

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 4:30 P.M. ON MONDAY, SEPTEMBER, 21, 2020.

**1. CALL TO ORDER**

Mayor Hudson called the September 21, 2020 Regular Meeting of the City Commission to order at 4:30 PM.

**2. OPENING PRAYER**

**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 Sessions was present at 4:39 PM.  
Commissioner Alexander was present by telephone at 4:57 PM.

**5. APPROVAL OF MINUTES**

- a. Approval of the minutes from the September 14, 2020 Special Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes from the September 14, 2020 Special Meeting.

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

**6. PROCLAMATIONS**

- a. Manufacturing Awareness Month Proclamation being received by Economic Development Council of St. Lucie County
- b. 211 HelpLine Proclamation being received by Karen Bailey of Help Me Grow.

**7. LETTERS TO COMMISSION**

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

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

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve and set the Agenda.

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

**10. MISCELLANEOUS REPORTS**

**11. CONSENT AGENDA**

- a. Approval of seven (7) Subordination of Utility Interest Agreements to the Florida Department of Transportation associated with the FDOT North Causeway Bridge Replacement which have been approved by the Fort Pierce Utilities Authority.
- b. Approval of Amendment to Developer's Agreement with Lennar Homes for the Bent Creek Subdivision.

- c. Approve award of RFP No. 2020-037 - Lot Clearing to Mow 4 Less Lawn Care LLC and Gone Fishing Landscaping & More LLC for a contract to expire on September 30, 2021, with two one-year renewal options in the amount of \$125,000.00 each per year.
- d. Approve award of RFP No. 2020-036 - Nuisance Abatement to Mow 4 Less Lawn Care LLC and Gone Fishing Landscaping & More LLC for a contract to expire on September 30, 2021, with two one-year renewal options in the amount of \$25,000 each per year.
- e. Approval of Blanket Purchase Orders for the Public Works Department for Fiscal Year 2020-2021 to ensure efficient maintenance, service and repair of all City owned facilities, amenities and equipment, in the total budgeted amount of \$3,658,139.42.
- f. Approval of request to reduce Code Enforcement lien in the amount of \$5,300.00 against 613 Emil Dr., Ft. Pierce, FL 34982 - Parcel ID Number 2422-602-0179-000-5 owned by David Smart, 613 Emil Dr., Ft. Pierce, FL 34982. Staff recommends the approval to waive \$4,800.00 leaving a balance due of \$500.00 payable in 10 months. However, applicant is requesting a waiver of all fines in the amount \$5,300.00 leaving a balance of \$.00 to be paid, which requires a direct vote by Commission.
- g. Approve request to reduce the Building Department lien in the amount of \$23,800.00 against 2911 Okeechobee Road, Fort Pierce, FL 34950 - Parcel ID Number: 2417-506-0018-000/8, owned by ID 2911 LLC, 18651 SW 39th Street, Pembroke Pines, FL 33029 to \$2,000.00 payable in 6 months.
- h. Approve request to reduce the Building Department lien in the amount of \$50,300.00 against 1017 N 16th Street, Fort Pierce, FL 34950 - Parcel ID Number: 2404-811-1101-000/9, owned by Jean & Melicia Eloizin, 3400 Ave Villandry, Delray Beach, FL 33445, to \$1,822.74 payable in 6 months.
- i. Approval of a purchase order not to exceed \$82,500.00 for the emergency repair of the Police Department's door control and security system.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve items 11a, 11b, 11c, 11d, 11e, 11f, 11g, 11h, 11i.

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

Passed

## 12. PUBLIC HEARINGS

Any Public Comment on these Public Hearing 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. CONTINUED FROM 9/8/2020 MEETING AT REQUEST OF APPLICANT. Quasi-Judicial Hearing - Review and approval of an application for Final Plat, submitted by Property Owner and Applicant, Lennar Homes, Inc., to subdivide approximately 23.32 acres of land for a portion of a Planned Unit Development lying in Section 7, Township 35 South, Range 40 East, City of Fort Pierce, St. Lucie County, Florida, being a replat of Tract "B-2," Bent Creek Master Plat, as recorded in Plat Book 47, Pages 9 through 14, Public Records of St. Lucie County, Florida. The property is zoned Planned Development (PD). Parcel ID: 2407-700-0026-000-2.

City Clerk Linda Cox introduced the Application for Final Plat, continued from the September 08, 2020 Regular Meeting, submitted by Property Owner and Applicant, Lennar Homes, Inc., to subdivide approximately 23.32 acres of land for a portion of a Planned Unit Development.

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 Johnson - yes.  
Commissioner Perona - yes.  
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:

Planner Vennis Gilmore, sworn, provided an overview of the proposed application for Final Plat. The subject property has a Future Land Use of Medium Density Residential, and has a Zoning designation of PD, Planned Development. The subdivision comprises a total of one (1) parcel with approximately 23.32 acres and will be subdivided into a total of one hundred and twenty-one (121) separate parcels. Each lot will meet the minimum lot width, depth, and area requirements specified by original St. Lucie County Site Plan Approval of the Planned Development. Staff recommends approval subject to two conditions:

1. Prior to final plat approval the appropriate bonding mechanism must be in place ensuring construction completion of all outstanding infrastructure (sidewalks, roadways, drainage, utilities, curb, striping, etc.); for specific information please refer to the City of Fort Pierce Code of Ordinances Section 121-12; and
2. The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

The proposed project is consistent with the Comprehensive Plan. The Planning Board recommends approval of the Final Plat.

Commission questions for Staff: None.

Applicant questions for Staff: None.

Applicant presentation: Mr. Brian Nolan, Applicant Representative, sworn was present. Mr. Nolan confirmed that the bond requirement has been met. Mr. Nolan is available to answer questions.

Commission questions for Applicant: None.

Public comment: None

Mayor Hudson closed the public hearing.

Comments by the City Commission: None

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve Item 12a with staff conditions.

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

Passed

- b. Quasi-Judicial Hearing - Application for Site Plan and Design Review submitted by property owner, St. Lucie County and Representative Blue Sky Communities, to construct a 164 unit multi-family development on a property located on the west side of McNeil Road approximately 1,000 feet northwest of Okeechobee Road in Fort Pierce, FL. The property is zoned High Density Residential (R-5). Parcel ID: 2419-211-0004-000-8.

City Clerk Linda Cox introduced the Application for Site Plan and Design Review submitted by property owner, St. Lucie County and Representative Blue Sky Communities, to construct a 164 unit multi-family development on a property located on the west side of McNeil Road approximately 1,000 feet northwest of Okeechobee Road in Fort Pierce, FL.

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 Johnson - yes.  
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

Brandon Creagan, Planner, sworn, provided an overview of the proposed Application for Site Plan and Design Review for the construction and operation of a multi-family development with 164 units. Mr. Creagan provided maps to further describe the property including a Site Map, Future Land Use Map and Zoning Map. The application is consistent with the City Code and Comprehensive Plan; does not adversely affect the public health, safety, convenience, or general welfare of the public. The site will be developed in two phases. Planning Board recommends approval.

Staff recommends approval subject to two conditions:

1. A Landscape Bond will need to be provided at the time of Certificate of Occupancy for each building pursuant to City Code 123-6. The Landscape Bond for the common areas, clubhouse, lakes, & parking areas shall be submitted before the Certificate of Occupancy is issued for the first building in each phase.
2. At the time of Building Permit submit a signed and sealed boundary and topographic survey to the City Engineering Department in accordance with City Code 119-2 (a)(7).

Commission questions for Staff:

Commissioner Perona inquired about vehicular access. Mr. Creagan confirmed that there is currently one access to the development on McNeil Road. Commissioner Johnson inquired about a pedestrian crosswalk to the commercial property near Walmart. Mr. Creagan suggested the Applicant, who is familiar with the agreement, address this question. Commissioner Johnson inquired about gated access. Mr. Creagan stated that the vehicular access will not be gated, but the pedestrian access to Walmart will be gated.

Applicant questions for Staff: None

Applicant presentation:

Attorney Robert Schwerer, Local Counsel for Blue Sky Communities, Applicant Representative, sworn, was present and thanked Staff for their diligent work. The two conditions recommended by Staff have been accepted by the Applicant.

Mr. Jarrod Purser, Planner at WGI, sworn was present stated that the crosswalk will be discussed with Walmart and will be addressed at permitting.

Commission questions for 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 Thomas Perona, seconded by Commissioner Jeremiah Johnson 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. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by Property Owner and Applicant, Augustus B. Fort Jr., to operate a Vacation Rental, offering lodging for a minimum rental period identified as two days on a property located at 715 S. Ocean Drive, Unit F in Fort Pierce, FL. The property is zoned Hutchinson Island Medium Density Residential (R-4A). Parcel ID: 2401-504-0006-000-6

City Clerk Linda Cox introduced the Application for Conditional Use with No New Construction submitted by Property Owner and Applicant, Augustus B. Fort Jr., to operate a Vacation Rental, offering lodging for a minimum rental period identified as two (2) days on a property located at 715 S. Ocean Drive, Unit F in Fort Pierce, FL.

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 - yes.  
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

Planning Director Jennifer Hofmeister, sworn, provided an overview of the Application for Conditional Use with No New Construction to operate a vacation rental. Ms. Hofmeister present maps to further identify the property including an Aerial Map, Future Land Use Map, and Zoning Map. Planning Board has recommended approval.

Staff recommends approval subject to five (5) conditions:

1. The property manager for the vacation 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 thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.
4. There shall be a limitation of no more than no two (2) vehicles per unit.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson **to recess and reconvene following a Special Meeting of the City Commission.**

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

Passed

**Mayor Hudson reconvened the Regular Meeting of the City Commissioner at 5:19 PM.**

Commission questions for Staff: None

Applicant questions for Staff: None

Applicant presentation:

Applicant Gus Fort, sworn, was present and available to answer any questions.

Commission questions for Applicant: None

Public comment:

Tiffany Wright Ofeimu submitted a letter of support which was read into the record by the City Clerk.

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

Comments by the City Commission: None

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

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

Passed

- d. Quasi-Judicial Hearing - Ordinance 20-025 **REZONING** THE PROPERTY GENERALLY LOCATED AT OR NEAR **10050 WEST MIDWAY ROAD**, FROM AG-2.5, AGRICULTURAL, 1 DU/2.5 AC (SAINT LUCIE COUNTY ZONING) 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

City Clerk Linda Cox introduced the Ordinance read by title only into the record

**ORDINANCE NO. 20-025**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 10050 WEST MIDWAY ROAD, FROM AG-2.5, AGRICULTURAL, 1 DU/2.5 AC (SAINT LUCIE COUNTY ZONING) 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 - yes.  
Commissioner Johnson - none.  
Commissioner Perona - none.  
Commissioner Sessions - yes.  
Mayor Hudson – yes.

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

Planner Vennis Gilmore, sworn, provided an overview of Ordinance 20-025 for the rezoning of property located at or near 10050 West Midway Road from Agricultural (AG) to Planned Development (PD). Mr. Gilmore presented maps to further describe the property including a Site Map, Future Land Use Map and Zoning Maps. Planning Board has recommended approval of this Ordinance. Staff recommends approval of the Zoning Atlas Map Amendment

Commission questions for Staff: None.

Applicant questions for Staff: None

Applicant presentation:

Attorney Lee Dobbins, Applicant Representative, sworn, was present via telephone. Attorney Dobbins expressed his thanks to Staff for their diligent work. Attorney Dobbins provided background information on the proposed project and State of Florida Legislative changes that were made to allow a Wave Garden Surf Park to be constructed.

Mr. Jeff Fitzgerald, Engineer from Bohler, Applicant Representative, sworn was present and provided a power point and short film presentation of the proposed project.

Mr. Chad Lavonte, Developer, sworn was present.

Commission questions for Applicant:

Mayor Hudson inquired about water treatment. Mr. Fitzgerald stated that the water is recirculated and it is treated similarly to a swimming pool; however, the constant water movement promotes better water quality.

Commissioner Perona inquired how the developer chose Fort Pierce as its destination. Mr. Lavonte stated that they have owned this property since 2004.

Pete Tesch, President of the Economic Development Council for St. Lucie County, sworn, was present. The St. Lucie County EDC approves this project.

Public comment: None

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

Comments by the City Commission:

Commissioner Alexander welcomed the Applicants and Developers to the City of Fort Pierce.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Reginald Sessions to approve Item 12d.

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

Passed

- e. **Legislative Hearing - ORDINANCE 20-023** AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTY GENERALLY LOCATED AT OR NEAR 3000 OKEECHOBEE ROAD, FROM GENERAL COMMERCIAL, GC, TO MEDIUM DENSITY RESIDENTIAL, RM;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

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

**ORDINANCE NO. 20-023**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION OF PROPERTY GENERALLY LOCATED AT OR NEAR 3000 OKEECHOBEE ROAD, FROM GENERAL COMMERCIAL, GC, TO MEDIUM DENSITY RESIDENTIAL, RM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Planner Vennis Gilmore provided an overview of the proposed Ordinance. Mr. Gilmore presented slides to further identify the property including an Aerial Map, current and proposed Future Land Use Maps. Planning Board recommended approval. Staff recommends approval of the proposed Amendment.

Mayor Hudson opened the Public Hearing.

Mr. Michael Sanchez of Managed Land Entitlements representing the property owner was present and available to answer any questions.

Seeing no one else, Mayor Hudson closed the Public Hearing

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 20-023.

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

Passed

- f. **Quasi-Judicial Hearing - Ordinance 20-024** REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR **3000 OKEECHOBEE ROAD**, FROM C-3, GENERAL COMMERCIAL ZONE, TO R-4, MEDIUM DENSITY RESIDENTIAL ZONE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

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

**ORDINANCE NO. 20-024**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THE PROPERTY GENERALLY LOCATED AT OR NEAR 3000 OKEECHOBEE ROAD, FROM C-3, GENERAL COMMERCIAL ZONE, TO R-4, MEDIUM DENSITY RESIDENTIAL ZONE; 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 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

Planner Vennis Gilmore, sworn, provided an overview of the proposed ordinance for the rezoning of property located at or near 3000 Okeechobee Road. Mr. Gilmore presented maps to further describe the property including a Site Map, Existing Future Land Use Map and proposed Zoning Map. The requested Application for Zoning Atlas Map Amendment meets the criteria specified in Section 125-136 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience, and general welfare. Planning Board recommended approval.

Staff recommends approval of the request to change the Zoning Designation from General Commercial (C-3) to Medium Density Residential (R-4).

Commission questions for Staff: None

Applicant questions for Staff: None

Applicant presentation: None

Commission questions for Applicant: None

Public comment: None

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

Comments by the City Commission: None

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve Ordinance 20-024.

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

Passed

- g. POSTPONED TO OCT. 5, 2020 - Quasi-Judicial Hearing - Application for Site Plan, Design Review, and Conditional Use submitted by Property Owner, Arrow Investment Group, LLC and Representative, Michael Sanchez of Managed Land Entitlements, to construct a 112 unit Innovative Residential Multi-Family Development on a property located at 3000 Okeechobee Road in Fort Pierce, FL. The property is currently zoned General Commercial (C-3). There is an active rezoning application by the applicant to rezone the property to Medium Density Residential (R-4). Parcel ID: 2417-504-0020-001-6

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to postpone this item until October 05, 2020.

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

Passed

- h. Legislative Hearing - Ordinance 20-020 Amending Chapter 2, Police Officers Retirement/Pension Funds making appropriate changes to the Plan in order to maintain the Plan's tax qualified status. SECOND READING

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

**ORDINANCE NO. 20-020**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 2, ADMINISTRATION, ARTICLE IV, OFFICERS AND EMPLOYEES, DIVISION 5, POLICE OFFICERS' RETIREMENT/PENSION FUNDS, SUBDIVISION II – POLICE OFFICERS' RETIREMENT TRUST FUND; BY AMENDING SECTION 2-383, ESTABLISHMENT, PURPOSE, EFFECTIVE DATE; AMENDING SECTION 2-393, REQUIRED DISTRIBUTIONS; AMENDING SECTION

2-397(d)(1), DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 20-020.

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

Passed

- i. Legislative Hearing - Ordinance 20-022 - Amending Chapter 103, Article IX, Section 103-343 - Clean and Safe Community Initiative. SECOND READING

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

**ORDINANCE NO. 20-022**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 103, ARTICLE IX, SECTION 103-343 "CLEAN AND SAFE COMMUNITY INITIATIVE"; PROVIDING FOR A SUNSET PROVISION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

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

Code Compliance Peggy Arriaz was present. Ms. Arriaz reported that the changes requested by the City Commission were incorporated into the final draft of the Clean and Safe Community Initiative.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Ordinance 20-022.

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

Passed

**13. CITY COMMISSION**

- a. Ranking of applicants for consideration for appointment to the Fort Pierce Utilities Board filling an at-large position.

The term of Mr. Daryl Bey expires on 9/30/2020. Based upon the Charter Review Committees recommendations which are accepted by the City Commission via Resolution 18-R23, the City Commission as a whole would appoint the FPUA Board Members utilizing a point system for votes based upon the order in which the City Commission ranks their choices based upon applications received.

These seats shall be referred to as FPUA At-Large Seats. (Terms which shall begin October 1, 2020 and October 1, 2021). Eligible applicants must be a qualified elector of the City of Fort Pierce and live within city limits and have no business relationship with FPUA.

Commissioner Alexander – Jannifer Lee, Nichelle Clemons, Jamiebeth Galinis  
Commissioner Johnson – Kristina Gibbons, Luca Fontaine Bradley, Stephen Enns  
Commissioner Perona – Stephen Ennis, Jamiebeth Galinis, Luca Fontaine Bradley  
Commissioner Sessions – Jannifer Lee, Robert Poitier, Nicelle Clemons  
Mayor Hudson – Kristina Gibbons, Stephen Enns, Jaimebeth Galinis

The following candidates will move forward in the selection process based upon the weighted point vote:

Nichelle Clemons  
Stephen Enns  
Luca Fontaine Bradley  
Jamiebeth Galinis  
Kristina Gibbons  
Jannifer Lee

- b. Request from Barbara Moore to rename 29th Street to Fannie Darden presented by Commissioner Alexander

Ms. Barbara Moore, granddaughter of Fannie Darden has requested to rename 29<sup>th</sup> Street between Avenue Q and Orange Avenue to Fannie Darden. Ms. Darden will be 101 years old this year and has been an integral part of this neighborhood and this would be a great honor.

The City Commission unanimously agreed to proceed with the process to rename 29<sup>th</sup> Street to Fannie Darden.

- c. Resolution 20-R42 declaring certain real property as surplus and authorizing staff to dispose of said property.

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

**RESOLUTION NO. 20-R42**

A RESOLUTION DECLARING CERTAIN PROPERTIES OWNED BY CITY OF FORT PIERCE TO BE SURPLUS TO CITY OF FORT PIERCE NEEDS, DESCRIBED AS 1207 AVENUE L, LOTS 48 AND 50 OF MARAVILLA S/D ON CORTEZ BLVD., LOT 1 AND ½ OF LOT 2 OF RICHARD'S S/D ON S 11TH STREET; AND LOTS 4 AND 17 OF FEE AND MAY'S RE-S/D BLK K ON AVENUE E, AND AUTHORIZING CITY STAFF TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE I, SECTION 13 OF CITY OF FORT PIERCE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms provided an overview of this proposed Resolution to declare certain properties which do not have a designated use or future use as surplus which will help to spur development and neighborhood sustainability.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution 20-R42.

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

Passed

- d. Resolution 20-R43 determining that the structure located at 1311 Avenue E is unsafe, has been condemned in accordance with the International Property Maintenance Code as adopted by the City Commission and should be demolished. A hearing to determine this matter is scheduled before the City Commission on October 5, 2020.

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

**RESOLUTION NO. 20-R43**

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1311 AVENUE E 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 ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE DEMOLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES 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 OCTOBER 5, 2020 AT 6:00 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 Reginald Sessions to approve Resolution 20-R43.

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

Passed

- e. Resolution 20-R44 Appointing members to the Communitywide Council

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

**RESOLUTION NO. 20-R44**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE COMMUNITYWIDE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

WYATT HAYES – AT LARGE  
VOTE FOR TARGET AREA

Ballots were distributed to the City Commission for a vote.

Commissioner Alexander – Charles Bryant – Target  
Commissioner Johnson – Charles Bryant – Target  
Commissioner Perona – Charles Bryant – Target  
Commissioner Sessions – Charles Bryant – Target  
Mayor Hudson – Charles Bryant – Target

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to approve Resolution 20-R44 and appoint Charles Bryant for the Target Area, and reappoint Wyatt Hayes for the At Large positions on the Communitywide Council.

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

Passed

- f. Resolution 20-R45 appointing a member to the Board of Examiners of Contractors.

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

**RESOLUTION NO. 20-R45**

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

Commissioner Alexander – Jason Harris  
Commissioner Johnson – Brandon Nobile  
Commissioner Perona – Brandon Nobile  
Commissioner Sessions – Brandon Nobile  
Mayor Hudson – Brandon Nobile.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution 20-R45 and appoint Brandon Nobile to the Board of Examiners of Contractors.

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

Passed

**14. COMMENTS FROM THE PUBLIC**

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

Pamela Carithers  
Marie Bevelous

**15. COMMENTS FROM THE CITY MANAGER**

City Manager Nick Mimms provided an update on the appeal for the Melody Lane funding from FEMA. The City of Fort Pierce has applied to St. Lucie County for CARES Act reimbursement for all of the COVID-19 expenditures. St. Lucie County administrative staff was contacted regarding 822 and 880 Seaway Drive which is Chuck's Restaurant and the old Fire Station. County staff has indicated that they have concept designs only and there has been no movement to dispose of the property or to change the lease nor have they received approval from the St. Lucie County Fire Board to move forward with the disposition of that parcel. Fisherman's Warf bid has opened and six bids were received. Residential development is strong. There will be a Community Input meeting at the Percy Peek Gym on September 25, 2020. There will be limited attendance due to the pandemic. Mr. Mimms spoke with Mr. Lyle Sumek who suggested incorporating community input and input from the City Commission then having a formal workshop with specific action items that we can move forward with measurable goals and achievements.

City Attorney Peter Sweeney clarified that there are no outstanding items on the current agenda to carry forward to September 28, 2020. The Special Budget meeting will go forward on September 28, 2020 at 6:00 PM for the second reading on the Budget.

**16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander does not like the time of the 4:30 PM meeting. Council on Aging is struggling. Commissioner Alexander is worried about people struggling with higher taxes. Mr. Mimms explained that the millage rate is 6.9000 which has remained constant for several years and has not changed. Property values have increased which causes the taxes to go up, so it is considered a tax increase. Commissioner Sessions stated it is a benefit to the property owner that the values are going up.

Commissioner Perona is excited about today's agenda with all the developments and the destination attraction proposal that is happening. We need to pay attention to our entryways and the beautification. Waterfront connectivity is important when looking at the future sale of the Seaway properties and keeping that open for the public.

Commissioner Sessions The value of the property on the waterfront is increasing substantially. It is a valuable asset and urges property owners to not give up. The crime rate in the City of Fort Pierce is not really decreasing, but the incidents are being reported and recorded differently. Crimes are being reported as incidents because of lack of evidence. Crimes should not be downplayed as just an incident. There appears to be a strong movement to change past discriminatory practices regarding people of color. Businesses like TC Palm should be eliminated as a vendor of the City if they do not address their

discriminatory hiring practices and lack of diversity.

Commissioner Perona commented that he would like more information on how the information from the police department is collected and reported. Mr. Mimms will arrange for a presentation at a Conference Agenda meeting on how the crime statistics are gathered and reported.

Commissioner Johnson supports learning about how statistics are done and how the data is collected and reported. Commissioner Johnson wants all Commissioners personal and City emails blocked from each other so there is absolutely no chance of a Sunshine Law violation.

Commissioner Sessions has requested the City Attorney look into any possible violation of civil rights by having the decorum screen displayed on the video during the public comment.

Mayor Hudson stated that the decorum slide was her idea; people have a right to be heard, not seen. Mayor Hudson is also excited about the developments that came before the City Commission tonight. Great things are happening in Fort Pierce. We have a bright future ahead of us.

**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 **7:52 PM**.

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER