

DRAFT

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 TUESDAY, **JANUARY 21, 2020.**

1. CALL TO ORDER

Mayor Hudson called the January 21, 2020 Regular Meeting of the City Commission to order at 6:30 PM.

2. OPENING PRAYER - Pastor Craig Bridgers, The Crossing Community Church

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the Minutes from the January 06, 2020 regular meeting.

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

- a. Approval of Minutes from January 06, 2020 Regular Meeting

6. PROCLAMATIONS

There were no Proclamations presented.

7. LETTERS TO COMMISSION

- a. Letter from Matthew Samuel, District 35N Disaster Relief Chair, Fort Pierce Lions Club, expressing their gratefulness for the use of the building at 125 Fisherman's Wharf during their relief supplies collection drive for the Bahamas.
- b. Email from Vern Meyer in acknowledgement and appreciation of the professional manner with which Police Department staff came to his 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.

Mike Jones – Item 10c.
Susan Parry – Item 10c.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve and set the Agenda.

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

Passed

10. MISCELLANEOUS REPORTS

a. Preliminary Fourth Quarter Financial Report

Johnna Morris, Finance Director presented the preliminary Fourth Quarter Finance Report for the fiscal year ending September 30, 2019. Ms. Morris began the presentation with the Fund Evaluation Report. The only two funds underperforming are the Golf Course and Sunrise Theatre. Regarding the General Fund, some areas outperformed expectations such as the Ad Valorem Tax, Local Option Gas Tax, and the Utility Tax, and Interest on Investments. Regarding expenditures, there was an increase in the property and casualty insurance as a result of industry-wide increases due to disaster relief claims. In March there will be an RFP for rates to make sure we are getting the best option available.

b. Monthly Financial Report for the Month Ending November 30, 2019

Ms. Morris presented information regarding the Monthly Financial Report for the month ending November 30, 2019. This presentation included the Fund Evaluation Report, General Fund revenue, and expenditures, Special Revenue Funds, Grant Administration, SHIP, Enterprise Funds which include Marina, Solid Waste, Golf Course, Sunrise Theatre, Building, and Stormwater.

The Commission inquired as to the status of the Golf Course. Mr. Mimms will provide an update at the upcoming Conference Agenda which will allow a discussion of how to address issues raised.

c. Update on Animal Shelter Activities

Mr. Mimms introduced Peggy Arriaz, Code Compliance Manager and Mike Reals, Public Works Director who will give a presentation regarding the Animal Shelter Activities.

Ms. Peggy Arriaz and Mr. Mike Reals provided three updates during the presentation: the RFP; temporary animal shelter; and, updates to the current status of the renovations at the Savannah Road shelter location.

The RFP was issued on October 24, 2019. On November 09, 2019, the City of Fort Pierce took possession of the animal shelter facility on Savannah Road. Bids were due on December 12, 2019, and only one bid was submitted. On January 09, 2020, Purchasing Department recommended rejecting the submission due to failure to adhere to the scope of work and recommended rebidding with revised specifications. Ms. Arriaz clarified that the one bid received failed at the Purchasing Department level because it did not meet all the criteria; therefore, a Committee was not formed for review. Based upon feedback from organizations that did not bid on the project, the new RFP will be revised to be more specific to the Savannah Road location and take out verbiage that would normally be part of the contract phase. The original bidder is welcome to re-submit under the new RFP.

Regarding the Temporary Animal Shelter, the City of Fort Pierce has an Inter-local Agreement with St. Lucie County for use of the Temporary Animal Shelter through March 31, 2020. Port St. Lucie continues to utilize the shelter and participate in the Inter-local Agreement. The facility is managed by St. Lucie County Animal Safety, Services and Protection Division. The shelter has been operating at or near "no-kill" status.

Port St. Lucie has entered into an agreement with the Humane Society of St. Lucie County and will utilize the Glades Road facility only. They will no longer be a part of the Savannah Road facility.

Regarding the Savannah Road facility, since taking possession on November 09, 2019, the buildings were exterminated for bugs and rodents. The exterminator is on contract to maintain the traps monthly. An asset inventory was completed and given to Finance. The initial assessment of the facility was conducted to determine the most critical areas which need to be addressed. A plan to remove, repair or replace has been implemented. Mike Reals, Director of Public Works indicated the work that needs to be done is not currently budgeted. All salvageable materials were removed by Animal Control and St. Lucie County work crews for use by Fort Pierce Animal Control or at the Temporary Animal Shelter. The same work crews assisted with the removal of carpets, paneling, damaged or unusable furniture. This removal work is ongoing. Animal Control staff recommends the removal of all rusted chain links in the dog runs for the safety of the animals, staff, and volunteers. Staff

also recommends the removal of the ceiling and wall insulation due to water damage, insect and rodent infestation, and smell. Repairs that are needed include, but are not limited to repairing concrete in dog runs which are spalling and cracking; screen replacement in all screened enclosures, mold and water damage mitigation; repair missing bathroom facility; drywall repair; paint, and removal and replacement of flooring for repairs to damage. Ms. Arriaz included photographic evidence of the damage which requires repair and/or replacement.

Replacement priorities include but are not limited to electrical service throughout the facility including outlets and light fixtures; plumbing throughout the facility including underground cast-iron pipes; HVAC system throughout the facility; fire alarm system throughout the facility; all doors; siding.

Staff recommends negotiating with St. Lucie County to extend the Interlocal Agreement by ninety (90) days to allow for the full repair and replacement of the electric, plumbing, and HVAC systems throughout the facility.

The initial estimate for repairing/replacing the mechanical, electrical and plumbing (MEP) issues with the ceiling is \$125,000.00. The initial estimate of completing the renovation to minimum standards including the aforementioned MEP is approximately \$200,000.00 - \$250,000.00. The estimate for installing a temporary office for three months, including setup and removal, is \$9,500.00. The estimate for providing a temporary animal shelter while the upgrades are being performed is approximately \$40,000.00. The estimate to bring the facility up to the "best practices" standard will be greater than the \$200,000.00 to \$250,000.00 minimum standard and will depend on the level of improvement. These costs provided are rough estimates. The final costs will be determined after the bid process is complete. There is a possibility of reducing the costs by soliciting donations and assistance from the community. St. Lucie County has offered labor and financial assistance in exchange for vested interest and being a permanent partner.

Mr. Mimms will continue to provide updates as they are available on the status of this facility.

11. CONSENT AGENDA

- a. Approve letters to Senator Gayle Harrell and Representative Delores Hogan Johnson opposing HB 653 which would prohibit municipal electric utilities from using specified revenues to finance general government functions.
- b. Approve award of Bid No. 2019-024, North 17th Street Roadway Improvements (Orange Avenue to Avenue D) Construction contract to PAV-CO Contracting, Inc, Stuart, FL, in an amount not to exceed \$1,701,756.80.
- c. Approve Contractual Agreement for Main Street Fort Pierce to receive funding through Community Development Block Grant funds as approved in the 2019-2020 CDBG Action Plan in the total amount of \$50,000.
- d. Approve Contractual Agreement for Lincoln Park Main Street to receive funding through Community Development Block Grant funds as approved in the 2019-2020 CDBG Action Plan in the total amount of \$50,000.
- e. Approve request to reduce Building Department lien in the amount of \$33,760.00 against 1222 Avenue G, Fort Pierce, FL 34950 - Parcel ID Number 2404-442-0011-000/4, owned by McNair Empire LLC, 5259 NW South Lovett Circle, Port St. Lucie, FL 34986 with Jamie McNair, Registered Agent, to \$1,500.00.
- f. Approve request to reduce Building Department lien in the amount of \$22,050.00 against 3607 Oleander Avenue, Ft. Pierce, FL 34982 - Parcel ID Number 2433-114-0003-000/7 owned by House of Believers, Inc., 3607 Oleander Avenue, Ft. Pierce, FL 34982 to \$750.00 payable in 60 days.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve items 11a, 11b, 11c, 11d, 11e, and 11f.

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

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval for an application for Conditional Use with No New Construction submitted by property owners Douglas & Elizabeth Andrews to establish a Dwelling Rental, offering lodging for less than six (6) months; with a minimum of thirty-one (31) days at 1180 Carlton Court, Unit 102A, Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential Zone (R-4A), Parcel ID: 2401-620-0002-000-5.

Mayor Linda 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 City Commission that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the commission engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the commission applies those laws and policies and is held to stricter procedural requirements.

Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal commission meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence.

Therefore, Commissioners have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the commission has established the uniform procedures for quasi-judicial hearings that will be followed this evening.

Mayor Linda 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 and asked City Clerk to call the roll:

Commissioner Alexander - none.

Commissioner Johnson - none.

Commissioner Perona - none.

Commissioner Sessions - none.

Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

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.

Staff Presentation: Mr. Vennis Gilmore, Planning Analyst provided an overview of the application for Conditional Use with No New Construction submitted by the property owners to establish a dwelling rental at 1180 Carlton Court, Unit 102A, Fort Pierce, Florida. Mr. Gilmore provided location maps as well as a zoning map which indicates the property is zoned R-4A which is Hutchinson Island Medium Density. The future land use is HIR which is Hutchinson Island Residential. Staff recommends approval subject to six (6) conditions:

1. The property manager for the dwelling rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within 30 days of Conditional Use approval.
4. There shall be a limitation of no more than no two (2) vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.

The synopsis for recommendation is based on Ordinance K-114 passed in 2001; Florida Legislature – 2011 which prohibits cities from denying short term rental rights and conditional uses are allowed; there are no City of Fort Pierce Code Enforcement or Fort Pierce Police

Department current violations; and, the Conditions of Approval are being added to protect the neighborhood. One hundred sixty-three (163) notifications were mailed to adjacent property owners. Eighteen (18) were in favor and sixteen (16) were opposed.

Commission questions for Staff: The Commission inquired as to how the designated property manager registers with the City of Fort Pierce. City Clerk Linda Cox clarified that the property manager registers as part of the Business Tax Receipt process.

Applicant presentation: Applicant Douglas Andrews, sworn was present. Mr. Andrews had no questions for Staff.

Public comment: None

Mayor Hudson seeing no one, closed the hearing for public comment.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12a, the application for Conditional Use with No New Construction for 1180 Carlton Court, Unit 102A, Fort Pierce subject to six (6) conditions:

1. The property manager for the dwelling rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within 30 days of Conditional Use approval.
4. There shall be a limitation of no more than no two (2) vehicles at the site.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.
6. The maximum occupancy of the home shall ensure compliance with City Code Section 8.5-43. - Required space in dwelling units, based upon the size of each unit.

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

- b. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owner Faye Owens and Applicant Tekeyshia Owens to operate a Daycare, at 1504 Avenue F, Fort Pierce, FL. The property is zoned Medium Density Residential Zone (R-4), Parcel ID: 2404-817-0036-000-5.

Mayor Hudson called the public hearing to order and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - yes.
Commissioner Johnson - none.
Commissioner Perona - none.
Commissioner Sessions - none.
Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

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.

Staff Presentation: Rebeca Guerra, Assistant Planning Director provided an overview of the application for Conditional Use with No New Construction submitted by the property owner, Faye Owens and Applicant Tekeyshia Owens to operate a Daycare at 1504 Avenue F, Fort Pierce, Florida. Ms. Guerra provided site plan and zoning maps. The property has a future land use designation of medium density residential and has a zoning designation of R-4. Seventy notifications were mailed to property owners within five hundred (500) feet. Two (2)

were in favor and zero (0) were opposed. The request is consistent with the City of Fort Pierce Code and Comprehensive Plan; does not adversely affect the public health, safety, convenience and general welfare of the public; a Conditional Use for this property was granted in 2012 for the same requested use, and the Planning Board voted 5-0 to recommend approval. Staff recommends approval with one (1) condition: The applicant provides an update to the lighting proposal that was provided with the 2012 Conditional Use application or provide verification that lighting was installed with the approved building permit in accordance with City Code 22-60(j)(1)(a). The subject condition verification is required prior to the issuance of the Business Tax Receipt for the daycare.

Commission questions for Staff: The Commission inquired about the lighting condition update. Ms. Guerra stated that the minimum requirement for lighting is a 2.1 illumination which was required on the 2012 building permit application. The applicant will need to show proof from a lighting expert that the current lighting meets this standard.

Applicant's Presentation: Applicant Tekeyshia Owens, sworn, was present. Ms. Owens had no questions for Staff.

Public comment: none.

Mayor Hudson seeing no one, closed the public hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve item 12b, the application for Conditional Use with No New Construction for 1504 Avenue F, Fort Pierce subject to one (1) condition:

1. The applicant must provide an update to the lighting proposal that was provided with the 2012 Conditional Use application or provide verification that lighting was installed with the approved building permit in accordance with City Code 22-60(j)(1)(a). The subject condition verification is required prior to the issuance of the Business Tax Receipt for the daycare.

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

- c. Quasi-Judicial Hearing - Application for Conditional Use with New Construction and Design Review submitted by property owner St. Peter Evangelical Lutheran and Applicant Southcrest Management to construct and operate a Charter School, at 2900 South Jenkins Road, Fort Pierce, FL. The property is zoned Single Family Intermediate Density (R-2), Parcel ID: 2419-333-0001-000-2.

Mayor Hudson called the public hearing to order and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

City Clerk, Linda Cox, confirmed the City complied with advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Alexander - yes.
Commissioner Johnson - yes.
Commissioner Perona - none.
Commissioner Sessions - yes.
Mayor Hudson - none.

Mayor Linda Hudson opened the public hearing.

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.

Staff Presentation: Rebeca Guerra, Assistant Planning Director, provided an overview of the Conditional Use with New Construction, Development and Design Review for a K-8 school at 2900 South Jenkins Road, Fort Pierce, Florida. Ms. Guerra provided a Site Map, Future Land Use Map, Site Plan and Zoning Map for the subject property. The proposed development is for the construction and operation of a charter school which will have no more

than 370 students. This proposal is consistent with the City Code and Comprehensive Plan; and, does not adversely affect the public health, safety, convenience and general welfare of the public. A Conditional Use is required for all schools. The Planning Board voted 5-0 to approve the request as presented. Thirteen (13) notifications were sent to property owners within five hundred (500) feet of the subject property. Returns were one in favor and one opposed. Staff recommends approval with three (3) conditions:

1. The applicant shall construct off-site improvements including, but not limited to, left-hand and right-hand turn lanes into the site and any additional improvements deemed necessary by the Traffic Review. All off-site improvements within the right-of-way shall be permitted and bonded through St. Lucie County.
2. The applicant has agreed to dedicate seven (7) feet of right-of-way along South Jenkins Road. The right-of-way shall be conveyed to the County within 90 days of the site plan approval or prior to the issuance of the first building permit, whichever comes first.
3. A Landscape Bond pursuant to City Code 22-180 shall be required before the final Certificate of Occupancy is approved for the site.

Commission questions for Staff: The Commission requested clarification regarding the turning movements. As part of the application process, the applicant was required to provide a Traffic Impact Statement. The Traffic Impact Statement was submitted to St. Lucie County for review who in turn sent it to a third party for review. The Commission inquired as to the County's basis for approval. Ms. Guerra clarified that the County's approval only pertains to the right-of-way.

Applicant Presentation: Mr. David Gelalia, sworn of KPM Franklin, Civil Engineers was present on behalf of the Applicant. Mr. Gelalia would like to correct the presentation by Staff about the number of students. The correct amount is 570 students. Mr. Gelalia had no questions for Staff. Mr. Gelalia would like to thank Staff for their support with this project. He is available to answer any questions which may arise.

Mr. Ayman Saidi, sworn, Director of Engineering with Traffic & Mobility was present on behalf of the Applicant. Traffic & Mobility has provided the Traffic Impact Analysis for this project which was submitted to the City of Fort Pierce and St. Lucie County for review. St. Lucie County provided some comments which were incorporated, and a revised Traffic Impact Analysis was submitted. The results showed a need for a right-turn lane and left-turn lane at the entrance to the site on Jenkins Road; and, improvement to the intersection of Edwards and Selvitz. The analysis shows the future condition of the intersection of Edwards and Selvitz, without the school, will be failing. By adding a right-turn lane and adjusting the timing of the light, it would create an acceptable level of service. The school was not the cause of this failure. The school will only be adding 6.3% of the total traffic that will impact that intersection.

Mayor Hudson opened the hearing for public comment.

Pastor Ted Rice, sworn – Supports application.
Sandy Krischke, sworn – Supports application
Maria Kunisch, sworn – Supports application
Courtney Purnell, sworn – Supports application
Brenda MacMenamin, sworn – Supports application
John Lloyd, sworn – Supports application
Ron McCaskill, sworn – Supports application
Mark Ekzar, sworn – Supports application

Commission inquired if enrollment will be income-based. The school will be offered to all demographics and will attempt to mirror the demographics of the County. The Charter for the school has been completed and approved.

Commission discussed the addition of County conditions requiring off-site improvements. Mr. Ekzar, the construction contractor for the school, is concerned about the financial impact on the project regarding off-site improvements that are a distance away from the actual building site. Ms. Guerra said the condition for off-site improvements include but are not limited to the improvement at the intersection of Edwards and Selvitz. This requirement was imposed by the County because it is a County road. Mr. Ekzar is concerned that the requirement is imposed on this project to upgrade an already failing intersection. Jennifer Hofmeister further explained that the County has imposed the condition and it is outside the jurisdiction of the City of Fort Pierce. Commissioner Session inquired when this condition was imposed. This condition was not part of the Planning Board Approval. It was imposed between the Planning Board Meeting and today's hearing.

Mayor Hudson closed the public hearing for public comments.

Commissioner Johnson inquired about the new conditions received today. Jennifer Hofmeister confirmed that today she received additional conditions from the third-party consultant hired by the St. Lucie County. The County staff requested the revision to conditions. Prior to today, no comments had been received by the City of Fort Pierce from the third-party consultant. Jack Andrews has not reviewed the conditions but has reservations regarding an applicant having to improve an intersection located two miles away from the proposed development site where a right-turn lane is not going to benefit this project. Another site development that was approved is located closer to this intersection did not have this improvement requirement. The Commission further discussed the blanket language regarding off-site improvements being permitted and bonded through St. Lucie County. This is the standard language used when a project is located on a County road. Jennifer Hofmeister suggested removing the language "...and any additional improvement deemed necessary by the Traffic Review". The bottom line is the County will have the final say because they will be the entity to permit and bond this project within the right of way. Commissioners expressed disappointment with the County's actions and want to send a message.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Item 12c. Application for Conditional Use with New Construction and Design Review to construct and operate a Charter School at 2900 South Jenkins Road subject to three (3) conditions:

1. The applicant shall construct off-site improvements including, but not limited to, left-hand and right-hand turn lanes into the site and any additional improvements deemed necessary by the Traffic Review. All off-site improvements within the right-of-way shall be permitted and bonded through St. Lucie County.
2. The applicant has agreed to dedicate seven (7) feet of right-of-way along South Jenkins Road. The right-of-way shall be conveyed to the County within 90 days of the site plan approval or prior to the issuance of the first building permit, whichever comes first.
3. A Landscape Bond pursuant to City Code 22-180 shall be required before the final Certificate of Occupancy is approved for the site.

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

- d. Legislative Hearing - Ordinance No. 20-001 amending Chapter 2 - Administration, Article XIII - Municipal Code Enforcement. FIRST READING

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

ORDINANCE NO. 20-001

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 2 - ADMINISTRATION, ARTICLE XIII – MUNICIPAL CODE ENFORCEMENT; AMENDING SECTION 2-244 – ENFORCEMENT PROCEDURE TO REFERENCE STATE STATUTE 162; DELETING SECTION 2-247 – ADMINISTRATIVE FINES; LIENS; DELETING SECTION 2-248 – DURATION OF LIEN; DELETING SECTION 2-249 – APPEALS; DELETING SECTION 2-250 – NOTICES; RE-NUMBERING SECTION 2-251 PROVISIONS OF ARTICLE SUPPLEMENTAL; AMENDING CHAPTER 2, ARTICLE XIII.5 – SUPPLEMENTAL MUNICIPAL CODE ENFORCEMENT PROCEDURES; AMENDING SECTION 2-260 (B) CLASSES OF VIOLATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Peggy Arriaz, Code Compliance Manager provided an overview of the proposed amendment to the Ordinance. The amendments to Chapter 2, Section 244 will be to remove the wording and replace it with " *All enforcement procedures and proceedings shall comply with Chapter 162, Florida Statutes as amended*". Code Enforcement will be following Florida Statutes. The change to Section 2-260 regarding Classes of Violations makes all Ordinances a Class I violation unless listed on the chart. Adult Entertainment is the only addition to the chart and will be a Class III violation. There is also a clerical correction on the chart to a chapter for Sea Turtle Lighting. The remaining changes are clerical in nature.

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 Ordinance 20-001.

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

- e. Legislative Hearing - Ordinance No. 20-002 amending Chapter 12 Parks, Recreation and Special Events, Article I - General, Section 12-101 Enforcement and Penalties. FIRST READING

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

ORDINANCE NO. 20-002

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 12 PARKS, RECREATION AND SPECIAL EVENTS, ARTICLE I - GENERAL, SECTION 12-101 ENFORCEMENT AND PENALTIES BY AMENDING THE TITLE AND THE ENFORCEMENT AUTHORITY, PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Ms. Peggy Arriaz, Code Compliance Manager provided an overview of the proposed amendment to the Ordinance. When the Ordinance was previously amended, it did not allow for Code Enforcement to enforce the Ordinances of Chapter 12, only the Police Department. This amendment will allow Code Enforcement to enforce the violations of Chapter 12 in addition to the Police Department.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Ordinance 20-002.

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

13. CITY COMMISSION

- a. Resolution No. 20-R04 appointing Charlie Hayek as Mayor Hudson's appointee on the Board of Adjustment.

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

RESOLUTION NO. 20-R04

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE BOARD OF ADJUSTMENT, PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Resolution 20-R04 and appoint Mr. Charlie Hayek as Mayor Hudson's appointee on the Board of Adjustment.

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

- b. Resolution No. 20-R05 Appointing Solomon Lee to the Planning Board as Commissioner Sessions' appointee.

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

RESOLUTION NO. 20-R05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 20-R05 and appoint Mr. Solomon Lee as Commissioner Sessions' appointee to the Planning Board.

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

- c. Resolution No. 20-R06 determining that the structure located at 2607 Avenue D is unsafe and should be condemned and demolished. A hearing to determine this matter is scheduled before the City Commission on February 18, 2020.

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

RESOLUTION NO. 20-R06

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 2607 AVENUE D IN FORT PIERCE, FLORIDA, 34946 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 BE 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 FEBRUARY 18, 2020 AT 6:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 20-R206.

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

- d. Resolution No. 20-R07 Establishing the City of Fort Pierce 2020 Census Complete Count Committee.

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

RESOLUTION NO. 20-R07

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE CITY OF FORT PIERCE 2020 CENSUS COMPLETE COUNT COMMITTEE; RESPONSIBILITIES OF THE COMMITTEE, ELECTION OF PRESIDING OFFICER, MEETINGS, AND QUORUM; AND PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Resolution 20-R207.

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

- e. Submittal of applications for Fort Pierce Youth Council

Mr. Mimms provided a brief overview of the formation of the Fort Pierce Youth Council. Mr. Joe Sweat, Marketing Specialist, has been working to recruit high school-aged applicants for the newly formed Fort Pierce Youth Council. Mr. Sweat stated we have received six (6) applications; three for youth within the City limits, and three located just outside the City limits. Recruitment has been done through social media, radio advertisements, and through the schools. Mr. Mimms asked the City Commission if they should continue to seek candidates who reside in the city limits or can the search include students of Fort Pierce Schools who may live outside the city limits. The Commission suggested to keep searching for candidates within the city limits. The program participants will earn community service hours. The search will continue under the current guidelines and will be reviewed at the next City Commission Meeting.

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.

Kristin Murray

15. COMMENTS FROM THE CITY MANAGER

Mr. Mimms wishes to remind the Commission about a few dates: January 28, 2020 is the first stand-alone meeting of the FPRA and the agenda will include CRA Plan update; CRA recommendations will be brought forth; a report on Fisherman's Warf and development of that area; The Oaks at Moore's Creek phase II; residential development may be discussed; tax certificate purchase agreement; economic development strategies; updates on Sunrise Theatre activities, King's Landing, Lindsey School of Arts; resource officers for C.A. Moore and Dan McCarty schools; redevelopment of the 1100 block on Avenue D; and an update on FPRA financials. January 31, 2020 will be a full-day Strategic Planning Seminar.

City Attorney Peter Sweeney has no report.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander has no comments.

Commissioner Perona commented that he too lived in the on Indian River Drive. At that time speeding was also an issue. Mr. Mimms commented that police officers have been positioned on Indian River Drive. He feels physical impediments will be the only effective solution to slowing down the traffic on this road. Commissioner Perona requested Chief Hogley-Burney review the situation and bring a proposal before the Commission. Mr. Mimms suggested the City Engineer be involved in the process. Commissioner Perona will be away at the Florida Public Pension Trust training at the same time as the FPRA. He is working with Mr. Mimms on issues that will be on the agenda.

Commissioner Sessions has no comments.

Commissioner Johnson commented that the Indian River Drive Freeholders Association just had their annual meeting. They have been engaged in discussions regarding the traffic speed for this location.

Mayor Hudson commented that a good time was had by all at the Parade. Mayor Hudson extended her appreciation to the Fort Pierce Police Department and Fort Pierce Public Works for all of their hard work in making this a wonderful family event.

17. ADJOURNMENT

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

Mayor Hudson adjourned the meeting at 10:04 PM.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER