

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, **MAY 20, 2019.**

**1. CALL TO ORDER**

Mayor Hudson called the meeting to order at 6:30 pm

**2. OPENING PRAYER - Mayor Linda Hudson**

**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 Clerk Linda Cox  
Acting City Manager Jack Andrews  
City Attorney Peter Sweeney

**5. APPROVAL OF MINUTES**

- a. Approval of the Meeting Minutes of the May 6, 2019 Regular Meeting.

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

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

Passed

**6. PROCLAMATIONS**

Mayor Hudson issued the Proclamations.

- a. National Safe Boating Week  
b. Emergency Medical Services Week

**7. LETTERS TO COMMISSION**

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

- a. Letter received from Charles Hayek of Hayek Construction commending Kim West for her great service, responsiveness and ability to resolve issues.  
b. Letter from Cindy Bridges in recognition of Jennifer Robinson, Executive Assistant to the City Manager, for her hard work that supports the community.  
c. Letter from Cindy Bridges expressing her appreciation of Rebeca Guerra, Interim Planning Director's outstanding assistance.

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

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

There were no comments from the Public.

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

Mayor Hudson requested that two letters of support, one for the Manatee Center and the other for Heathcote Gardens, be added to the agenda for City Commission approval as items 13 a and 13 b respectively.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve agenda as presented with the addition of items 13 c and 13 d.

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

## **10. MISCELLANEOUS REPORTS**

### **a. Update on Bed & Breakfast Land Use**

Rebeca Guerra, Interim Planning Director presented an update on Bed & Breakfast Land Use informational packet which included how the State of Florida, Department of Business & Professional Regulation defines Bed & Breakfast; how the City of Fort Pierce Zoning defines Bed & Breakfast under the Edgartown Overlay Zoning District Regulations; and how other local municipalities and counties compare based on their size. Ms. Guerra also outlined Conditions for Approval for Bed & Breakfast establishments within the City of Fort Pierce. Bed & Breakfast establishments are currently permitted in three residential districts and five commercial districts – one with conditional use.

The City Commission discussion continued regarding the Bed & Breakfast use designation within the City of Fort Pierce. Areas of concern discussed included the requirement of the property as being owner-occupied or having a full-time on-site manager; a clear delineation between the short term rental regulations and Bed & Breakfast regulations; clear regulations for the conditional legal permitted use; fire suppression and safety requirements; state and city licenses; permitted use time/term limits for visitors, etc. Also discussed were the zoned areas in which this designated use would be approved; potential impact on residential neighbors, neighborhoods and on historic districts.

The Planning Department will continue further research on this topic to clearly define the legal permitted use and present back to the City Commission at a later date.

## **11. CONSENT AGENDA**

- a. Approve the permit for Unintentional Encroachment between the City of Fort Pierce and Tri-County Animal Hospital, LLC to cure an encroachment issue.
- b. Approve award of the South 7th Street Roadway Improvements construction contract to the low bidder, PRP Construction Group, LLC, Indiantown, FL, in an amount not to exceed \$809,686.41.
- c. Approval to submit and accept grant application to Florida Division of Cultural Affairs for Sunrise Theatre for General Operating Support Grant in the amount of \$150,000 for FY 2021.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson 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. Legislative Hearing - Ordinance 19-014 amending Section 22-138 through Section 22-155 to allow provisions of Chapter 22 to be enforced as civil violations by the Code Enforcement Division. **SECOND READING**

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

ORDINANCE NO. 19-014 - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-138 "ENFORCEMENT," TO ADOPT A NEW CHAPTER 22, ARTICLE X, SECTION 22-138 "ENFORCEMENT," ADMINISTERING PROVISIONS OF CHAPTER 22 BY THE CODE ENFORCEMENT DIVISION AS A CIVIL VIOLATION; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 22-139 ELIMINATING PROCEDURES FOR CERTIFICATES OF ZONING COMPLIANCE; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 140 "APPEALS FROM RULINGS OF ADMINISTRATIVE OFFICER," SUBSECTION (A) "GENERAL," AND TO RENUMBER SECTION 22-140 TO SECTION 22-139, AMENDING RENUMBERED SECTION 22-139 TO CLARIFY PROCEDURES FOR APPEALS OF DECISIONS BY THE PLANNING DIRECTOR AND ANY OTHER ADMINISTRATIVE OFFICER; TO REPEAL CHAPTER 22, ARTICLE X, SECTION 141 "SUPPLEMENTAL APPLICATION INFORMATION," AND TO RENUMBER SECTION 22-141 TO SECTION 22-140 AND AMENDING RENUMBERED SECTION 22-140 TO ELIMINATE REQUIRED APPLICATION INFORMATION FOR CERTIFICATES OF ZONING COMPLIANCE; TO RENUMBER SECTION 22-142 THROUGH SECTION 22-148 - SECTION 22-155; 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 Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance 19-014.

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

Passed

- b. Legislative Hearing - Ordinance 19-016 amending Chapter 22 of the Code of Ordinances to establish minimum submittal requirements for Major or Minor Site Plan Applications and delineate the process through which these applications are reviewed and amending thresholds for administrative approvals. SECOND READING

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

**ORDINANCE NO. 19-016** - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA TO REPEAL CHAPTER 22, ARTICLE IV, **SECTION 22-58 "SITE PLAN REVIEW;"** TO ADOPT A NEW CHAPTER 22, ARTICLE IV, SECTION 22-58 "MAJOR AND MINOR SITE PLAN APPLICATION," ESTABLISHING NEW THRESHOLDS FOR SITE PLAN REVIEWS, CREATING MAJOR AND MINOR SITE PLAN REVIEW CLASSIFICATIONS, ESTABLISHING APPLICATION SUBMITTAL REQUIREMENTS FOR MAJOR SITE PLANS, CLARIFYING REVIEW PROCESSES BY THE TECHNICAL REVIEW COMMITTEE, PLANNING, BOARD AND CITY COMMISSION FOR MAJOR SITE PLANS, AND CREATING A NEW MINOR SITE PLAN REVIEW PROCESS AND ASSOCIATED APPLICATION REQUIREMENTS; TO AMEND THE FOLLOWING SUBSECTIONS OF CHAPTER 22, ARTICLE III, FOR CONSISTENCY WITH NEW THRESHOLDS OF SITE PLAN REVIEWS: SUBSECTION 22-27(C)(1) "MEDIUM DENSITY RESIDENTIAL ZONE (R-4)," SUBSECTION 22-27.1(C)(1) "HUTCHINSON ISLAND MEDIUM DENSITY RESIDENTIAL ZONE (R-4A)," SUBSECTION 22-28(C)(1) "HIGH DENSITY RESIDENTIAL ZONE (R-5)," SUBSECTION 22-29(C)(1) "OFFICE COMMERCIAL ZONE (C-1)," SUBSECTION 22-30(C)(1) "NEIGHBORHOOD COMMERCIAL ZONE (C-2)," SUBSECTION 22-31(C)(1) "GENERAL COMMERCIAL ZONE (C-3)," SUBSECTION 22-32(C)(2) "CENTRAL COMMERCIAL ZONE (C-4)," SUBSECTION 22-33(C)(1) "TOURIST COMMERCIAL ZONE (C-5)," SUBSECTION 22-33.1(C)(1) "MARINE COMMERCIAL ZONE (C-6)," SUBSECTION 22-34(C)(1) "LIGHT INDUSTRIAL ZONE (I-1)," SUBSECTION 22-34.1(C)(1) "HEAVY INDUSTRIAL ZONE (I-3)," SUBSECTION 22-35(D)(1) "MARINE INDUSTRIAL ZONE (I-2)," SUBSECTION 22-35.1(E)(1) "COMMERCIAL PARKWAY ZONE (CP-1)," SUBSECTION 22-36(C)(1) "GENERAL AND RECREATIONAL OPEN SPACE ZONE (OS-1);" 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 Ordinance 19-016 with original thresholds.

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

Passed

### 13. CITY COMMISSION

- a. Application for Consideration for Appointment to the Board of Examiners of Contractors

Applications received are attached, this item will come back in the form of a Resolution at the next meeting.

- b. Resolution 19-R20 Appointing members to the Sunrise Theatre Advisory Board

There are three openings for Fort Pierce Resident, and three openings for St. Lucie County Resident. City Clerk Linda Cox distributed ballots to the Commission. Individual ballots read out loud by City Clerk Linda Cox resulting in the following appointments:

City of Fort Pierce seat 1: Luke Crogan

City of Fort Pierce seat 2: Carlos Diaz

City of Fort Pierce seat 3: Julie Serra

St. Lucie County seat 1: Stanley Silver

St. Lucie County seat 2: Robert Bluestone

St. Lucie County seat 3: Anthony Layla

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Resolution 19-R20.

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

Passed

- c. WALK ON ITEM: Approval of Letter of Support for Manatee Observation and Education Center (MOEC) in their grant application to the Florida Arts Council.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve letter of support for Manatee Observation and Education Center (MOEC) for their grant application to the Florida Arts Council.

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

Passed

- d. WALK ON ITEM: Approval of Letter of Support for Heathcote Botanical Gardens in their grant application to the Florida Arts Council.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve letter of support for Heathcote Botanical Gardens for their grant application to the Florida Arts Council.

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

Passed

### 14. COMMENTS FROM THE PUBLIC

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

Susan Parry  
Janice Douglas  
Kathy Norton  
Priscilla Clancy  
Diana Voss

**15. COMMENTS FROM THE CITY MANAGER**

**16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander expressed concern with the recent dog issues and additionally. Commissioner Alexander would like a report of the incident from the compound.

Commissioner Perona would like to report that the St Lucie County Fire District Retired Member Recognition Program honored Commissioner Alexander for his tireless dedication and service. With regard to the recent dog issues, Commissioner Perona requests that the City Manager investigate and present a final report outlining the specific activities/actions of City of Fort Pierce Staff to determine if their actions were in accordance with the policies as set forth by this Commission; to determine if the Commission failed in some way; or, if new policies need to be set to prevent a reoccurrence from ever happening again.

Commissioner Sessions: With regard to the dog issues, the loss of life demands the need for a full investigation by the City of Fort Pierce. A review of what could have been done or should have been done and what had failed to be done needs to be defined. The Agency responsible is a Partner of the City of Fort Pierce and that makes the City of Fort Pierce responsible to investigate exactly what happened; to make sure it never happens again.

Commissioner Sessions also expressed concern about the recent alleged abuse of a dog in our community. While he understands the outcry for justice, this may not be the proper forum for the animal advocates to bring their concerns as it may fall under the jurisdiction of the State's Attorney Office to pursue criminal charges.

Commissioner Sessions acknowledged the great accomplishment of the Marine Clean-Up Initiative and the outpouring of support by the community for their efforts with the Moore's Creek Clean-up. This is a wonderful community event.

Commissioner Johnson: With regard to the dog issues, Commissioner Johnson echoes the concerns and need for answers expressed by the other Commissioners. Commissioner Johnson acknowledges there are many volunteers whose work is much appreciated, but regarding this incident, there remains unanswered questions.

Commissioner Johnson also would like to recognize and thank all those involved with the Moore's Creek Clean Up project and expressed his appreciation for the efforts to preserve a precious resource. He would also like to acknowledge our Public Works Crews for their efforts to make our city beautiful.

Commissioner Johnson recognized the start of the transition from the Tiki Bar to Crabby's. It's going to make a wonderful impact on the City of Fort Pierce. They propose to open in one year.

Mayor Hudson:

Mayor Hudson expressed her appreciation for the advocates that came forward to discuss the dog issues.

Groundbreaking began on the Marina project which is also part of the waterfront improvement and very exciting for the City of Fort Pierce.

Mayor Hudson expressed her appreciation for Ms. Voss and her volunteers for their efforts set forth with the Moore's Creek project.

**17. ADJOURNMENT**

There being no further business, Mayor Hudson declared the meeting adjourned at 8:04 PM

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER