

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 04, 2019.**

1. CALL TO ORDER

Mayor Hudson called the November 04, 2019 meeting to order at 6:30 PM.

2. OPENING PRAYER - Fr. John Liebler, Rector, St. Simon the Cyrenian

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
City Manager Nicholas Mimms
City Attorney Peter Sweeney

5. APPROVAL OF MINUTES

- a. Approval of minutes from the October 21, 2019 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve the Minutes from the October 21, 2019 regular meeting.

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

6. PROCLAMATIONS

- a. Census 2020 Awareness Day Proclamation being received by Robyn K. Cryer

7. LETTERS TO COMMISSION

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.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to remove at the request of the Applicant item 13a., approve and set the Agenda as amended.

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

10. MISCELLANEOUS REPORTS

- a. Presentation on City of Fort Pierce Recreation Activities

Mr. Mike Reals, Director of Public Works introduced the City of Fort Pierce Fire Hawks to the City Commission. Mr. Reals provided an overview of the history and accomplishments of the Fire Hawks Pop Warner program. For the 2019 season, they had 250 football players and 70 cheerleaders with ages ranging from five to sixteen years old. Pop Warner is an organization wherein the youth participants are required to maintain academic standards to play. Five teams advanced to post-season playoffs with two teams playing in the championship. Fire Hawks was the only St. Lucie County program to advance to the playoff and championship games. In addition, the Tiny Mites competed in the Royal Palm Beach Turkey Bowl, won three out of three games and have become the 2019 Turkey Bowl Champions. None of this could have been accomplished without the 65 volunteers who coach, organize and help the student athletes succeed with academics. Of the 11 programs that participate in the Treasure Coast Conference, the Fire Hawks player Royce Powell, 10 years old, was chosen as Youth Player of the Week and was recognized by the Miami Dolphins. Royce is a stellar athlete and an Honor Roll student at Creative Arts Academy of St. Lucie County. The Lady Hawks Cheerleaders competed in the Treasure Coast Football Conference Cheer Competition with three teams placing. There are more upcoming competitions in which the Lady Hawks will be participating.

11. CONSENT AGENDA

- a. Approve Blanket Purchase Orders for the Sunrise Theatre in the amount not to exceed \$135,000.
- b. Approve Blanket Purchase Orders over \$10,000, but not to exceed \$50,000 for the Sunrise Theatre.
- c. Approval of proposal from Beemats in the amount of \$105,600 for the annual harvesting, maintenance and replanting of the vegetative mats at Indian Hills Recreation Area.
- d. Approval to install holiday lighting at Marina Square by Lighting by Design, Wellington Florida in the amount of \$52,309.00 per year / three (3) years (156,927.00 total).

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve items 11a, 11b, 11c, and 11d.

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

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 19-043 - Text Amendments to Chapter 5 and Chapter 22, Clarifying Planning Department and Planning Director Titles. SECOND READING

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

ORDINANCE NO. 19-043

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, CLARIFYING THAT THE PLANNING DIRECTOR MAY GRANT A SETBACK VARIANCE FOR THE CONSTRUCTION OF A FALLOUT SHELTER; CHAPTER 22, ARTICLE IV, SECTION 22-59, CHAPTER 22, ARTICLE VIII, SECTION 22-109, SECTION 22-111, SECTION 22-112, & SECTION 22-117, AND ARTICLE XIV, SECTION 22-118, AMENDING THE TITLE OF THE PLANNING DIRECTOR AND NAME OF THE PLANNING DEPARTMENT; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 12a., Ordinance 19-043.

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

- b. Legislative Hearing - Ordinance 19-044 Amending Chapters 5, 11.5 and 22 specific to modifying the Board of Adjustment. SECOND READING

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

ORDINANCE NO. 19-044

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 5, ARTICLE IX, SECTION 5-303, TO CORRECT THE NAME OF THE BOARD OF ADJUSTMENT IN REFERENCE TO SETBACK VARIANCES FOR THE CONSTRUCTION OF FALLOUT SHELTERS; CHAPTER 11.5, ARTICLE I, SECTION 11.5-33, ADDING THE CITY COMMISSION AS AN ENTITY WHICH MAY NOT VARY DISTANCE RESTRICTIONS FOR ADULT ENTERTAINMENT USES; CHAPTER 22, ARTICLE IV, SECTION 22-59(D)(2)(IV), REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VII, SECTION 22-102.1, PERMITTING CITY COMMISSION THE ABILITY TO GRANT SPECIAL EXCEPTIONS FOR NONCONFORMING STRUCTURES AND ALLOWING FOR A MAJORITY VOTE OF EITHER THE BOARD OF ADJUSTMENT OR CITY COMMISSION TO APPROVE OR DISAPPROVE AN ENLARGEMENT OR ALTERATION OF A NONCONFORMING STRUCTURE AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VII, SECTION 22-105.1, PERMITTING CITY COMMISSION THE ABILITY TO ALLOW FOR THE USE OF A LOT FOR A DUPLEX AS A SPECIAL EXCEPTION; CHAPTER 22, ARTICLE VIII, SECTION 22-107, AUTHORIZING CITY COMMISSION TO GRANT OR DISAPPROVE VARIANCES, DELINEATING WHAT ACTIONS MAY BE TAKEN BY THE BOARD OF ADJUSTMENT AND CITY COMMISSION IN RELATION TO VARIANCES, NONCONFORMITIES OF USES AND/OR STRUCTURES, AND REVERSING DECISIONS OF THE PLANNING DIRECTOR, AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT OR CITY COMMISSION IN THEIR DECISIONS; CHAPTER 22, ARTICLE VIII, SECTION 109, SECTION 22-109(2), & SECTION 22-109(3), PERMITTING CITY COMMISSION TO GRANT VARIANCES FOR FLOOD HAZARD ZONE PROVISIONS, IDENTIFYING CONSIDERATIONS THE COMMISSION MAY UNDERTAKE IN SUCH DECISIONS, AND ALLOWING THE COMMISSION TO ATTACH CONDITIONS AS NECESSARY; CHAPTER 22, ARTICLE VIII, SECTION 22-110, PERMITTING CITY COMMISSION TO REQUEST ADDITIONAL INFORMATION OR PLANS WHEN DELIBERATING A VARIANCE REQUEST; CHAPTER 22, ARTICLE VIII, SECTION 22-111, REMOVING A REFERENCE TO A COURT OF RECORD ON APPLICATION FOR A STAY OF PROCEEDINGS ONCE A VARIANCE IS SOUGHT; CHAPTER 22, ARTICLE VIII, SECTION 22-112(C), CLARIFYING WHAT ACTIONS ON AN APPLICATION MAY BE TAKEN BY THE BOARD OF ADJUSTMENT; CHAPTER 22, ARTICLE VIII, SECTION 22-115, USING THE VERBIAGE OF "DISAPPROVED" VS. "DENIED" AND "FINAL" VS. "EARLIER" IN REFERENCE TO THE LIMITATIONS OF REFILEING AN APPLICATION; CHAPTER 22, ARTICLE VIII, SECTION 22-118, ADDING A NEW SECTION WHICH WOULD ALLOW FOR DECISIONS OF THE BOARD OF ADJUSTMENT TO BE APPEALED TO THE CITY COMMISSION AND DELINEATING THE PROCEDURES, DEADLINES, DATES, AND COSTS ASSOCIATED WITH SUCH APPEALS; CHAPTER 22, ARTICLE VIII, RENUMBERING RESERVED SECTIONS 22-118 THROUGH SECTION 22-124 TO SECTION 22-119 THROUGH SECTION 22-124; CHAPTER 22, ARTICLE X, SECTION 22-140, ALLOWING FOR APPEALS FROM RULINGS OF ONLY THE PLANNING DIRECTOR RATHER THAN FROM ADMINISTRATIVE OFFICERS, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," AND ALLOWING FOR A MAJORITY VOTE OF THE BOARD OF ADJUSTMENT TO DECIDE SUCH APPEALS; CHAPTER 22, ARTICLE X, SECTION 22-147, RESTRUCTURING THE BOARD OF ADJUSTMENT TO ALLOW FOR FIVE MEMBERS TO BE APPOINTED SINGULARLY BY EACH OF THE CITY COMMISSIONERS AND THE MAYOR, ELIMINATING THE TWO ALTERNATE POSITIONS ON THE BOARD, COORDINATING THE TERMS OF THE BOARD MEMBERS WITH THE TERMS OF THEIR RESPECTIVE APPOINTEES, AND ALLOWING FOR THE EXCUSING OF THREE CONSECUTIVE ABSENCES FROM REGULAR BOARD MEETINGS TO BE MADE WITHOUT A RESOLUTION; CHAPTER 22, ARTICLE XII, SECTION 22-182, REMOVING A SUPERFLUOUS REFERENCE TO THE BOARD OF ADJUSTMENT AND CLARIFYING THAT APPEALS OF DETERMINATIONS MADE BY THE PLANNING DIRECTOR SHALL BE SUBMITTED TO THE PLANNING DEPARTMENT; CHAPTER 22, ARTICLE XIV, SECTION 22-218, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," REMOVING A REFERENCE TO CITY COMMISSION ESTABLISHING A FEE FOR APPEALS RELATING TO CONCURRENCY ASSESSMENTS, AND CLARIFYING THE ROLE OF THE CITY, BOARD OF ADJUSTMENT, AND CITY COMMISSION PERTAINING TO APPEALS OF CONCURRENCY ASSESSMENTS; CHAPTER 22, ARTICLE XV, SECTION 22-310, USING THE VERBIAGE OF "DISAPPROVE" VS. "DENY," CORRECTING THE NAME OF THE BOARD OF ADJUSTMENT, AND ALLOWING CITY COMMISSION TO DECIDE UPON VARIANCES RELATING TO SIDEWALK CAFES AND OTHER SUPPLEMENTARY SIDEWALK REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve item 12b., Ordinance 19-044.

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

13. CITY COMMISSION

- a. Request for Release of Right of Reverter by Quit Claim Deed - Parcel ID No.: 1430-231-0001-000-1.

Item 13a has been removed from agenda at the request of the applicant.

- b. Resolution 19-R45 establishing the City of Fort Pierce Parking Committee

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

RESOLUTION NO. 19-R45

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE CITY OF FORT PIERCE PARKING COMMITTEE; RESPONSIBILITIES OF THE COMMITTEE, ELECTION OF PRESIDING OFFICER, MEETINGS, AND QUORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Nick Mimms, City Manager provided an overview of the resolution. This resolution will serve to formalize the current committee into a City Board. Mr. Mimms stated that the committee is currently comprised of Commissioner Perona, the City Manager, as well as a vast sample of the community that all provide input. At this point, it is time to formalize this committee because they are coming before the City Commission with recommendations. This resolution will establish a seven-member committee. The working group of this committee at times had thirty-plus members in attendance including staff, police, residents and business owners. This committee will mirror other City Boards and committees which have been recently formalized.

Commissioner Perona also gave some background into the establishment of the original committee. This committee was community driven and has come up with parking solutions that have been implemented. Commissioner Alexander discussed parking issues including citations and towing during large scale events. The parking committee has worked out solutions for future events in response to complaints and will serve as an advisory board to the City Commission.

City Attorney Peter Sweeney stated there are approximately two dozen advisory boards currently in the City of Fort Pierce and have many different structures. The more streamlined the Board is established, the less likely it will conflict with Sunshine Law. Attorney Sweeney recommends the board be established with an odd number of members and no alternates.

Mayor Hudson confirmed that members of the public can still participate in the committee meetings as they have previously done. Attorney Sweeney stated that by formalizing this committee, there will be public notice requirements and minutes which will be taken, both benefits to having a formalized committee. Commissioner Perona suggested that a member of the City Commission remain on this Parking Committee.

Discussion continued regarding the technical details for establishment. An amendment to the proposed resolution wording in Section 2(a)(4) should include "a City Commissioner shall be appointed as ex-officio, non-voting member".

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve item 13b., Resolution R19-045 as amended.

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

- c. Resolution 19-R46 appointing Commission Alternates to the Civil Service Appeals Board.

RESOLUTION NO. 19-R46

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF MEMBERS TO THE CIVIL SERVICE APPEALS BOARD; PROVIDING FOR AN EFFECTIVE DATE.

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

Each Commission member was given a weighted ballot to choose two alternate members. The results are as follows:

Commissioner Alexander – Frank Amandro, Charlene Neuman
Commissioner Johnson – Ellen Gillette, Frank Amandro
Commissioner Perona – Frank Amandro, Michel Dahan
Commissioner Sessions – Donna Coe, Charlene Neuman
Mayor Hudson – Michel Dahan, Frank Amandro

By vote tally, Frank Amandro and Michel Dahan have been appointed as alternate members of the Civil Service Appeals Board.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve item 13c., Resolution 19-R46.

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

Passed

- d. Resolution 19-R47 establishing a Food for Fines Program for the City of Fort Pierce.

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

RESOLUTION NO. 19-R47

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA APPROVING A PROGRAM TO BE KNOWN AS "FOOD FOR FINES"; ALLOWING FOR PAYMENT OF CERTAIN PARKING CITATIONS, OR PORTION THEREOF, TO BE PAID WITH DONATIONS OF CANNED FOOD OR NON-PERISHABLE FOOD ITEMS AND PROVIDING FOR EFFECTIVE DATES.

Mr. Nick Mimms, City Manager introduced Ms. Peggy Arriaz, Code Enforcement Manager to give a brief overview of the program.

Ms. Arriaz gave a background of the Food for Fines program which was a success last year. The recommendation is that the program run from November 11, 2019 through December 31, 2019. In lieu of paying with money, tickets can be paid via canned goods at the rate of \$2.00 credit for each can of food donated. The food will be given to the Treasure Coast Food Bank. Last year, just over 700 pounds of food was collected. The goal this year is to reach 1,000 pounds of donated food. Mr. Mimms stated that due to the overwhelming success of this program, other well deserving organizations may be added to the beneficiary list in the future. This program is for parking tickets only and not other types of fines. Tickets with vouchers are distributed by both Code Enforcement and the Police Department.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve item 13d., Resolution 19-R47.

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.

Rick Reed

15. COMMENTS FROM THE CITY MANAGER

Mr. Nick Mimms, City Manager stated that within his Purchase Order Reports there are allocations for EDC, Chamber of Commerce as well as nuisance abatement and lot clearing. Within the City Manager's Report, the Moore's Creek Boat Ramp has been completed. Also, the Melody Lane Seawall construction has commenced and will continue until March, 2020.

On Tuesday, November 12, 2019, the Conference Agenda will be held. The Sunrise Theatre update and Sunrise Theatre Advisory Board will be on the agenda. At 2:00 PM on November 12, the Fort Pierce Redevelopment Agency will have King Plant property development agreement update will be provided. Also, the FPRA will be declaring property surplus; 1134-1138 Avenue D; and, the potential sale of voluntary clean-up tax credits on the open market.

- a. Reports

16. COMMENTS FROM THE COMMISSION

Commissioner Sessions inquired as to the Arcade Parking Lot status. Mr. Mimms stated that the parking lot on the northwest corner of US 1 and Avenue A had a three-party agreement between the FPRA, the Brackett Limited Family Partnership and the Notre Dame Catholic Mission. There was a period that the parking lot could be used by the public and was maintained by the City of Fort Pierce and FPRA. After numerous attempts to reach out, The Brackett Limited Family Partnership has decided not to move forward with the City of Fort Pierce and FPRA for a parking agreement and have subsequently sold their properties to another party which includes that parking lot. The parking lot lease expired approximately one year ago. The public only uses this lot two to three times per year for extremely large downtown events. The lot is currently used by the Arcade customers, a law office and a church. Commissioner Sessions would like the Parking Committee to reach out to the new owners regarding use of the parking lot. Commissioner Alexander will reach out to the new owner. Commissioner Sessions also discussed the recent shooting events within the city limits and expressed great concern about two locations on Avenue D where this type of activity is occurring. These after-hours businesses need to be shut down for the safety of the public.

Commissioner Alexander would like to know why there are no mats in the water at Moore's Creek like at the golf course. Commissioner Alexander is concerned about the water quality of Moore's Creek which receives the runoff from the roads in Fort Pierce which then runs into the lagoon.

Commissioner Johnson attended the Treasure Coast Regional Planning Committee's joint meeting with South Florida Regional Planning. The presentations were informative and in line with Fort Pierce issues. Affordable housing issues were discussed. Some components would benefit our city and Commissioner Johnson will discuss these with staff. Virgin Trains was also discussed at the meeting. Virgin Trains still views Fort Pierce as a potential location along with other cities along the coast. Biosolids was a big issue at the meeting, biosolids being wastewater sludge. The future of municipal treatment plants was discussed along with proposed legislation addressing this issue. There are locations in the Midwest that need the phosphates and nitrates which we currently process, separate and distribute out west and land apply. Mayor Hudson mentioned that biosolids are on the FPUA agenda for the November 05, 2019 meeting and that there will be a presentation. There is a Moore's Creek cleanup scheduled for November 16, 2019.

Mayor Hudson mentioned that Paychecks for Patriots will be held on November 07, 2019 at the River Walk; this event is a job fair for Veterans. On November 09, 2019 is the Jessica Clinton free heart screening for children at the Department of Health. The screening is free for school aged children and is done by pediatric cardiologists. The screening is not done as part of normal school medical screening. If a problem is discovered with a child, all treatment is provided for free. Also, on the FPUA agenda for the November 05, 2019 meeting is the proposal to reduce PCA by another two dollars. On November 11, 2019, Veteran's Day, 11:00 am will be a ceremony honoring the Veterans.

17. ADJOURNMENT

Mayor Linda Hudson adjourned the meeting at 8:03 pm.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER