

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, **NOVEMBER 16, 2020**

1. CALL TO ORDER

Mayor Hudson called the November 16, 2020 Regular Meeting of the City Commission to order at 4:38 PM.

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

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Peter Sweeney

5. APPROVAL OF MINUTES

- a. Approval of Minutes from November 02, 2020 Regular Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve the minutes from the November 02, 2020 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Proclamation and Special Recognition for Commissioner Reginald Sessions
b. National American Indian Heritage Month Proclamation being received by Betty Nevers.

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.

Shirley Gibson, Item 10b.
Ashton Depeyster, Item 13a.
John Tompeck, Item 13a.
Eva Arnaiz, Item 13a.
Charlie Hayek, Item 13b. Submitted in writing and read into the record by the City Clerk.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

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

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

Passed

10. MISCELLANEOUS REPORTS

- a. Presentation of Fort Pierce Youth Council Recommendations

Fort Pierce Youth Council (YOCO) Chair, Leah Johnson provided a presentation outlining their mission which is to provide local youth with the experience of working with city government while obtaining a sense of civic responsibility as well as the opportunity to develop and demonstrate leadership skills. Miss Johnson also outlined the YOCO goals to promote, connect, and engage youth involvement in city government. The presentation described upcoming events which include a Thanksgiving and Christmas dinner drive-thru, teacher giveaways, and youth council conferences and webinars.

b. Renaming of North 29th Street

Joe Sweat, Marketing Specialist provided an update on the re-naming of North 29th Street from Orange Avenue to Avenue Q after Ms. Fannie Lewis-Darden who is currently 101 years old. Staff, at the direction of the City Commission, gained input from residents through a press release published October 21, 2020, initiated a social media promotion, conducted a survey between October 21, 2020 and November 06, 2020, and provided a direct mailing to owners along North 29th Street. Over 360 responses were received with the majority in favor of a dual street name designation. The total cost to rename this portion of North 29th Street is estimated at \$3,904.61. This item will be brought back to the City Commission in the form of a resolution.

The City Commission unanimously agreed that going forward staff is directed to develop a policy and procedure for future street name change requests similar to that of re-naming parks and public buildings.

11. CONSENT AGENDA

- a. Approval of the Fiscal Year 2020 Victims of Crime (VOCA) grant agreement to receive funding in the amount of \$69,360.00.
- b. Approval of a two (2) year extension for the Planned Development approval for Indian River Villas located at 401 Indian River Drive (Parcel IDs:2410-808-0017-000-7 & 2410-808-0019-000-1). The new expiration date would be November 19, 2022.
- c. Approve contract with Swagit., Plano, TX for the annual renewal of ADA compliance for FPTV services in the amount not to exceed \$68,328.00.
- d. Approve request to reduce the Building Department lien in the amount of \$16,130.00 against 119 N 11th Street, Fort Pierce, FL 34950 - Parcel ID Number 2409-516-0017-000-7 owned by Atlantic 509 LLC, 709 Neapolitan Way, Naples, FL 34103, to \$1,435.36 payable in 30 days.
- e. Approve request to partially release the Building Department lien in the amount of \$153,150.00 as of October 29, 2020, against Damion Mackey encumbered by 206 Dundas Court, Fort Pierce, FL 34950 - Parcel ID Number 2410-604-0139-000-2, previously owned by Damion Mackey of 2108 S 10th Street, Fort Pierce, FL 34950, to \$1,000.00.
- f. Approve request to partially release the Building Department lien in the amount of \$153,150.00 as of October 29, 2020, against Damion Mackey encumbered by 204 Dundas Court, Fort Pierce, FL 34950 - Parcel ID Number 2410-604-0139-000-2, previously owned by Damion Mackey of 2108 S 10th Street, Fort Pierce, FL 34950, to \$1,000.00.
- g. Approve request to partially release the Building Department lien in the amount of \$153,150.00 as of October 29, 2020, against Damion Mackey encumbered by 202 Dundas Court, Fort Pierce, FL 34950 - Parcel ID Number 2410-604-0139-000-2, previously owned by Damion Mackey of 2108 S 10th Street, Fort Pierce, FL 34950, to \$1,000.00.
- h. Approve request to partially release the Building Department lien in the amount of \$268,030.00 as of October 29, 2020, against Damion Mackey encumbered by 909 Avenue B, Fort Pierce, FL 34950 - Parcel ID Number 2410-604-0139-000-2, previously owned by Damion Mackey of 2108 S 10th Street, Fort Pierce, FL 34950, to \$1,000.00.
- i. Approval to award Johnson-Davis, Inc. a construction contract in the amount of \$102,438.62 for stormwater improvements in the Rio Vista Drive and Thumb Point Drive areas.

Commissioner Perona pulled item 11b for discussion.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Rufus Alexander to approve items 11a, 11c, 11d, 11e, 11f, 11g, 11h, 11i

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

Passed

Regarding 11b, the approval of a two (2) year extension for the Planned Development approval for Indian River Villas located at 401 Indian River Drive, Commissioner Perona commented that this project was planned as the gateway to downtown Fort Pierce. No permits have been pulled, no work has commenced and there is a for sale sign on the property. Commissioner Alexander and Commissioner Sessions stated that it is the regular course of business to grant these types of extensions. Commissioner Johnson is concerned with the proposed development's plan to build a bulkhead along the Indian River Lagoon and the effect it will have on the waterfront and feels that natural resources need to be preserved. Commissioner Perona stressed that in the past two years, Fort Pierce has progressed and achieved goals as set forth in the Strategic Plan. This property has not progressed. If a new developer comes in, it gives the City Commission a chance for a fresh look at their plan moving forward.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to disapprove item 11b.

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

NAY: Commissioner Rufus Alexander, 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. Resolution No. 20-R54 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 1909 N 16th 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-R54

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 1909 N 16TH 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 – yes.

Commissioner Johnson - none.

Commissioner Perona - none.

Commissioner Sessions - yes.

Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

City Clerk Linda Cox was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff presentation:

Code Compliance Manager Peggy Arriaz provided an overview of the proposed Resolution to demolish a structure located at 1909 N. 16th Street. Ms. Arriaz provided a history of the property beginning with the complaint received in 2017. Ms. Arriaz also presented photos of the structure which is a shell with three concrete walls only and is uninhabitable. The owner of the property is deceased, and his spouse has no intent to claim the property nor will they probate the owner's estate. An attempt was made to transfer title of the property to a developer, but it was not valid because the property was not properly probated. Complaints continue to be received from neighbors. Funds remain due to the City of Fort Pierce for past lot clearing and the real estate taxes are unpaid for 2018 and 2019. Ms. Diane Prince Darden an adjacent property owner and representative of other neighbors, was present and expressed her frustration with the condition of this property. She has experienced problems with rodents and reptiles from the overgrown vegetation.

Commission questions for Staff: The western wall of the structure was removed approximately one year ago. Commissioner Johnson inquired if the removal of that wall was part of a permit that has expired.

Applicant questions for Staff: Applicant Rolin Dorsainvil of RG Development, sworn, inquired if staff has any problems with him to which Ms. Arriaz stated there are no problems with him.

Applicant presentation: Applicant Rolin Dorsainvil of RG Development, sworn, was present and stated he is aware of the title issue. Mr. Dorsainvil does have engineering and architectural plans for this property which he presented to the City Commission. The permit expired due to the pandemic and his inability to get the work done as planned. Mr. Dorsainvil has hired an attorney to address the probating of the property to perfect the title so that he can renew the building permit and commence work.

Applicant John George of RG Development, sworn was present and assured the Commission that he will maintain the property. Mr. George stated that as soon as the title is clear, they will immediately commence construction.

Commission questions for Applicant: Commissioner Sessions inquired about the time frame for the probating of the property. Mr. Dorsainvil is paying for the probate of the estate. Commissioner Johnson inquired about the structural integrity of the remaining walls which may have changed over the past two years since the original engineering plans were created.

Building Official Paul Thomas, sworn, stated that the only person to certify structural integrity would be an engineer.

Public comment: None

Mayor Hudson closed the public hearing.

Comments by the City Commission: Commissioner Johnson stated that there has been a lot of good faith effort to get this project moving; however, there is no real time frame for the probate and title perfection. Mayor Hudson is also concerned with the clouded title. Commissioner Sessions stated that if the neighbors are willing to give the contractor six months to commence construction, he would be in favor of that extension; however, if no work has commenced in that time frame, then the structure should be demolished. Commissioner Alexander thinks that there are many other properties that need more attention and there are viable plans and intent to construct. Commissioner Perona also is aware that the contractor is trying to preserve the structure to avoid impact fees, has the permit and plans to construct, and has credibility. Commissioner Johnson is comfortable with six (6) months but no longer because then we are in hurricane season.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to disapprove Resolution 20-R54 and grant a six (6) month extension to commence construction and have a first inspection approved. During this extension, the contractor must continue to maintain the grounds of the property.

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

Passed

- b. Resolution No. 20-R55 and Quasi-Judicial Hearing – A hearing to allow the owners and/or parties of interest in the property identified as 712 Avenue E to show cause why the structure located on the premises should not be condemned and demolished.

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

RESOLUTION NO. 20-R55

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 712 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 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 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

Code Compliance Manager Peggy Arraiz, sworn, provided an overview of the proposed Resolution which included a history of the property beginning with the initial complaint received in 2017. The City of Fort Pierce had secured the property from illegal entry which was breached. A Property Maintenance Inspection Report (PMIR) was completed by a building inspector on January 07, 2020 at which time the structure was determined to be unsafe and demolition was recommended. The property taxes remain unpaid for 2017, 2018 and 2019. The property owner is deceased, and no heirs have been located. This property is historic, and the Historic Preservation Board has approved demolition. Ms. Arraiz provided an aerial map show the location of the subject parcel.

Commission questions for Staff:

None.

Applicant questions for Staff:

None.

Applicant presentation:

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 Resolution 20-R55.

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

Passed

- c. Quasi-Judicial Hearing - Application for Conditional Use with New Construction submitted by property owner, Yes Sandhill Exp, LLC, and Representative Lucido & Associates, to development & operate a Manufactured Home Park with 202 home sites at 3030 South US Highway 1 in Fort Pierce, FL. The property is zoned Medium Density Residential (R-4). Parcel ID: 2422-344-0001-000-6.

City Clerk Linda Cox introduced the Application for Conditional Use with New Construction submitted by property owner Yes Sandhill Exp, LLC and Representative Lucido & Associates to develop and operate a manufactured home park, Savannah Ridge, with 202 home sites located at 3030 South US Highway 1, Fort Pierce.

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 Brandon Creagan, sworn, provided an overview of the proposed Application for Conditional Use with New Construction of Savannah Ridge including a site map, future land use map, and zoning map to further describe the property in addition to a site plan with design review. Sixteen (16) notifications were mailed to property owners within 500 feet. St. Lucie County responded with a request for the development to connect with the Savannah's Preserve. The Planning Board approved the request as presented.

This application is consistent with the City Code and Comprehensive Plan; does not adversely affect the public health safety, convenience and general welfare; and, it was previously a manufactured/mobile home community known as Pleasure Cove.

Staff recommends approval subject to the following one (1) condition:

1. A Landscape Bond will need to be provided at the time of Certificate of Occupancy for the clubhouse pursuant to City Code 123-6.

Commission questions for Staff:

Commissioner Alexander inquired about a traffic light for US Highway 1 for this development and if a traffic study was done. Mr. Creagan advised that there is currently a traffic light in front of this community at US Highway 1 and Edwards Road and regarding the traffic study, there are less proposed home sites than what is existing. Commissioner Johnson inquired about what type of connectivity will be constructed to connect the pedestrians to US Highway 1 or Edwards Road. Mr. Creagan stated that currently there is a sidewalk that traverses US Highway 1. Sidewalks are on the internal of the site.

Applicant questions for Staff:

None.

Applicant presentation:

Brian Nolan, Applicant Representative of Lucido & Associates, sworn, presented an overview of the proposed application. Mr. Nolan provided background and site data of the property. The development had sustained major damage from hurricanes in the early to mid-2000's and the owner at that time chose not to rebuild. The project includes rehabilitation of site utilities including water, wastewater, stormwater, electric and fiber. Sidewalks will be constructed and connected to the sidewalks along US Highway 1. Street lighting will also be installed.

Commission questions for Applicant:

Commissioner Alexander inquired if this was a development for senior citizens. Mr. Nolan stated this is not an age-restricted community. Commissioner Alexander inquired if the school board was involved. Mr. Nolan stated that they were contacted, and the developer would be amenable to a condition requiring school buses to enter the community to pick up school children.

Public comment:

None.

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

Comments by the City Commission:

None.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Item 12c. with the one staff condition.

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

Passed

- d. Quasi-Judicial Hearing - Application for Conditional Use with New Construction submitted by property owners, John & Suzanne Hofer, and Representative William P. Stoddard, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL) that will be up to 32.82 feet in height from FEMA Based Flood Elevation on an unaddressed parcel along Surfside Drive in Fort Pierce, FL. The property is zoned Single Family Low Density Residential (R-1). Parcel ID: 2412-501-0123-000-7.

City Clerk Linda Cox introduced the Application for Conditional Use with New Construction submitted by property owners, John & Suzanne Hofer, and Representative William P. Stoddard, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL) that will be up to 32.82 feet in height from FEMA Based Flood Elevation on an unaddressed parcel along Surfside Drive 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 - 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 Brandon Creagan, sworn, provided an overview of the proposed application which included a site map and zoning map to further identify the property. Mr. Creagan provided information regarding the South Beach Overlay District Height Requirement, site plan, and design review. Thirty-five (35) letters were sent to property owners within 500 feet of the subject property. The proposed plan is consistent with the City Code and Comprehensive Plan; does not adversely affect the public health safety, convenience, and general welfare; and, as proposed will not cause an adverse effect to the dune system. The Planning Board approved the application.

Staff recommends approval subject to the following one (1) condition:

- 1) Obtain the approval of the Florida Department of Environmental Protection for construction activities seaward of the Coastal Construction Control Line before construction activities can commence.

Commission questions for Staff:

None.

Applicant questions for Staff:

None.

Applicant presentation:

Jeff Barquette, Applicant Representative, sworn and John Hofer, Applicant, sworn were present to answer any questions.

Commission questions for Applicant:

Commissioner Perona inquired if the intent will be for a residence. Applicant John Hofer confirms it will be a residence and not a vacation rental.

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 12d with the one staff condition.

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

Passed

13. CITY COMMISSION

- a. Consideration of the unsolicited proposal for the Waste Water Treatment Facility submitted by FCC Aqualia USA Corporation.

City Manager Nick Mimms advised that the City of Fort Pierce has received a letter of interest from FCC Aqualia USA Corp. who submitted an unsolicited proposal to the City of Fort Pierce proposing a public-private partnership for the design, construction, finance and long-term operation and maintenance of a new Water Reclamation Facility. City of Fort Pierce staff completed a review of this unsolicited proposal in accordance with Florida State Statutes. Fort Pierce Utilities Authorities was also afforded an opportunity to review the proposal and provide feedback.

Upon completion of the review, staff concluded that the proposer has not met all of the guidelines to be considered an unsolicited proposal as determined by the State of Florida.

The City Commission has the following two options:

1. Not accept this unsolicited proposal based on minimum mandated state guidelines.
2. Waive guidelines to initiate competitive bid process for relocation of Wastewater Treatment Facility.

FPUA and St. Lucie County have recently completed a feasibility study to determine a suitable location for a new facility. The conclusion was Glades Cut Off Road at the Treasure Coast Energy Center. Another location identified was at the Treasure Coast International Airport, but this was less feasible. A joint meeting with the City of Fort Pierce, St. Lucie County and FPUA has not happened due to the restrictive meeting protocols due to COVID-19.

Mr. Mimms said as City Manager and Director of Fort Pierce Redevelopment Agency, it's time for the City of Fort Pierce to take charge of this situation. If a public-private partnership is going to get this project moving, then the City of Fort Pierce should explore this opportunity.

Commissioner Alexander understood that the FPUA has indicated that the City of Fort Pierce cannot accept proposals for this project. Mr. Mimms stated that the City Commission is the elected body and governing entity of the City of Fort Pierce which represents the interest of the community and the City of Fort Pierce is the owner of the property. It is for the use and benefit of the FPUA but the City of Fort Pierce is the owner.

Commissioner Johnson inquired what guidelines would be waived to initiate the competitive bid process. Mr. Mimms stated that the reason it did not meet the minimum guidelines was because there was no financial data to support the proposal. We can waive those guidelines and request the financial data and technical specifications. This proposal can be run parallel to the collaboration with the City of Fort Pierce, St. Lucie County, and FPUA.

Commissioner Perona is concerned that by moving forward with the bid process it may disrupt the planned collaboration with the County and FPUA.

Mayor Hudson indicated that FPUA has invested in the project financially. Mayor Hudson feels we should explore this proposal and get more information. Mr. Mimms upon receipt of the letter of intent, contacted the Director of Utilities to initiate discussion. The City of Fort Pierce needs the FPUA to be a part of the solution.

Commissioner Perona clarified with Mr. Mimms that the City of Fort Pierce will have no obligation financially by moving forward with the competitive bid process.

Commissioner Alexander said the entire city will prosper by the relocation of this treatment plant.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to direct Staff to obtain more information from FCC Aqualia USA Corp. about their proposed planning process, financial process, what they can bring to the City of Fort Pierce and what information they will need from the FPUA to complete this proposal.

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

Passed

- b. Discussion of Fort Pierce Police Department body worn cameras at the request of Commissioner Sessions

Commissioner Sessions is concerned that body-worn cameras are not being used properly. Commissioner Sessions discussed the importance of body-worn cameras by police officers are to protect the police officers and the public, and he has a concern that they are being used at the discretion of the police officer and not as the policy is written. Commissioner Sessions would like the City Commission to review the BWC reports and the non-compliance. Commissioner Sessions is also concerned that shooting incidents are being written up as incidents rather than filed as reports.

- c. Resolution 20-R56 appointing members to the Sunrise Theatre Advisory Board.

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

RESOLUTION NO. 20-R56
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE SUNRISE THEATRE ADVISORY BOARD; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson asked the City Commission if they would like to review the mission of the Sunrise Theatre Advisory Board and the overall organization and how it functions with the foundation before appointing new members.

Mr. Mimms clarified that the City Commission is directing him to obtain feedback from City Staff, Sunrise Theatre staff and Sunrise Theatre Advisory Board with regard to the function of the Advisory Board, membership, how they are functioning and what they see as their role.

This item will come back to the City Commission at a later date.

- d. Resolution 20-R57 appointing an individual to fill an at-large seat of the Planning Board due to a resignation.

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

RESOLUTION NO. 20-R57
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Linda Cox distributed ballots to the Commission to select an At Large member.

Commissioner Alexander:	Nichelle Clemons
Commissioner Johnson:	Charles Bryant
Commissioner Perona:	Nichelle Clemons
Commissioner Sessions:	Charles Bryant
Mayor Hudson:	Nichelle Clemons

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Resolution 20-R57 appointing Nichelle Clemons as an At Large member of the Planning Board.

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

Passed

- e. Resolution 20-R58 Accepting the returns of the General Election

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

RESOLUTION NO. 20-R58
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ACCEPTING THE RETURNS OF THE GENERAL ELECTION HELD ON NOVEMBER 3, 2020, AS PROVIDED BY THE COUNTY SUPERVISOR OF ELECTIONS, PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 20-R58.

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

Passed

- f. Resolution No. 20-R59 determining that the structure located at 425 N 23rd Street 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 December 21, 2020.

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

RESOLUTION NO. 20-R59

A RESOLUTION DETERMINING THAT A CERTAIN BUILDING OR STRUCTURE LOCATED AT 425 N 23RD 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 ALL PARTIES OF INTEREST MUST SHOW CAUSE WHY THE STRUCTURE SHOULD NOT BE DEMOLISHED IN ACCORDANCE WITH THE 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 DECEMBER 21, 2020 AT 4:30 PM, IN THE CITY COMMISSION CHAMBERS LOCATED AT 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA; AND PROVIDING FOR NOTICE TO ALL PARTIES.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Resolution 20-R59.

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

Passed

- g. Submittal of applications to serve on the Keep Fort Pierce Beautiful Board.

This item will come back to the City Commission at the December 07, 2020 Regular Meeting.

14. COMMENTS FROM THE PUBLIC

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

Curtis Johnson, Jr.

15. COMMENTS FROM THE CITY MANAGER

Director of Public Works Mike Reals, at the request of the City Manager, gave an update regarding the A1A street lighting. Mr. Reals reported that the fixtures for Phase I of this project have been ordered. In response to input from the public and working with the contractor and lighting manufacturer, all lights will be amber colored fixtures. Installation should be in approximately six weeks. During a weather event last week, we lost another head on South Ocean. FPUA is aware of the issues we are having. During significant wind, the motion and vibration cause some of the terminals within the fixtures to break and lose power. In Phase I, the poles missing fixtures will be replaced. An audit was done on South Ocean from the Jetty to Blue Heron. A total of 109 fixtures were either out or missing. This project will replace 105 of those fixtures. Commissioner Johnson inquired about the lifespan of the new fixtures. Mr. Reals stated there is a ten-year warranty and they are LED and the lighting element is expected to last longer and have a much better efficiency rating so we expect to see an energy reduction as well. Commissioner Perona inquired if while they are replacing the missing light heads, if the existing lights can be inspected to ensure they are secure and will not fall. Mr. Reals stated that crews will be out to inspect all fixtures for safety.

Mr. Mimms discussed the holiday season which is upon us. Previously, approval was given for the Sights and Sounds Parade which attracts 10,000 people to the downtown. There is concern with an event of this size during the pandemic. Mr. Mimms was directed to move forward with permitting special events which has happened, but perhaps this event needs further consideration from the City Commission.

Commissioner Perona is a member of the club that helps to orchestrate this event. Everyone understands it will be a down scaled event while still trying to hold onto the tradition for Fort Pierce and supporting safety. If the plug is going to be pulled, it needs to be now because engagements are being confirmed. Commissioner Johnson said Main Street is also looking at various options to assist going forward with this event by possibly extending the length of the parade route to give people more room to social distance or using parklet barriers to extend the width of the sidewalks. There is a will in the community to hold the parade. There is a will in the community to be safe. There is a will in the community to not attend. Main Street has been working closely with the Fort Pierce Police Department who is integral to the safety and success of this event. There will be floats, no bands are scheduled. The lighting of the tree will not happen at the end. Commissioner Sessions is concerned for the safety of the citizens holding an event like this. Mayor Hudson is also concerned about managing the crowds. Mr. Mimms stated that the City of Fort Pierce is not doing holiday events such as the trolley tours, scavenger hunts, etc., because we want to protect our citizens, employees, and their families. Folks are continuing to contract the virus even with all the safety precautions. Event organizers will exhaust all efforts in providing proper social distancing as per the CDC guidelines. Commissioner Alexander would like to see an alternative perhaps gift bags for families or something similar. Mr. Mimms stated if there is any doubt, let's put a stop to it, this is an environmental emergency. Commissioner Perona is meeting with Kiwanis tomorrow and Commissioner Johnson is meeting with Main Street tomorrow. Mr. Mimms will be given an

update from the Commissioners from both organizations.

Mr. Mimms stated that the City of Fort Pierce will be helping families with food insecurities this weekend and anticipates handing out over 1200 turkeys and food packages.

City Attorney Peter Sweeney has no updates.

City Clerk Linda Cox has no updates.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona expressed pleasure working with Commissioner Sessions, respects his opinion and appreciates his moving the City of Fort Pierce forward over the past 20 years. Commission Perona wished Commissioner Sessions good will and good events going forward.

Commissioner Sessions is satisfied with his accomplishments. He has always been passionate about the City of Fort Pierce and his main concern has always been for the citizens and trying to give them the best life has to offer. Commissioner Sessions hopes the infrastructure of District 1 will continue to improve. May God bless the City of Fort Pierce.

Commissioner Alexander would like to see the City limits which end at Avenue D and 32nd Street to be extended and have annexations extended north and west.

Commissioner Johnson thanked Commissioner Sessions for his candor, honesty and love for the City of Fort Pierce.

Mayor Hudson thanked Commissioner Sessions for his service. Mayor Hudson would like to remind everyone that the Moore's Creek clean-up is this weekend. Sword Outreach, Marine Clean-Up Initiative, and St. Lucie County will be joining the City of Fort Pierce for this volunteer effort.

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 **9:36 PM**.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER