

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, **AUGUST 03, 2020.**

**1. CALL TO ORDER**

Mayor Hudson called the August 03, 2020 Regular Meeting of the City Commission to order at 6:30 PM.

**2. OPENING PRAYER - Pastor Dr. Pauline Williams, St. Paul AME 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

Commissioner Alexander was present by telephone conference call.

**5. APPROVAL OF MINUTES**

- a. Approval of Minutes from the July 20, 2020 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson, to approve the minutes from the July 20, 2020 Regular Meeting.

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

Passed

**6. PROCLAMATIONS**

**7. LETTERS TO COMMISSION**

- a. Email from Dodi Spence in appreciation of Police Officers McNeal and Anton's excellent service when assisting her sister.
- b. Social media posts in recognition of Solid Waste Driver Latosha German's efficient, excellent hard work.

**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.

None.

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

Commissioner Sessions has requested a discussion regarding a Navy SEAL Museum incident to be added to the agenda.

Commissioner Perona would like more information regarding this topic other than news reports or social media posts before discussing it.

Commissioner Johnson would also like more information regarding this topic. Commissioner Johnson also inquired about Item 13d which has no backup information or attachments. This matter was discussed at length at previous City Commission meetings and inquired if there is additional information that is being brought forth for discussion.

Mayor Hudson reminded the Commission that the Agenda is very full this evening and was made aware of the Navy SEAL Museum incident today. She suggested that this item be discussed at a Conference Agenda meeting after obtaining facts; or, Commissioner Sessions could discuss this item during the Comments from Commissioners.

Commissioner Sessions stated this item is vital for the Commission to address and it requires immediate

attention. Commissioner Sessions would like to have the initial discussion followed by direction for staff so that it may be discussed during a future meeting.

Commissioner Alexander commented that a decision or direction to staff cannot be made during the Comments for the Commission and that is why it should be added under City Commission business.

Commissioner Johnson stated that the body cam issue and the Fort Pierce Police Department issue have been discussed extensively and can be discussed again tonight; however, he nor the public have had a chance to review a proposed ordinance or terms and this should not be discussed during the business portion of the meeting but during Commission discussion.

Commissioner Perona cannot recall a situation like this before. If a Commissioner has something important enough to bring forward, the City Commission should discuss it. The process should be one of factual information and not perception. The responsibility is to lead this dais with discussion, process and decisions that are based on fact. These two items do not have enough supportive information to decide or give direction tonight.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander, to add an Item for discussion regarding the Navy SEAL Museum to the Agenda.

AYE: Commissioner Rufus Alexander, Commissioner Reginald Sessions

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

Failed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson, to amend the Agenda and remove Item 13d.

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

Passed

Commissioner Sessions stated there is a policy for the police bodycam procedure that pertains to reports involving body-worn cameras, and he will request copies of the last two months for any reports submitted. Commissioner Sessions intends to bring this matter back to the City Commission for discussion.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson, to 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. Discussion and direction regarding the future of the city's scooter share program following a 12-month pilot.

Mr. Mimms introduced representatives from Superpedestrian which is the firm that has taken over the administration and operational duties from the original vendor, Zagster. Approximately one year ago, Zagster presented to the City Commission a concept that involved recreation and transportation in the form of micro-mobility which would be run as a pilot program and would be reviewed after one year by the City Commission. Superpedestrian representatives are here to discuss the continuation of the program and address concerns of residents. At the conclusion of the presentation, the City Commission will have the option to move forward with the micro-mobility program through a RFP process or, terminate the program.

Superpedestrian representatives, Mr. Torrod Jackson, Operations Manager, was present along with Adam Greenstein, Government Partnerships Manager, who was present by telephone. Mr. Greenstein presented slides which provided an overview of the program, which is at no cost to the City of Fort Pierce; the utilization of the program which from September 2019 through July 2020 had 55,000 trips used by 28,150 users with most rides occurring on Tuesday through Friday in the late afternoon and early evening hours. Scooters are turned off at 9:00 PM. In January, the type of scooter was upgraded from Spin to Link because it provides for better night vision, a safer ride, improved geofencing, and advanced tip-over protection. Mr. Greenstein further discussed the economic development tourism aspect of this program, transportation opportunities, and challenges of the program. To address the conflicts with residents, these upgraded scooters have a stronger geo-fence to allow for immediate stopping, no-ride zones, or implementation for slow ride zones. Superpedestrian responds to all complaints received. Scooters can be restricted to bike lane use only and restricted from sidewalks. Field Staff responds to any tipped over scooter or improperly parked scooters within two hours. Superpedestrian proposes to extend the current contract, provide employment opportunities for local residents, extend the curfew to benefit local businesses, explore revenue sharing with the City of Fort Pierce and continue to build on strategic partnerships with the city, county, and local businesses.

Commissioner Sessions requested that the cost-share with the City of Fort Pierce address the impact fees incurred by the police department which cover more than just administrative expenses by the City.

Mr. Greenstein responded that this is a self-supporting program and the level of cost share depends on the level of ridership and available riding hours. Mr. Mimms stated that exact terms should not be negotiated at this time but if the program is approved to continue, during the RFP process.

Commissioner Johnson inquired about the type of capital investments other cities invest for this type of program. While the scooters are available, there is concern that the scooters are parked on sidewalks which is taxpayer infrastructure that has a private enterprise product parked on this publicly funded infrastructure. Commissioner Johnson asked how other cities deal with this issue and what type of feedback has been received from the downtown businesses, Tourist Development Council, and Economic Development Council of St. Lucie County. Mr. Greenstein stated that it can be a double-edged sword because being a dock-less item makes this a valuable transportation service. The biggest challenge industry wide is controlling where the scooters can and cannot go and promoting proper parking. Superpedestrian does identify strategic hub locations and every evening, employees collect and re-park the scooters in specific staging locations. Robust geo-fencing will allow for no parking on the sidewalks.

Commissioner Perona commented on lack of helmet use by riders and inquired about the demographics of the riders. Mr. Jackson responded that all ages utilize the scooter program. Primarily during the week, the age range is 35-50 and is more general on the weekends. Commissioner Perona inquired about statistics on injury reports and property damage; Mr. Greenstein confirmed there has not been any rider-injury or city reported accident or injury.

Mayor Hudson commented that when the program began, there were a lot of complaints because the scooters were being used improperly. Many of the issues raised by complaints have been addressed and resolved but there are some who continue to use them improperly.

Commissioner Alexander would like to explore solutions to the complaints and inquired about sanitization. Mr. Greenstein shared that every scooter is sanitized every day and each time an employee is handling one whether to pick up and re-stage or for repairs. Sanitization information is provided through the app and on their website.

Mayor Hudson has received an overwhelming number of complaints regarding the scooters and does not support moving forward.

Commissioner Johnson stated that during the RFP process, the public will have an opportunity to voice their opinions on the topic and as a community working together, we can decide during a public hearing.

Commissioner Perona would like input from the Fort Pierce Police Department regarding the scooter program.

Consensus from the City Commission is to move forward with a month-to-month contract with this company while the RFP is drafted, and proposals reviewed. This will give the community ample time to express their opinions. The process should take approximately six months to complete.

## 11. CONSENT AGENDA

- a. Approval of request to reduce Code Enforcement lien in the amount of \$3,500.00 against 1800 Oleander Avenue, Ft. Pierce, FL 34950 - Parcel ID Number 2415-703-0156-000-6 owned by Adrian Hudson Curtis, 1800 Oleander Avenue, Ft. Pierce, FL 34950. In accordance with previously established policy, staff recommends the approval to waive \$2,400.00 leaving a balance due of \$1,100.00 payable in 18 months. If not paid within this time period, the lien will revert to the original reduced amount. However, applicant is requesting a waiver of all fines in the amount of \$3,500.00 leaving a balance of \$.00 to be paid, which requires a direct vote by Commission.
- b. Approval of request to reduce Code Enforcement lien in the amount of \$2,580.00 against 1800 Oleander Avenue, Ft. Pierce, FL 34950 - Parcel ID Number 2415-703-0156-000-6 owned by Adrian Hudson Curtis, 1800 Oleander Avenue, Ft. Pierce, FL 34950. In accordance with previously established policy, staff recommends waiving \$1,480.00 leaving a balance due of \$1,100.00 payable in 36 months. If not paid within this time period, the lien will revert to the original amount. However, applicant is requesting a waiver of all fines in the amount of \$2,580.00 leaving a balance of \$.00 to be paid, which requires a direct vote by Commission.
- c. Approval of request to reduce lot clearing fees in the amount of \$639.05 against 605 N 20th Street, Fort Pierce, FL, Parcel ID Number 2404-716-0036-000-5 owned by Dena K. Matthews, P. O. Box 1173, Fort Pierce, FL 34954. In accordance with previously established policy, staff recommends the approval to waive the costs for interest, penalties, and fees leaving a balance due of \$236.05 payable in 30 days.
- d. Approval of request to reduce lot clearing fees in the amount of \$704.40 against 605 N 20th Street, Fort Pierce, FL, Parcel ID Number 2404-716-0036-000-5 owned by Dena K. Matthews, P. O. Box 1173, Fort Pierce, FL 34954. In accordance with previously established policy, staff recommends the approval to waive the costs for interest, penalties, and fees leaving a balance due of \$500.00 payable in 30 days.
- f. Approval of request to reduce lot clearing fees in the amount of \$337.90 against 606 N 21st Street, Fort Pierce, FL, Parcel ID Number 2404-716-0043-000-7 owned by Dena K. Matthews, P. O. Box 1173, Fort Pierce, FL 34954. In accordance with previously established policy, staff recommends the approval to waive the costs for interest, penalties, and fees leaving a balance due of \$75.72 payable in 30 days.

- g. Approval of request to reduce lot clearing fees in the amount of \$325.19 against 606 N 21st Street, Fort Pierce, FL, Parcel ID Number 2404-716-0043-000-7 owned by Dena K. Matthews, P. O. Box 1173, Fort Pierce, FL 34954. In accordance with previously established policy, staff recommends the approval to waive the costs for interest, penalties, and fees leaving a balance due of \$71.72 payable in 30 days.
- h. Approve contract with L&S Enterprises, LLC, as a single source purchase, to replace light fixtures along S. Ocean Drive for an amount not to exceed \$166,055.00.
- i. Approval to submit and accept a grant from the Department of Justice, Edward Byrne Memorial, Justice Assistance Grant Program (JAG) for funding in the amount of \$20,788 by the Police Department.
- j. Approve purchase from Securitas Electronic Security Inc., Uniontown, OH, for Building Department security services build-out not to exceed \$55,104.23.
- k. Approval of Addendum A to Lease Agreement with Winking Starfish, LLC (Crabby's Dockside).
- l. Approval of proposed agreement between St. Lucie County and the City of Fort Pierce for the reimbursement of costs pursuant to the CARES Act.

Commissioner Alexander pulled items 11c and 11d for discussion.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona, to approve items 11a, 11b, 11f, 11g, 11h, 11i, 11j, 11k, and 11l

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

Passed

Regarding items 11c and 11d, Commissioner Alexander inquired if they are a duplication and why there is a vast difference in the fees when the original costs were similar.

Code Enforcement Manager Peggy Arriaz explained that both items are for the same property with two separate liens for lot clearing costs. Ms. Arriaz further explained that the scope of work may have been different for 11c which was assessed ten years prior to the lien for 11d thereby having higher interest and penalties.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona, to approve items 11c and 11d

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

Passed

## 12. PUBLIC HEARINGS

Any Public Comment on these items, if not being offered in person, should be submitted by noon on the day of the meeting using the Sworn Public Comment Form which is available on the city's website at: <http://www.cityoffortpierce.com/DocumentCenter/View/8741/Sworn-Public-Comment-for-Public-Hearings>

- a. Resolution No. 20-R37 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 604 N 25th 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.

### RESOLUTION NO. 20-R37

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 604 N 25TH 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 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 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:

Peggy Arriaz, Code Enforcement Manager, sworn, provided an overview of the proposed resolution to condemn and demolish a structure located at 604 N. 25<sup>th</sup> Street. Ms. Arriaz provided a brief history dating back to 2013 when the original condemnation order was approved by Building Official Marc Meyers. The property has since changed ownership. In August 2018, a new condemnation action was initiated against the current owner and a property inspection was completed. At that time, no permits had been issued and a recommendation for demolition of the structure was made. The owner has taken no action and staff recommends a demolition order. A Notice of Unsafe Building was sent by certified mail to all property owners. The current owner has requested several extensions which were granted. The property is vacant, there are no utilities and it is not a historic structure. Ms. Arriaz provided photos which were taken on July 21, 2020 showing the disrepair. Ms. Arriaz also provided a location map for reference.

Commission questions for Staff:

Utilities have not serviced the property for years. The subject property has two structures joined by a roof. There is significant decay and damage to both structures.

Applicant questions for Staff:

The owner, Mr. Pierre M. Charles, sworn, was present and agreed with the staff presentation.

Applicant presentation:

Mr. Charles stated that three parties purchased the property with the intention of rehabilitation. The cost estimates for demolition were found to be too much, so they have re-listed the property for sale. The real estate agent stated today that there are two investors interested in the property.

Commission questions for Applicant:

Commissioner Perona inquired about the price quotes received to which Mr. Charles responded that the demolition would cost \$18,000.00 and that is more than they paid for the property. Ms. Arriaz stated that LEB Demolition has quoted the City of Fort Pierce \$11,922.50 for the cost demolition.

Public comment: None

Seeing no one else, Mayor Hudson closed the public hearing.

Comments by the City Commission:

Commissioner Alexander inquired if the City contracts to demolish the structure, can the owner make a payment plan to repay the cost. Ms. Arriaz commented that in the past, arrangements have been made for repayment. City Attorney Peter Sweeney stated once the demolition is complete, the owner is sent an invoice for the cost of demolition and a lien is placed on the property to secure the City's interest.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson, to approve Item Resolution 20-R37 for the condemnation and demolition of the structure located at 604 N. 25<sup>th</sup> Street.

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

Passed

- b. Quasi-Judicial Hearing - Review and approval of an application for Final Plat, submitted by Property Owner(s) Lally Development, Inc. and Applicant, Tim Foster, Vice President, Caulfield & Wheeler Inc., to subdivide 2.48 acres of land, Replat of the Townhouse Tract of Buildings C, D, and E for the Magnolia Square subdivision located at Liberty Square Way, Franklin Square Lane, and 3334 Madison Square Lane Fort Pierce, Florida 34982.

City Clerk Linda Cox introduced the application for Final Plat submitted by Property Owners Lally Development, Inc. and Applicant, Tim Foster, Vice President, Caulfield & Wheeler Inc., to subdivide 2.48 acres of land, Replat of the Townhouse Tract of Buildings C, D, and E for the Magnolia Square subdivision located at Liberty Square Way, Franklin Square Lane, and 3334 Madison Square Lane Fort Pierce, Florida 34982.

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 - 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

Director of Planning Jennifer Hofmeister, sworn, provided an overview of the proposed subject Final Plat. Ms. Hofmeister provided maps for future land use, zoning and the proposed minor amendment to the plat to provide consistency in the design of the development. The replat meets the standards of the City's Land Development Code and Comprehensive Plan. The Planning Board recommends approval.

Staff recommends approval subject to one condition:

- 1) The applicant will supply two (2) Mylars for appropriate signatures and then the plat will be recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

Commission questions for Staff:

Commissioner Johnson inquired if there were any comments about the infrastructure. Ms. Hofmeister said there were no comments and that this item was reviewed by the Technical Review Committee and all review agencies recommended approval.

Applicant questions for Staff: None

Applicant presentation:

Mr. Ron Furnace, Planning Surveyor, sworn was present and available to answer any questions.

Commission questions for Applicant: None.

Public comment: None.

Mayor Hudson, seeing no one else, closed the public hearing.

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

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

Passed

- c. Legislative Hearing - Ordinance 20-015 - extending the territorial limits of the City of Fort Pierce, Florida, to include 4114 Poinsetta Avenue in Fort Pierce, Florida. SECOND READING

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

ORDINANCE NO. 20-015

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 4114 POINSETTA AVENUE IN FORT PIERCE, FLORIDA AND SHOWN ON EXHIBIT A; DIRECTING THE ST. LUCIE COUNTY PROPERTY APPRAISER TO ASSESS SAID PROPERTY AND PLACE IT ON THE CITY TAX ROLLS AS OF JANUARY 1, 2021; DIRECTING THE ST. LUCIE COUNTY TAX COLLECTOR TO COLLECT TAXES ON THE HEREIN DESCRIBED PROPERTY; ESTABLISHING THE ZONING DESIGNATION; ESTABLISHING THE LAND USE DESIGNATION; DIRECTING FILING OF THE ORDINANCE WITH THE CLERK OF THE CIRCUIT COURT AND CHIEF ADMINISTRATIVE OFFICER OF ST. LUCIE COUNTY; DIRECTING REVISION OF THE CHARTER BOUNDARY ARTICLE TO BE FILED WITH THE DEPARTMENT OF STATE AND SUBMITTED TO THE OFFICE OF ECONOMIC AND DEMOGRAPHIC RESEARCH; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING.

Mayor Hudson opened the Public Hearing.

Seeing no one, Mayor Hudson closed the Public Hearing

Comments by the City Commission: None

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander, to approve Ordinance 20-015.

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

Passed

- d. Legislative Hearing - Ordinance 20-016 Establishing the Bent Creek Community Development District.  
FIRST READING

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

ORDINANCE NO. 20-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE BENT CREEK COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE NAME, POWERS AND DUTIES; PROVIDING FOR DESCRIPTION AND BOUNDARIES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING.

City Attorney Peter Sweeney provided an overview of the proposed ordinance. Attorney Sweeney provided background on the Bent Creek Development. The Bent Creek Development which has been under development for approximately 15 years, is bisected by Peterson Road. There is an executed developer's agreement which requires that Peterson Road be built out before the next phase can begin. In order to accomplish this one of the proposals is to create a Community Development District (CDD).

Attorney Ginger Wald, Applicant Representative for Lennar Homes, LLC, sworn, was present to answer any questions the City Commission may have. Included with the back up material explaining the CDD is a petition which is statutorily required for a CDD. A CDD is an independent unit of government with limited powers. The power under the CDD which is for financing the construction of Peterson Road and a bridge. Attorney Wald further explained that the CDD will only be within the boundaries of the property and will have a Board of Supervisors similar to the City Commission.

Commissioner Sessions inquired what more is there than just the financing of the development aspect to this proposed CDD.

Commissioner Perona inquired that if the development of Peterson Road and bridge improvements were part of the original approved development plan, what benefit by the City of Fort Pierce will be realized by approving this CDD. Attorney Wald explained that the benefit to the City will be that this will no longer be an issue to the City of Fort Pierce because the CDD as the governmental entity will oversee the funding of the construction. The cost of infrastructure development for Peterson Road would be charged back to property owners within the CDD through non-ad valorem taxes assessed only to the property owners within the district and would allow for the sale of tax-free municipal bonds.

Commissioner Alexander expressed concern and has heard from owners in Phase One that agreements made under the original plan have not been completed such as certain amenities and solving drainage issues when it rains. Attorney Wald will defer to the developer to address these issues and stated that it is a requirement to complete Peterson Road before construction of homes can begin.

Commissioner Sessions inquired of the City Attorney if the creation of the CDD would cause the City to be waiving or abandoning our rights to allow a government to rise within a government and ultimately create Bent Creek as its own City. Commissioner Sessions along with Commissioner Alexander are concerned about the drainage and water issues within Bent Creek that have not been addressed and would like to know what the developer plans to do to rectify this problem.

City Attorney Peter Sweeney stated that by statute, a CDD is a local governing body but does not have zoning or land regulation ability. In its simplest form, a CDD is designed to be a financing mechanism for infrastructure. The City has one other CDD in Portofino. That was designed for stormwater infrastructure. No further development within Bent Creek can occur until Peterson Road is developed. The road itself will be a public road in the City of Fort Pierce. There will still need to be approval by the City Commission for an amendment of the developer's agreement. Attorney Wald further explained that a CDD does not have zoning ability, policing, and cannot issue permits. Chapter 190 of the Florida Statutes are the Charter for the CDD and does not conflict with the Charter of the City of Fort Pierce. No CDD in the State of Florida can create its own law. The City of Fort Pierce has power over the CDD.

Commissioner Alexander inquired about who the power source supplier would be.

Mr. Greg Pettibon of Lennar Homes, sworn, was present to answer questions by the City Commission. Mr. Pettibon stated that the CDD will have no impact on whether FP&L or FPUA provides utility service to landowners. Mr. Pettibon also stated that this CDD is only to be established over undeveloped future tracts of land which they plan to turn into the next phases of the community. There will be no impact or changes for the existing residents. Mr. Pettibon stated that during his time involved with the development of Tradition, there were at least 17 CDD's, and that he currently lives in a CDD in Port St. Lucie. The CDD is a financing tool for large land tract development and work as a supplement to a homeowner's association. Mr. Pettibon explained that the amenities in Phase One are fully constructed. There is a clubhouse and sports facilities which are fully constructed and operational. Mr. Pettibon believes the extreme flooding was part of a larger area-wide incident and had to do with pre-preparation of storm drainage from another drainage district and occurred during a hurricane or tropical storm when we had 20 inches of rain. A CDD is responsible for the drainage system.

City Manager Nick Mimms commented that Bent Creek is a gated community and the roads within the community are private and maintained by their association. Peterson Road is a county designated road and will continue to be a county road and not a City of Fort Pierce road. Peterson Road will have to be developed to county standards regarding drainage and storm water management. The City of Fort Pierce engineer will be reviewing the design and work with county staff.

Mr. Brian Nolan, Applicant Representative, sworn, was present and available to answer questions. Mr. Nolan stated that a CDD is good for the City of Fort Pierce in a large-scale development such as Bent Creek and like Western Grove, Southern Grove and Tradition, PGA Village and St. Lucie West. A CDD will be a benefit by keeping the housing costs in line with what the market bears. This CDD will be used judiciously for a very specific construction project of off-site improvements and is a reimbursement tool. This CDD will be a benefit to future homeowners. All costs of development including raw land development are ultimately passed on to the homeowner. Having a CDD will provide for more cost-effective financing for the developer which is then passed on to the homeowner.

Building Official Paul Thomas was present to address the street flooding issues. The entire parcel is located within a special flood zone due to its proximity to Five Mile Creek. When the property was developed the developer obtained a Letter of Map Revision which means the land lays below the flood plain and the homes were build up above the flood plain. While the homes are no longer in the flood zone, the streets remain in the flood zone. The streets are designed as the drainage.

Mayor Hudson opened the Public Hearing.

Public Comment:

Kori Benton – Opposed to CDD. Developer should bear costs and is concerned with non-ad valorem costs and length of terms and property values.

Bob Burge – Opposed to CDD. Is concerned that landscaping was not completed in Phase One, and the current HOA being affected by the CDD.

Applicant Summary:

Mr. Pettibon responded that no current homeowners will be affected by the CDD. They will not be within the CDD. This will be for future landowners only and current owners will have no liability. The CDD will not co-mingle with the HOA. They can work together but are not required to.

Mr. Nolan stated that all roads within the community will remain private roads; however, Peterson Road will remain a public county road. Peterson Road development will be reviewed and permitted by St. Lucie County. Peterson Road will be a widely used public road because it will connect with Jenkins Road. Plans were submitted in September 2019 and Lennar is waiting on County approval of the plans so the City can review for approval. Lennar is waiting on City of Fort Pierce engineering's review of internal cost estimates, so they can obtain a bond and surety. Lennar is eager to resume development.

Attorney Wald stated that the non-ad valorem tax will be based upon the bond. The petition has a good faith estimate of 4.2 million dollars. Every sales contract will contain a disclosure of this in a larger font that they are buying into a CDD and special assessments can be placed on their home. Attorney Wald provided a timeframe for the CDD will be established and begin once the City Commission approves the second reading.

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

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona, to approve Ordinance 20-016.

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

NAY: Commissioner Jeremiah Johnson

Passed

- e. Legislative Hearing - Ordinance 20-019 adopting 2020 Fort Pierce Redevelopment Plan Update and providing for an extension of operational timeframe. FIRST READING

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

ORDINANCE NO. 20-019

AN ORDINANCE OF THE CITY OF FORT PIERCE, ADOPTING THE COMMUNITY REDEVELOPMENT PLAN UPDATE FOR THE FORT PIERCE REDEVELOPMENT AGENCY; PROVIDING FOR AN EXTENSION OF THE COMMUNITY REDEVELOPMENT AGENCY'S OPERATIONAL TIMEFRAME, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT. FIRST READING

City Manager Nick Mimms provided an overview of the proposed ordinance. At the July 28, 2020 Fort Pierce Redevelopment Agency (FPRA) meeting, a presentation was made by John Jones, our consultant from S & ME which went through the FPRA plan update. A four-point action plan was identified: Restore neighborhoods; foster arts and culture; reset the economic base; and, to connect. The FPRA has identified infrastructure projects that are scheduled to occur through the year 2042.

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 Thomas Perona, to approve Ordinance 20-019.

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

Passed

- f. Legislative Hearing - Ordinance 20-008 amending the City's Comprehensive Plan to include revisions to the Future Land Use Element Subsection B, Commercial, to require the uses within the Central Business District (CBD) to have mixed-uses which may include commercial / retail, allow for single-family residential as part of those mixed-use developments, expand the range of office and retail uses which may be permissible. FIRST READING

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

ORDINANCE NO. 20-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY'S COMPREHENSIVE PLAN TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT SUBSECTION B, COMMERCIAL, TO REQUIRE THE USES WITHIN THE CENTRAL BUSINESS DISTRICT (CBD) TO HAVE MIXED USES WHICH MAY INCLUDE COMMERCIAL / RETAIL, ALLOW FOR SINGLE-FAMILY RESIDENTIAL AS PART OF THOSE MIXED-USE DEVELOPMENTS, EXPAND THE RANGE OF OFFICE AND RETAIL USES WHICH MAY BE PERMISSIBLE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING.

Director of Planning Jennifer Hofmeister provided an overview of the proposed text amendment to the Comprehensive Plan for the Central Business District (CBD). The amendment directly related to property located at 322 North 2<sup>nd</sup> Street which is referred to as Kings Landing. The purpose is to change the Future Land Use designation from light industrial to Central Business District as part of the developer's agreement entered into by the City of Fort Pierce and will allow for single family and townhomes within the CBD. The Planning Board and staff recommends approval of this ordinance.

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 20-008.

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

Passed

- g. Legislative Hearing - Ordinance 20-009 changing the home occupation use in the Central Commercial (C-4) zoning district from a prohibited use to a conditional use; permitting mixed uses to be constructed as individual buildings or developments in the Central Commercial (C-4) zoning district, both vertically and horizontally; changing duplex, detached house, and townhouse uses in the Central Commercial (C-4) zoning district from prohibited uses to conditional uses; defining the utilization of home occupations located on parcels within the central business district (CBD) Future Land Use designation. FIRST READING

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

ORDINANCE NO. 20-009

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO BASIC ZONING DISTRICTS, ALLOWED USES, AND SUPPLEMENTARY REGULATIONS, CHANGING THE HOME OCCUPATION USE IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT FROM A PROHIBITED USE TO A CONDITIONAL USE; PERMITTING MIXED USES TO BE CONSTRUCTED AS INDIVIDUAL BUILDINGS OR DEVELOPMENTS IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT, BOTH VERTICALLY AND HORIZONTALLY; CHANGING DUPLEX, DETACHED HOUSE, AND TOWNHOUSE USES IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT FROM PROHIBITED USES TO CONDITIONAL USES; DEFINING THE UTILIZATION OF HOME OCCUPATIONS LOCATED ON PARCELS WITHIN THE CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE DESIGNATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Planning Director Jennifer Hofmeister provided an overview of the proposed text amendment to City Code regarding the C-4 zoning district as it relates to the use table and to home occupations. The proposed amendment will allow for detached houses, duplexes, and townhouses be permitted as a Conditional Use in the C-4 District; strikes the word "vertical" from the mixed-use building category; changes the home occupation use in C-4 from prohibited to be allowed as a Conditional Use; and does not allow home occupations to be recognized as a mixed-use component of an overall development if in the Central Business District. Currently, home-based businesses are not allowed in the C-4 district, and the amendment proposed will change that to Conditional Use. Planning Board and Staff recommends approval.

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 Jeremiah Johnson, to approve Ordinance 20-009.

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

Passed

- h. Legislative Hearing - Ordinance 20-011 seeking a Future Land Use Map Amendment for eight (8) properties generally located at or near 322 North 2nd Street from Industrial (I) to Central Business District (CBD) FIRST READING

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

ORDINANCE NO. 20-011

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; FUTURE LAND USE MAP AMENDMENT FOR EIGHT (8) PROPERTIES GENERALLY LOCATED AT OR NEAR 322 NORTH 2ND STREET FROM INDUSTRIAL (I) TO CENTRAL BUSINESS DISTRICT (CBD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Planner Brandon Creagan provided an overview of Ordinance 20-011 and subsequent Ordinance 20-017 and Ordinance 20-018 which consist of a future land use amendment and two proposed abandonments. Mr. Creagan provided a background for property 322 North 2<sup>nd</sup> Street. Mr. Creagan provided maps showing the Future Land Use amendment from Light Industrial (IL) to Central Business District (CBD) for eight parcels. The proposed change is consistent with the City Code and Comprehensive Plan, does not adversely affect the public health, safety, convenience and general welfare of the public; and is within proximity to key commercial and institutional amenities. Planning Board and Staff recommend approval.

Mr. Creagan provided an overview of Ordinance 20-018 with a map of Avenue B showing the parcel for proposed abandonment. The right of way is approximately 65 feet wide. Along with the abandonment, FPUA is requesting a 65' x 55' utility easement which is located on the westerly side of the parcel.

Mr. Creagan provided an overview of Ordinance 20-017 with a map showing the proposed abandonment of the City right of way passing through or lying within two parcels bound by A.E. Backus Avenue to the north, North Indian River Drive to the east, Avenue B to the south and North 2<sup>nd</sup> Street to the west. The parcel is approximately 50' in width lying between North 2<sup>nd</sup> Street and Indian River Drive.

Planning Board and Staff recommends approval of Ordinance 20-011.

Planning Board and Staff recommends approval of Ordinance 20-017 with no conditions.

Planning Board and Staff recommends approval of Ordinance 20-018 with one (1) condition:

1) The recording of a 65' x 55' foot utility easement with the St. Lucie County Clerk of Courts ninety (90) days after the adoption of the abandonment by the City Commission of the City of Fort Pierce, Florida.

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 20-011.

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

Passed

- i. Legislative Hearing - Ordinance 20-017 abandoning all City right-of-way passing through or lying within two parcels of land bound By A.E. Backus Avenue to the north, North Indian River Drive to the east, Avenue B to the south, and North 2nd Street to the west. FIRST READING

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

DRAFT ORDINANCE NO. 20-017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING ALL CITY RIGHT-OF-WAY PASSING THROUGH OR LYING WITHIN TWO PARCELS OF LAND BOUND BY A.E. BACKUS AVENUE TO THE NORTH, NORTH INDIAN RIVER DRIVE TO THE EAST, AVENUE B TO THE SOUTH, AND NORTH 2ND STREET TO THE WEST, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING.

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 Thomas Perona, to approve Ordinance 20-017.

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

Passed

- j. Legislative Hearing - Ordinance 20-018 abandoning a portion of the Avenue B right-of-way, bound by A.E. Backus Avenue to the north, North 2nd Street to the east, Avenue A to the south, and the FEC Railroad to the west. FIRST READING

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

ORDINANCE NO. 20-018

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING A PORTION OF THE AVENUE B RIGHT-OF-WAY, BOUND BY A.E. BACKUS AVENUE TO THE NORTH; NORTH 2ND STREET TO THE EAST, AVENUE A TO THE SOUTH, AND THE FEC RAILROAD TO THE WEST; BEING APPROXIMATELY 65.00 FEET WIDE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST 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 Thomas Perona, to approve Ordinance 20-018.

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

Passed

- k. Quasi-Judicial Hearing - Ordinance 20-012 rezoning ten (10) properties generally located at or near 322 North 2nd Street from Light Industrial (I-1) for eight (8) parcels and Central Commercial (C-4) for two (2) parcels to Planned Development (PD). FIRST READING

ORDINANCE NO. 20-012

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING TEN (10) PROPERTIES GENERALLY LOCATED AT OR NEAR 322 NORTH 2ND STREET FROM LIGHT INDUSTRIAL (I-1) FOR EIGHT (8) PARCELS AND CENTRAL COMMERCIAL (C-4) FOR TWO (2) PARCELS TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING.

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 - 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/Applicant Presentation

Planner Brandon Creagan was present and noted that this is a unique situation where Staff is the presenter and the Applicant. Mr. Creagan provided an overview of the proposed Future Land Use amendment and Zoning Atlas amendment for 322 North 2<sup>nd</sup> Street. Mr. Creagan provided a brief history of the property and presented slides showing the location of the Zoning Atlas Map amendment for the rezoning of eight (8) parcels from Light Industrial (IL) and two (2) parcels from Central Commercial (C-4) to Planned Development (PD) with an underlying zoning of C-4. Mr. Creagan also provided a conceptual site plan and renderings for the property. The proposed amendment is consistent with the City Code and the Comprehensive Plan; does not adversely affect the public health, safety, convenience, and general welfare of the public; and is within proximity to key commercial and institutional amenities. Thirty-six (36) notifications were mailed with three (3) returned in favor and zero (0) opposed.

Planning Board and Staff recommend approval of Ordinance 20-012.

Commission questions for Staff/Applicant: None  
Public comment: None.

Mayor Hudson, seeing no one else, closed the public hearing.

Comments by the City Commission: None.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson, to approve Ordinance 20-012.

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

Passed

**13. CITY COMMISSION**

- a. Approval and acceptance of the FPUA FY2021 Annual Budget and FY2020 Amended Budget.

Director of Utilities John Tompeck at FPUA provided an overview of the proposed FPUA FY2021 annual budget and amended budget for FY2020. In May 2020, FPUA held a joint City Commission budget workshop during which a comprehensive review was done which includes the major ongoing capital projects most of which are multi-year. These programs are included in the five-year capital plan and have been identified as top priorities. Mr. Tompeck provided details regarding how these projects fit into the budget. Some projects may have to be phased in over a longer period to fit within the budget constraints. The capital cost budgeted for FY2021 is a little over \$22,000,000.00. Based on history FPUA projects to spend between \$9,000,000.00 and \$13,000,000.00 which is what makes the budget viable. Any expenditure over \$50,000.00 requires the FPUA Board's approval. Long term effects from COVID-19 are unknown currently. Staff is at 286 employees which is three more than last year. Four new positions are anticipated in FY2021. The revenue section of the budget does not consider rate changes. Water and Natural Gas remain rate deficient.

Director of Financial Services Barbara Mika provided detailed information regarding the FPUA FY2021 budget and amended budget for FY2020. Ms. Mika discussed the strategic focus and provided slides showing the budget totals; a comparison of the total budget over six years which shows purchases for resale, capital, and operations and maintenance; revenues by system including natural gas, wastewater, water and electric; budget trends for fiscal years 2018, 2019, 2020 and 2021; the budget for operations and maintenance; distribution to the City of Fort Pierce; and capital budget funding sources including rates, contribution-in-aid, capital improvement charges, debt and contingencies.

The FPUA Board has recommended approval of the FY2020 amended budget and FY2021 budget.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson, to approve the amended budget for FY2020 and approve the FY2021 budget and waive the thirty (30) waiting period.

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

Passed

- b. Submittal of applications to serve on the Planning Board.

Submittal of applications for the Planning Board will come back to the City Commission at the next meeting for a vote.

- c. Designate a voting delegate from among the Board for Florida League of Cities for the annual virtual meeting on August 14, 2020.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Thomas Perona, to appoint Mayor Hudson as the voting delegate for the Florida League of Cities annual virtual meeting on August 14, 2020.

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

Passed

- d. REMOVED BY VOTE OF COMMISSION. Commissioner Sessions proposes ordinance for body cameras for Fort Pierce Police Department.

#### 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.

Frederic Jackson

#### 15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms provided COVID-19, Purchase Order and City Manager Reports to the City Commission. Mr. Mimms commented that the staff in the City of Fort Pierce is amazing, and he couldn't be prouder of the men and women who work for the City of Fort Pierce. Mayor Hudson agreed with Mr. Mimms regarding City of Fort Pierce Staff.

City Attorney Peter Sweeney had no further updates.

- a. Reports

#### 16. COMMENTS FROM THE COMMISSION

Commissioner Perona is very happy we dodged the bullet with Hurricane Isaias. Commissioner Perona commented that real estate signs, political signs, City of Fort Pierce signs, etc. were not removed prior to the approaching storm.

Commissioner Sessions commented that in the body cam policy and procedures section 83.130, it provides for body-worn camera monthly compliance reports. Commissioner Sessions is requesting of the City Manager, the last two-years of monthly compliance reports for the body-worn cameras, so he can review them and prepare a proposal for an ordinance. Commissioner Sessions stated that the City of Fort Pierce has been called out nationally regarding the negative stigma surrounding the actions of those involved with the four dogs at the Navy SEAL Museum demonstration. Commissioner Sessions inquired of the City Manager what funds are being allocated to the Navy SEAL Museum. Commissioner Alexander confirmed that the TDC does allocate taxpayer money for the Navy SEAL Museum.

Commissioner Alexander thanks God that the Hurricane stayed away from the City of Fort Pierce. Prayers were answered.

Commissioner Johnson applauds staff for storm preparation and thanks the employees for all their hard work.

Mayor Hudson appreciates the staff's hard work on getting the Kings Landing project moving. Mayor Hudson is also glad that Lennar is going forward with the Peterson Road project. Mayor Hudson said the United States Navy is looking into the incident and agrees with Commissioner Sessions that what happened was a horrible incident and would like to discuss it further with facts in hand.

**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 Linda Hudson adjourned the meeting at **11:31 PM**.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER