonie Austin-James, Family Faith Worship Center

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

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

Absent: Commissioner Rufus Alexander

Staff Present: City Clerk Linda Cox  
City Manager Nicholas Mimms  
City Attorney Peter Sweeney

Commissioner Rufus Alexander arrived at 6:40 p.m.

**5. APPROVAL OF MINUTES**

- a. Approval of the Meeting Minutes of the April 1, 2019 Regular Meeting.

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

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

**6. PROCLAMATIONS**

Mayor Hudson issued the Proclamations.

- a. CASTLE Child Abuse Prevention Month  
b. 19th Circuit Guardian ad Litem in recognition of National Child Abuse and Prevention Month and National Volunteer Appreciation Week

**7. LETTERS TO COMMISSION**

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

- a. Letter from Reverend Patricia S. Wallace thanking Paul Bertram, Parks Division Manager and the entire Parks Division for their hard work in the preservation of beautiful Northwest Pioneer Park.  
b. Letter from Bill Harned in recognition of the impressive impact of Sgt. Don Christman's presence and actions at Lawnwood Hospital's Emergency Room where he personally witnessed Sgt. Christman going above and beyond.  
c. Letter from Sheila and Bob Clancy expressing their appreciation for the efforts of Miriam Garcia, Deputy City Clerk, in resolving their issue with securing a refund for tickets purchased for a show that was subsequently cancelled.

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

Marino Anderson spoke on item 10 a.  
R.C. Crotty spoke on item 10 a.  
Tim Barrett spoke on item 10 a.  
Gary Jenkins spoke on item 10 a.  
D. Ackermann spoke on item 10 a.  
Bill Eaton spoke on item 10 a.  
Cheryl Barrett spoke on item 10 a.  
Kim Martin spoke on item 10 a.  
Michael McCloud spoke on item 10 a.  
George MacArthur spoke on item 10 a.  
JoAnn Betz spoke on item 10 a.  
Robert Capwell spoke on item 10 a.  
Kirk Wistermann spoke on item 10 a.  
Julie Price spoke on item 10 a.  
Maria Garza spoke on item 10 a.  
Mike Oyler spoke on item 10 a.  
David Gordon spoke on item 10 a.  
Patti Ireland spoke on item 10 a.  
Chris Gosse spoke on item 10 a.  
Terry Gaskill spoke on item 10 a.  
Steve Bribance spoke on item 10 a.  
Timothy Buck spoke on item 10 a.  
Kelly Johnson spoke on item 10 a.  
Ann Sammarco spoke on item 10 a.  
Al Sammarco spoke on item 10 a.  
Jon Neprud spoke on item 10 a.  
Terry Davis spoke on item 10 a.  
Scott Jones spoke on item 10 a.  
Vicky Rager spoke on item 10 a.  
Rick Ross spoke on item 10 a.

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

Item 11 i was added to the agenda.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the addition of item 11 i and the rest of 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 proposed South Bridge reconfiguration by Peter Buchwald, Executive Director, St. Lucie Transportation Planning Organization.

Peter Buckwald, St. Lucie Transportation Planning Organization's (TPO) Executive Director, indicated they evaluated the addition of bicycle lanes to the SR-A1A South Causeway Bridge in 2011 through the completion of the South Causeway Bridge Reconfiguration Study. The Florida Department of Transportation (FDOT) has jurisdiction over this bridge. The average annual daily traffic most recently counted in 2017 is 14,800 vehicles. The daily capacity of a four-lane bridge is of 36,700 vehicles, with a two-lane bridge, it would be 16,500 vehicles daily. In the event of an evacuation of the island, the bicycle lanes would be utilized as vehicle lanes providing four lanes for vehicles to leave the island. If there were a car crash, the bicycle lanes would function as shoulders and allow for emergency vehicles to pass and for disabled vehicles to be moved out of the vehicle lanes. The FDOT will make their decision after all affected parties weigh in. Upon the completion process, FDOT will decide on whether to replace vehicle lanes with bicycle lanes on the bridge. If FDOT decides to replace vehicle lanes with bicycle lanes on the bridge, it is anticipated that FDOT will use State funding to complete the project.

- b. Final Feasibility Report for SUN Trail projects, Historic Downtown Fort Pierce Retrofit Trail and Historic Highwayman Trail Gap

Mike Middlebrook with St. Lucie County Environmental Resources, and Reshawn Fields, Consultant to ATKINS North America, presented the final report of the feasibility study of two SUN Trail projects, the Historic Downtown Fort Pierce Retrofit Trail and the Historic Highwayman Trail Gap. The proposed projects will extend the East Coast Greenways and Trail system through the City of Fort Pierce. The focus of these two studies commences at the northern end of the existing Indian Hills Recreation Area trail and continues north to North Causeway. The feasibility studies examined the proposed route, alternatives for the trail segment and the associated physical and natural setbacks for each alternative. The City Commission expressed their excitement for these projects.

c. Fair Housing Presentation

Caleta Scott, Grants Administration Manager, presented the City Commission with an overview of the City of Fort Pierce's Fair Housing Ordinance, the Florida Fair Housing Act, and the Federal Fair Housing Act, which make it illegal for anyone to refuse to rent, sell or make housing loans based on race or color, national origin, religion, sex, familial status, or handicap.

d. Monthly Financial Report for the Month Ending February 28, 2019

Johnna Morris, Finance Director, presented the City Commission with a monthly report on the financial status of the different funds of the City. The financial report for the month ending February 28, 2019, encompasses General, Marina, Solid Waste, Golf Course, Sunrise Theatre, Building & Code, and Fort Pierce Redevelopment Agency Funds. While the Golf Course and the Sunrise Theatre are still not in the state they should be in, they have both improved exponentially.

## 11. CONSENT AGENDA

- a. Approve waiver of fees in the amount of \$10,875.61 associated with the demolition lien against 108 N 16th Street, Fort Pierce, FL 34950, Parcel No. 2409-510-0021-000-0 owned by Juan Antonio Esquivel, 1605 Pine Hollow Drive, Fort Pierce, FL contingent upon payment of \$7,200.00 payable in 30 days.
- b. Approval of a \$45,000.00 change order to Johnson-Davis, Inc. to compensate for additional Edwards Road Canal (Canal No. 9) construction services.
- c. Approval of Specific Authorization No. 4 in an amount not to exceed \$86,414.00 for construction engineering inspection (CEI) services relating to the Ohio Avenue Roadway Improvements construction project.
- d. Approval of Florida Boating Improvement Grant No. 18069 for Moore's Creek Boat Ramp Improvements in the amount of \$72,500.00.
- e. Approve award of the Ohio Avenue Roadway Improvements construction contract to the low bidder, C.W.Roberts Contracting, Inc. (FKA as Lynch Paving and Construction Co., Inc.), in an amount not to exceed \$1,015,147.20
- f. Approve the following contributions from the Fort Pierce Police Department (FPPD) Law Enforcement Trust Fund: \$1,000 to Parents of Murdered Children, Incorporated, \$2,500 to the Boys and Girls Clubs of Saint Lucie County, and \$2,000 to the Florida Office of Attorney General National Conference on Preventing Crime through the Derrick Brooks Charities.
- g. Approval of Supplemental Revocable Encroachment Permit between the City of Fort Pierce and Kraaz & Kraaz Finance, LLC to provide for the installation of a storage silo for the benefit of Sailfish Brewery adjacent to the existing loading dock.
- h. Approve purchase of one (1) 2019 Peterbilt refuse collection trucks, piggybacking the Florida Sheriff's Association Cooperative Purchasing Agreement FSA18-VEH18-VEL 26.0 for the Solid Waste Division in an amount not to exceed \$273,974.00.
- i. ADD ON ITEM: Reconsideration at the request of Mayor Hudson for the approval of travel for Commissioners Sessions and Alexander to attend the Preventing Crime Conference in the amount of \$957.12 each for a total of \$1,914.24.

Mayor Hudson pulled item 11 i for discussion. Commissioner Sessions pulled items 11 d, 11 e, and 11 f for discussion.

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

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

As to item 11 d, Commissioner Sessions inquired how far along we were to begin building the ramp. City Engineer, Jack Andrews, indicated we are about \$100k shy of the money we have to come up with to begin. This grant will allow us to come up with matching funds and we should expect to be finished by September 2019.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 11 d.

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

As to item 11 e, Commissioner Sessions inquired whether the paving company was the same that paved Avenue M. City Engineer, Jack Andrews, indicated it was not the same company.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 11 e.

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

As to item 11 f, Commissioner Sessions inquired as to how we came up with the figures to invite the kids to the conference. Chief Hobbey-Burney indicated the funds we utilize are based on the current status of the Law Enforcement Trust Fund and the Chief felt this is what could be afforded this year.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 11 f.

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

As to item 11 i, Mayor Hudson would like the City Commission to reconsider these costs for Commissioner Alexander and Commissioner Sessions to attend the Preventing Crime Conference. She also indicated it was the right of any member of the City Commission to question the costs of travel of any other City Commission member as that is their job. Because of that, she encourages they all keep tabs of their expenditures and receipts.

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

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

## **12. PUBLIC HEARINGS**

- a. Resolution No.19-R16 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 608 S 6th Street to show cause why the structure located on the premises should not be condemned and demolished.

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 608 S 6TH ST IN FORT PIERCE, FLORIDA 34950 IS UNSAFE AND A NUISANCE THAT CONSTITUTES A MENACE TO THE BUSINESS, HEALTH AND SAFETY OF THE COMMUNITY; AND THAT SAID BUILDING OR STRUCTURE SHALL BE CONDEMNED AND DEMOLISHED; DECLARING THE PARTIES OF INTEREST WERE PROVIDED THE OPPORTUNITY TO BE HEARD AND ARE RESPONSIBLE FOR THE

REMOVAL OF THE BUILDING OR STRUCTURE; AND ORDERING THE CITY OF FORT PIERCE TO PROCEED WITH SUCH REMOVAL AND PLACE A LIEN UPON THE PROPERTY IDENTIFIED IF COMPLETED BY THE CITY OF FORT PIERCE; PROVIDING FOR APPEAL; PROVIDING FOR NOTICE TO ALL PARTIES; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Hudson asked all present to listen carefully to what City Attorney, Peter Sweeney, would read regarding Quasi-Judicial Hearings as they apply to all subsequent Quasi-Judicial Hearings tonight.

Before commencing this Quasi-Judicial Hearing, Peter Sweeney, 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. There are no party interveners in this matter. That means that 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; Mayor Hudson indicated she'd received one email. Commissioner Alexander and Commissioner Sessions could not recall if they had or not.

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.

Peggy Arraiz, Code Enforcement Manager, went over the long history of the property for the City Commission. Fines have accrued and liens have been placed on the property. There have been no attempts by the owner to remedy the condition of this non-historic property.

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 a.

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

- b. Legislative Hearing - Ordinance 19-013 amending Chapter 22 of the Code of Ordinances amending the Use Table for certain commercial and industrial uses. 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 CHAPTER 22, ARTICLE III, SECTION 22-22, AMENDING THE USE TABLE TO ALLOW CERTAIN COMMERCIAL AND INDUSTRIAL USES TO BE ALLOWED BY RIGHT IN LIEU OF REQUIRING A CONDITIONAL USE APPROVAL; AMENDING THE USE TABLE TO ALLOW CERTAIN COMMERCIAL AND INDUSTRIAL USES TO BE ALLOWED WITH A CONDITIONAL USE APPROVAL IN LIEU OF BEING PROHIBITED OUTRIGHT; AMENDING THE USE TABLE BY CREATING A NEW USE CATEGORY "SERVICE OF HEAVY EQUIPMENT" AND PROVIDING FOR ITS ALLOWANCE IN CERTAIN ZONING DISTRICTS; ESTABLISHING HOW PERMITTED AND CONDITIONAL USES ARE DETERMINED FOR PROPERTIES IN THE EDGARTOWN SETTLEMENT ZONING DISTRICT, THE PLANNED DEVELOPMENT ZONE, AND THE PLANNED UNIT REDEVELOPMENT ZONE; 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 Reginald Sessions, 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 19-015 amending Section 22-143(c) creating size, placement, responsibilities, and procedures for required signage for public hearings. 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, TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-143(C) "NOTICE BY SIGNS," TO ADOPT A NEW CHAPTER 22, ARTICLE X, SECTION 22-143(C) "NOTICE BY SIGNS," CREATING SIZE, PLACEMENT, RESPONSIBILITIES, AND PROCEDURES FOR POSTING OF REQUIRED SIGNAGE FOR PUBLIC HEARINGS; 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 Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 12 c.

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

### **13. CITY COMMISSION**

- a. Resolution No. 19-R15 - Adopting Revised City of Fort Pierce Board of Examiners of Contractors Rules of Procedure.

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; ADOPTING REVISED CITY OF FORT PIERCE BOARD OF EXAMINERS OF CONTRACTORS RULES OF PROCEDURE; and PROVIDING FOR AN EFFECTIVE DATE.

Building Official, Paul Thomas, indicated this is an adjustment to the existing rules and procedures to the board. We'd be following the corresponding ordinance with the approval of this resolution.

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. Resolution 19-R17 appointing members to serve on the Fort Pierce Infrastructure Surtax Citizen Oversight 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, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE INFRASTRUCTURE SURTAX CITIZEN OVERSIGHT COMMITTEE;; PROVIDING FOR AN EFFECTIVE DATE.

Ms. Cox indicated she'd provided the City Commission with the various applications we'd received. Based on those applications, the Commission has appointed the following individuals:

Commissioner Johnson is appointing Daniel Noelke.  
Commissioner Perona is appointing Bob Burdge.  
Mayor Hudson is appointing Pearl Davis Liverpool.  
Commissioner Alexander appointed Curtis Johnson, Jr.  
Commissioner Sessions appointed James R. Harding.

The City Clerk will readvertise for this board and will present the City Commission with the next batch of applications.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 13 b and the appointed individuals.

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

- c. Approval of Letter of Congratulations to IRSC for winning the 2019 Aspen Prize for Community College Excellence.

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

Betty Bradwell  
Mario Wilcox

#### **15. COMMENTS FROM THE CITY MANAGER**

City Manager, Nicholas Mimms, was proud to see that Jaycee Park was used, harmoniously and to its fullest capacity over the weekend. He also indicated the Sunrise Theatre had Los Temerarios, which was a very well attended event. He's been addressed by several individuals telling him they loved the show. He has communicated this to the Interim Theatre Director and she's indicated she'd use the promoter more often to get more cultural interaction at the theatre and support our local demographic.

#### **16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander had nothing to add.

Commissioner Perona congratulated all of the Boston Marathoners.

Commissioner Sessions indicated he'd received some complaints from the former K-Mart plaza tenants regarding the structure. Mr. Mimms will reach out to the Building Department to address these concerns.

Commissioner Johnson indicated he'd had a few requests regarding an update on 1123 Granada Avenue and the building permits that go along with it. He advised the Commission that the home on Thumbpointe Drive has had some activity and pouring of concrete on site in order to keep the building permit open.

Mayor Hudson indicated there are three more weeks in the Legislative Session and this week they'll be discussing a few things of interest.

#### **17. ADJOURNMENT**

The meeting adjourned at 10:35 p.m.

ATTEST:

---

CITY CLERK

---

MAYOR COMMISSIONER