

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 6:00 P.M. ON MONDAY, **DECEMBER 07, 2020.**

**1. CALL TO ORDER**

Mayor Hudson called the December 07, 2020 Regular Meeting of the City Commission to order at 6:00 PM.

**2. OPENING PRAYER - Pastor Harry Shaw, Good News Missionary Baptist Church**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Curtis Johnson, Jr.;  
Commissioner Jeremiah Johnson; Commissioner Thomas Perona

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 November 16, 2020 Regular Meeting.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve the minutes from the November 16, 2020 Regular Meeting.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

**6. PROCLAMATIONS**

**7. LETTERS TO COMMISSION**

- a. Email from Charlene Adair expressing appreciation of Jacolby Washington, Solid Waste Division Manager's prompt assistance with resolving an issue and for the work and service provided by the Public Works Department.
- b. Letter from Lisa Sullivan, Principal, in recognition of Officer Eddie Dove going above and beyond in the performance of his duties at Dan McCarty Middle School.

**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.

Claude Facey – Items 11k, 11l, 11m, 11n.  
Ovenore Eliassaint – Item 10b.  
Sean McDermott – Item 10b.  
Henry Duhart – Item 10b.

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

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

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

**10. MISCELLANEOUS REPORTS**

- a. Presentation of St. Lucie County Transit Update by Murriah Dekle, Transit Division Director.

Mr. Mimms introduced Murriah Dekle, Transit Division Director and St. Lucie County Deputy County Administrator Alphonso Jefferson, Jr., who provided a summary of the annual report for the St. Lucie County Transit District 10-Year Development Plan. Mr. Jefferson explained that St. Lucie County Transit provides over 700,000 fixed-route trips annually and an additional 150,000 door-to-door trips for disadvantaged residents. In Fort Pierce, there were over 400,000 trips which led to a reduction in the number of vehicles on the roads and in turn, reduced carbon emissions. As communities grow in St. Lucie County, the transit opportunities will expand to meet the needs of residents.

Ms. Dekle provided the Annual Report to the City Commission and acknowledged the Federal Transit Association (FTA), Florida Department of Transportation (FDOT), St. Lucie Board of County Commissioners, the cities of Fort Pierce, Port St. Lucie, St. Lucie Village, and MV Transportation for their support, information-sharing, technical

assistance, and financial support. Ms. Dekle summarized their accomplishments which include increased ridership, new routes, bus stop improvements, and capital projects, CARES Act Funding for Public Transportation, community goals, special project updates, and future development plans.

Mr. Adolfo Covelli, Transit Operations Manager for Transportation Services summarized the status of fleet management, new buses, disposition of unused buses, ridership trends, COVID-19 mitigation procedures, intergovernmental coordination, new services, and route summaries.

b. Recommendations of the Police Community Advisory Committee

Mr. Charles Hayek, Chairman of the Police Community Advisory Committee (PCAC), presented recommendations to the City Commission to create a Civil Citation Program for marijuana offenses and to request city staff assistance in making a survey available to the public.

The New Leadership Society of Fort Pierce had come before the PCAC to discuss an amendment to the City of Fort Pierce Code of Ordinances for the decriminalization of marijuana. Mr. Hayek stated that the PCAC has reviewed many municipal policies and ordinances in Florida to see how they went about the decriminalization which was accomplished by reducing a marijuana offense to a citation. Fees for these citations varied. The PCAC has done the research and is requesting the City Commission to investigate this matter further and develop a policy like those in other communities.

The PCAC is requesting permission to have City Staff assist with presenting a survey on the city's website to solicit actionable input from the community which will guide the PCAC in making future recommendations regarding the police department.

The City Commission has recommended that the PCAC reach out to Dr. Timothy Moore, President of Indian River State College to seek a partnership in developing a targeted survey that will better suit the needs of the PCAC in seeking targeted needs assessments.

The City Commission has requested staff do further research into the matter regarding the decriminalization of marijuana including feedback from the police department, data, and statistics from the police department, how other neighboring communities' ordinances were drafted and implemented, and then engage the community on this discussion.

**11. CONSENT AGENDA**

- a. Approval to piggyback the Florida Sheriff's Association Cooperative Purchasing Program Contract number FSA20-VEL28.0 (Bid period 10/1/20 to 9/30/22) for the purpose of purchasing three (3) of Specification number 138: 2021 Ford F-150 Supercab XL 2 WD pickup trucks from Coggin Ford, 9650 Atlantic Blvd., Jacksonville, Florida 32225 for the amount of \$72,159.00, or \$24,053.00 each.
- b. Approve the additional funds in the amount of \$13,594.77 to PO#200146 for AT&T to cover outstanding invoice for FY2020. \$13,594.77 due to enhanced efficiency, there was a need to add additional phone lines and iPads to the account.
- c. Approve request for letter of support from Saint Lucie County for Upward Mobility Cohort Project application.
- d. Approval for the replacement of two access control gate systems for both the main police station in the amount of \$34,900 and the Willie B. Ellis sub-station in the amount of \$26,500, for a total amount not to exceed \$61,400. The replacement of the two access control gate systems will be completed by 1st Fire and Security, Vero Beach, FL .
- e. Approval to piggyback the US Communities Contract #15-JLP-023 for the purchase of one (1) Trane Air-Cooled Chiller - Scroll Compressors Model Number CGAM100A2\*\* in accordance with the attached quote for the Sunrise Theatre, in an amount not to exceed \$70,435.00.
- f. Approve grant award for Tamesha Hamilton, owner of My Grandmothers' Keeper and PeeWee's Place LLC, in the amount of up to \$10,000.00, as an eligible recipient under the Way to Grow Lincoln Park Historic Avenue D Business District Small Business Startup/Relocation Grant Program.
- g. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$451.06 against 704 N 20th St., Fort Pierce, FL, Parcel ID Number 2404-715-0020-000-7 owned by Gwendolyn McKenzie, 1560 Patrick Ave., Tallahassee, FL 32310 to \$200.00 payable in 30 days. However, applicant is also requesting a waiver of a portion of the hard costs leaving a balance of \$100.00, which requires a direct vote by the Commission.
- h. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$451.06 against 702 N 20th St., Fort Pierce, FL, Parcel ID Number 2404-715-0021-000-4 owned by Gwendolyn McKenzie, 1560 Patrick Ave., Tallahassee, FL 32310 to \$200.00 payable in 30 days. However, applicant is also requesting a waiver of a portion of the hard costs leaving a balance due of \$100.00, which requires a direct vote by the Commission.
- i. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$451.06 against 0 N 20th St (aka 700 approx. N 20th St), Fort Pierce, FL, Parcel ID Number 2404-715-0022-000-1 owned by Gwendolyn McKenzie, 1560 Patrick Ave., Tallahassee, FL 32310 to \$200.00 payable in 30 days. However, applicant is also requesting a waiver a portion of the hard costs leaving a balance due of \$100.00, which requires a direct vote by the Commission.
- j. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$451.06 against 0 N 20th St., Fort Pierce, FL, Parcel ID Number 2404-715-0023-000-8 owned by Gwendolyn McKenzie, 1560 Patrick Ave., Tallahassee, FL 32310 to \$200.00 payable in 30 days. However, applicant is also requesting a waiver of the portion of the hard costs leaving a balance due of \$100.00, which requires a direct vote by the Commission.
- k. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$8,897.51 against 1309-1313 Avenue J, Ft. Pierce, FL 34950, Parcel ID Number 2404-807-0002-000-7 owned by Team Facey Real Estate, LLC, 2833 SW Brighton St., Port St. Lucie, FL 34953 to \$2,924.23 payable in 30 days. However, applicant is also requesting a waiver of a portion of the hard costs also in the amount of \$1,924.23, leaving a balance due of \$1,000.00 payable within 30 days, which requires a direct vote by Commission.

- l. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$1,201.02 against 1313 Avenue J, Ft. Pierce, FL 34950, Parcel ID Number 2404-807-0002-000-7 owned by Team Facey Real Estate, LLC, 2833 SW Brighton St., Port St. Lucie, FL 34953 to \$406.41 payable in 30 days. However, applicant is also requesting a waiver of a portion of the hard costs in the amount of \$205.39, leaving a balance due of \$201.02 payable within 30 days, which requires a direct vote by Commission.
- m. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$487.27 against 1313 Avenue J, Ft. Pierce, FL 34950, Parcel ID Number 2404-807-0002-000-7 owned by Team Facey Real Estate, LLC, 2833 SW Brighton St., Port St. Lucie, FL 34953 to \$151.71 payable in 30 days.
- n. Approval of staff recommendation in response to request to reduce lot clearing fees in the amount of \$342.90 against 1313 Avenue J, Ft. Pierce, FL 34950, Parcel ID Number 2404-807-0002-000-7 owned by Team Facey Real Estate, LLC, 2833 SW Brighton St., Port St. Lucie, FL 34953 to \$69.80 payable in 30 days.

Commissioner Alexander pulled item 11e for discussion.

Motion was made by Commissioner Jeremiah Johnson, to approve items 11a, 11b, 11c, 11d, 11f, 11g, 11h, 11i, 11j, 11k, 11l, 11m and 11n.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

Regarding item 11e, Mr. Mimms explained that this item is for the application and installation of a chiller unit that will replace an existing unit that is not operating at its best capacity. The Sunrise Theatre is an incredibly old facility and has antiquated equipment that will need updating as necessary to optimize operational efficiency. The funds to purchase this equipment will come directly from the restricted capital fund that was generated by ticket sales. No general fund or FPRA monies will be utilized.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Jeremiah Johnson to approve item 11e.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

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. Quasi-Judicial Hearing - Ordinance 20-030 rezoning two (2) properties generally located at or near 1700 S. 23rd Street from Office Commercial (C-1) to Planned Development (PD) with an underlying Zoning of Office Commercial (C-1). FIRST READING

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

### **ORDINANCE NO. 20-030**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING TWO (2) PROPERTIES GENERALLY LOCATED AT OR NEAR 1700 SOUTH 23RD STREET FROM OFFICE COMMERCIAL (C-1) TO PLANNED DEVELOPMENT (PD) WITH AN UNDERLYING ZONING OF OFFICE COMMERCIAL (C-1); 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 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, with applicant approximately two years ago.

Commissioner C. Johnson – none.

Commissioner J. Johnson – Yes, with applicant approximately two years ago.

Commissioner Perona - Yes, with applicant approximately two years ago..

Mayor Hudson – Yes, with applicant approximately two years ago.

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 Ordinance 20-030 for a Zoning Atlas Map Amendment for a Planned Development of Lawnwood Regional Medical Center and provided a Site Map, Future Land Use Map, and Zoning maps to further describe the property. The Zoning Atlas Map Amendment is to change two parcels from Office Commercial (C-1) to Planned Development (PD) with an underlying zoning of C-1. Notifications were sent to 104 property owners within 500 feet of the subject property. Mr. Creagan further discussed the PD Site plan Master Plan Phases and provided a Medical Tower Elevation map, and provided an Overall Landscape Plan. Planning Board has recommended approval. Staff recommends approval.

Commission questions for Staff: Commissioner J. Johnson inquired about the type of vegetation proposed on the Landscape Plan.

Applicant questions for Staff: Michael Schwartz of Kimley Horn Associates, Applicant Representative, sworn, was present did not have any questions for staff and is available to answer any questions from the City Commission.

Applicant presentation: None.

Commission questions for Applicant: None.

Public comment: None

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

Comments by the City Commission: None.

Motion was made by Commissioner Rufus Alexander, seconded by Commissioner Curtis Johnson, Jr. to approve Item 12a.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- b. Quasi-Judicial Hearing - Application for Conditional Use with New Construction submitted by Property Owners, Raymond & Catherine Duquette, and Representative Michael Menard, to construct a single family home seaward (east) of the Coastal Construction Control Line (CCCL) that will be up to 34.40 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: [2412-501-0125-000-1](#).

City Clerk Linda Cox introduced the Application for Conditional Use with New Construction submitted by Property Owners, Raymond & Catherine Duquette, and Representative Michael Menard, to construct a single-family home seaward (east) of the Coastal Construction Control Line (CCCL) that will be up to 34.40 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 C. Johnson – none.  
Commissioner J. Johnson - none.  
Commissioner Perona - 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 submitted by Property Owners, Raymond & Catherine Duquette, and Representative Michael Menard. Mr. Creagan provided a Site Map and Zoning Map to further describe the property. Mr. Creagan provided slides to describe the South Beach Overlay District Height Requirement, Site Plan, and Design Review Plan. Thirty-Five (35) letters were sent to property owners within 500 feet of the subject property, six were returned with four in favor, one opposition, and one with no comment. Planning Board has recommended approval.

Staff recommends approval subject to 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: Commissioner Perona requested Mr. Creagan clarify the allowable height requirements with and without architectural embellishments.

Applicant questions for Staff: Applicant Representative Mike Menard of Architectonic, Inc, sworn was present and did not have any questions for staff. Mr. Menard was available to answer any questions.

Applicant presentation: None.

Commission questions for Applicant: Commissioner Perona inquired about the lack of symmetrical placement of the windows in the street facing design. Mr. Menard explained that this is the rear of the structure and due to the interior layout and placement of mechanical systems in the home, this was the preferential design. The owner's preferred to have the front of the home facing the ocean to be more aesthetically pleasing.

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 Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- c. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by Property Owner, Dover-Neal Development, Inc, and Applicant Sunshine Arcade, Inc, to operate a 66-machine arcade amusement center at 2202 North US Highway 1 in Fort Pierce, FL. The property is zoned General Commercial (C-3). Parcel ID: 1433-440-0009-010-1.

City Clerk Linda Cox introduced the Application for Conditional Use with No New Construction submitted by Property Owner, Dover-Neal Development, Inc, and Applicant Sunshine Arcade, Inc, to operate a 66-machine arcade amusement center at 2202 North US Highway 1 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 – Yes, to answer a question.

Commissioner C. Johnson – none.

Commissioner J. Johnson - none.

Commissioner Perona - 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 No New Construction for Sunshine Arcade to operate a 66-machine arcade amusement center. Mr. Creagan provided a Site Aerial Map, Future Land Use Map, and Zoning Map to further describe the property. The Planning Board voted 4-2 to recommend approval. Mr. Creagan further provided a Site Plan and Floor Plan for the proposed Arcade. Twenty (20) letters were sent to property owners within 500 feet of the subject property.

Staff recommends approval subject to two (2) conditions:

1. Submit a Landscape Plan to the Building Department in accordance with City Code 125-325 (2)(i) that demonstrates compliance with the City's Landscape Code 123-37. This shall be completed before the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(i).

2. Install a sidewalk along the eastern property boundary that abuts North Old Dixie Highway prior to the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(j).

Commission questions for Staff: Commissioner C. Johnson inquired about the direction the front of the facility faces which is southerly. Mayor Hudson asked if there were any restrictions on arcades regarding proximity to where alcohol may be served. Alcohol may not be served in the arcade, but there are no restrictions to neighboring businesses. Mr. Creagan noted that this arcade will occupy the space that was formerly occupied by the Wood Fyah Grill.

Applicant questions for Staff: : Applicant Representative Mike Menard of Architectonic, Inc, sworn was present and inquired about the sidewalk requirement and if payment in lieu of a sidewalk would be acceptable. Planning Director Jennifer Hofmeister stated that the Planning Department would not object to a payment in lieu of a sidewalk. Those funds could be placed in a restricted fund and if there is further development along the Old Dixie corridor, those funds would be then used to install a sidewalk.

Applicant presentation: Applicant Representative Mike Menard of Architectonic, Inc, sworn, was available to answer any questions.

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 Rufus Alexander, seconded by Commissioner Curtis Johnson, Jr. to approve Item 12c with the following revised conditions:

1. Submit a Landscape Plan to the Building Department in accordance with City Code 125-325 (2)(i) that demonstrates compliance with the City's Landscape Code 123-37. This shall be completed before the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(i).
2. Install a sidewalk along the eastern property boundary that abuts North Old Dixie Highway prior to the issuance of a Business Tax Receipt in accordance with City Code 125-325 (2)(j), or make payment in lieu of sidewalk installation.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- d. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owner, Sharon Scalone to operate a Dwelling Rental, offering lodging for less than six (6) months with a minimum rental period identified as one (1) day located at 1132 Granada Street. The property is zoned Single-family Intermediate Residential Zone (R-2). Parcel ID: 2401-811-0008-000-3.

City Clerk Linda Cox introduced the Application for Conditional Use with No New Construction submitted by property owner, Sharon Scalone to operate a Dwelling Rental, offering lodging for less than six (6) months with a minimum rental period identified as one (1) day located at 1132 Granada Street, 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 C. Johnson – yes.  
Commissioner J. Johnson - none.  
Commissioner Perona - none.  
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 Planning Director Jennifer Hofmeister, sworn, provided an overview of the proposed application for Conditional Use with No New Construction to offer lodging for less than six (6) months with a minimum rental period of one (1) day. Ms. Hofmeister provided a Location Map, Future Land Use, and Zoning Map to further describe the property location. Notifications were sent to 98 owners within 500 feet with one (1) returned in favor, 10 in opposition, and two (2) with no comment.

Staff recommends approval of the proposed Conditional Use, subject to five (5) Conditions with additional language to Condition 4 to prohibit on-street parking:

- 1) The property manager for the dwelling rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
- 2) Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
- 3) The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within 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 two (2) vehicles per unit. On-Street parking is prohibited.
- 5) The City of Fort Pierce Business Tax License number shall be included in all advertising

Commission questions for Staff: Commissioner Alexander inquired about the added language in Condition 4. Ms. Hofmeister explained that there are no delineated parking spaces on the road and the Planning Board requested the language be added for clarity.

Applicant questions for Staff: Applicant Sharon Scalone, sworn was present. Ms Scalone had no questions for staff, but did comment that Fort Pierce is thriving for vacation rentals.

Applicant presentation: None.

Commission questions for Applicant: Commissioner J. Johnson inquired if the applicant had any concerns regarding the additional language added to Condition 4. Ms. Scalone replied that while other neighbors do park along the street, she understands the condition and has plenty of off-street parking available.

Public comment: None.

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

Comments by the City Commission: Commissioner Alexander commented that he does not feel the additional language should be added to this application when it is not added to any other application. Commissioner C. Johnson also shares Commissioner Alexander's concern about adding this language about parking on the street and inquired about the enforcement aspect of adding this language. Commissioner Perona commented that while no vacation rentals have been previously approved in this R-2 zone, there have been a few on the next street up which is Hernando. Commissioner Perona is happy that there will be a discussion with staff on vacation rentals and the conditions. Ms. Hofmeister read the comments from the public which were received on the notifications returned. City Attorney Peter Sweeney reminded the City Commission that the comments received from the notifications are not to be considered sworn testimony or competent substantial evidence. There is a legal reason that this is being heard as a public hearing. Commissioner J. Johnson provided some evidence from the Property Appraiser that this is a smaller lot being less than a quarter acre, and the road is not up to today's City standard per the Engineering design book; therefore, this is a good condition to add on this application. It's important that this Conditional Use process be refined for each individual property because each property is unique. Mayor Hudson commented that the use of the property in this way is a property rights issue which is how the legislature looks at it. The neighbors also have property rights when they do not want transient housing to interfere with their established neighborhood. The Conditional Use procedure is a tool for the City Commission to protect the neighborhood. Commissioner Alexander does not want this one property to be targeted with a restriction that neighbors do not necessarily follow when other vacation rentals have not had this additional language added. City Attorney Sweeney clarified the term 'competent substantial evidence' and the conditional use process.

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

AYE: Mayor Linda Hudson, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

NAY: Commissioner Rufus Alexander

Passed

- e. Legislative Hearing - Ordinance 20-031 seeking a Future Land Use Map Amendment for three (3) properties generally located at or near 2107 Swain Road from Medium Density Residential (RM) to High Density Residential (RH) FIRST READING (Transmittal Hearing)

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

**ORDINANCE NO. 20-031**

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 THREE (3) PARCELS GENERALLY LOCATED AT OR NEAR 2107 SWAIN ROAD FROM CITY OF FORT PIERCE MEDIUM DENSITY RESIDENTIAL (RM) TO CITY OF FORT PIERCE HIGH-DENSITY RESIDENTIAL (RH); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Planner Brandon Creagan provided an overview of the proposed ordinance for a Future Land Use Amendment and Zoning Atlas Map Amendment of three parcels located at 2107 Swain Road. Mr. Creagan provided an Aerial Map, Future Land Use Map, and Zoning Map to further identify the property. The Applicant is requesting a Future Land Use change for three (3) parcels from Medium Density Residential (RM) to High-Density Residential (RH) and a Zoning change for three (3) parcels from Medium Density Residential (RM) to High-Density Residential (RH). Eighteen (18) notifications were sent to property owners within 500 feet with one return in opposition. The Planning Board has recommended approval of both the Future Land Use Amendment and the Zoning Atlas Amendment.

Staff recommends approval.

Mayor Hudson opened the Public Hearing.

Applicant Representative Brad Currie of Engineering Design Construction was present and stated that this property is really on Jenkins Road with a Swain Road street address. Mr. Currie is available to answer any questions.

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

Comments by the City Commission: Commissioner J. Johnson inquired if there is a difference between the setbacks in an R4 and R5. Mr. Creagan stated there is a 25-foot setback for residential units. The R4 has a height restriction but the R5 does not. The letter in opposition requested keeping the property at Medium Density.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 20-031.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- f. Quasi-Judicial Hearing - Ordinance 20-032 rezoning three (3) properties generally located at or near 2107 Swain Road from Medium Density Residential (R-4) to High Density Residential (R-5). FIRST READING

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

**ORDINANCE NO. 20-032**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING THREE (3) PARCELS GENERALLY LOCATED AT OR NEAR 2107 SWAIN ROAD FROM CITY OF FORT PIERCE MEDIUM DENSITY RESIDENTIAL, R-4 TO CITY OF FORT PIERCE HIGH-DENSITY RESIDENTIAL, R-5; 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 C. Johnson – none.  
Commissioner J. Johnson - none.  
Commissioner Perona - 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 See presentation on Ordinance 12e.

Commission questions for Staff: None.

Applicant questions for Staff: None

Applicant presentation: Mr. Brad Currie, Applicant Representative, sworn was available to answer any questions.

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 Curtis Johnson, Jr. to approve Ordinance 20-032.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- g. Legislative Hearing - Ordinance 20-033 - extending the territorial limits of the City of Fort Pierce, to include 2564 S. Kings Highway in Fort Pierce, Florida. FIRST READING

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

**ORDINANCE NO. 20-033**

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 2564 SOUTH KINGS HIGHWAY 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. FIRST READING.

Planner Brandon Creagan provided an overview of the proposed Voluntary Application for Annexation of a parcel along with a Future Land Use Designation of Mixed-Use (MXD) and a Zoning designation of Single Family, two units per acre (E-2). Mr. Creagan provided a Site Aerial Map, Future Land Use Map, and Zoning Map to further describe the property. As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Board recommends approval.

Staff recommends approval for the proposed Annexation.

Mayor Hudson opened the Public Hearing.

Commissioner J. Johnson inquired about a parcel to the north of this subject property. Mr. Creagan stated this could be a right-of-way or someone protected from being on the Property Appraiser's website. Planning staff will research the lone parcel.

Mr. Brad Currie of Engineering Design Construction and Applicant Representative stated that the lone parcel is a drainage pond for Kings Highway so it would be owned by FDOT. The Applicant intends to build enclosed and covered storage bays where boats or RV's can be stored as well as office flex space.

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

Comments by the City Commission: None.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance 20-033.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

- h. Legislative Hearing - Ordinance 20-034 - extending the territorial limits of the City of Fort Pierce, to include 706 Midway Road in Fort Pierce, Florida. FIRST READING

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

**ORDINANCE NO. 20-034**

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE 706 MIDWAY ROAD 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. FIRST READING.

Planner Brandon Creagan provided an overview of the proposed Application for Annexation of 706 Midway Road. Mr. Creagan provided a Site Aerial Map, Future Land Use Map, and Zoning Map to further describe the property. As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Board recommends approval.

Staff recommends approval for the proposed Annexation.

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 Jeremiah Johnson to approve Ordinance 20-034.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

**13. CITY COMMISSION**

- a. Resolution 20-R60 appointing members to the Keep Fort Pierce Beautiful Board.

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

**RESOLUTION NO. 20-R60**

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

City Clerk Linda Cox distributed ballots to the City Commission. No additional applications were received for the appointment as a Horticulture representative which results in automatic re-appointment. Ballots are for the Fort Pierce Resident position.

Commissioner Alexander:	Shirley Walker
Commissioner C. Johnson:	Charles Bryant
Commissioner J. Johnson:	Shirley Walker
Commissioner Perona:	Shirley Walker
Mayor Hudson:	Shirley Walker

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution 20-R60 re-appointing Shirley Walker as the City of Fort Pierce Resident position and Martha Wright as the Horticulture position to the Keep Fort Pierce Beautiful Board.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Curtis Johnson, Jr., Commissioner Jeremiah Johnson, Commissioner Thomas Perona

Passed

**14. COMMENTS FROM THE PUBLIC**

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

Rick Reed  
Reginald Sessions

**15. COMMENTS FROM THE CITY MANAGER**

Mr. Mimms stated that an interim update on the unsolicited proposal from Aqualia and that the request for additional information was forwarded to the FPUA Board who decided to wait until the January 7, 2021 joint meeting with the FPUA, City of Fort Pierce City Commission and St. Lucie County Board of County Commissioners to discuss the future of the wastewater treatment plant. Mr. Mimms has forwarded to the City Commission a request for items to be discussed at that joint meeting.

Mr. Mimms has forwarded to the City Commission the response to a list of inquiries that were sent to County Administrator Howard Tipton by Commissioner Alexander regarding transportation and transit network.

The St. Lucie County Legislative Delegation will be meeting on January 19, 2021, and as a pre-requisite, we will have a discussion with our Legislative Affairs Director, Nicole Fogarty who has forwarded to the City Manager a draft of legislative priorities which will be discussed in January.

Walker Parking Consultants has completed their draft study and report of the parking situation throughout the City of Fort Pierce. That information will be presented to the Parking Committee who will bring their recommendation to the City Commission.

Colliers International has finished its draft of the retail market study and has provided a vast amount of information regarding our current market, gap analysis, leakage, void analysis, etc. Colliers International will be presenting their findings at the FPRA meeting on January 13, 2021.

The Community Conversation has been postponed due to COVID-19. This Community Conversation will be re-scheduled in the Spring of 2021 when the environmental and health restrictions have been hopefully lifted.

The upcoming Conference Agenda meeting has a very full agenda which includes presentations of the Port of Fort Pierce draft Master Plan and Parking Committee and also Planning Department items including vacation rentals, fee reduction and waivers, facilitation of the construction of duplexes, waiver of distance for alcohol establishments, zoning requirements and code revisions for the Edgartown District and the expansion of the Central Business District. In addition, there will be the annual review of the Boards and Committees on which the City Commission serve.

City Attorney Peter Sweeney offered congratulations to Mayor Hudson, Commissioner Jeremiah Johnson, and Commissioner Curtis Johnson on their appointments and looks forward to a successful 2021. City Clerk Linda Cox also echoed Attorney Sweeney's sentiments.

a. Reports

**16. COMMENTS FROM THE COMMISSION**

Commissioner Alexander inquired about the Street Naming Resolution. Mr. Mimms stated that a Resolution will be brought before the City Commission at the next regular meeting to be held on December 21, 2020. Commissioner Alexander inquired about annexations and legislative annexations. Nick Mimms stated that Legislative Annexations through Special Act would go through the State Legislature Branch. That would require a voter referendum to determine if the residents in that given area would like to move forward with that initiative. Then the State Legislators could move forward with the Special Act. Regarding legislative hearings for annexations, City Attorney Peter Sweeney explained that the legislative hearing process is a lower standard than a quasi-judicial hearing process, so it does not have to have competent substantial evidence which is a function of Florida Law when it comes to municipal ordinances and legislative acts. Quasi-judicial hearings have a higher standard because they deal with due process rights and typically individual vested rights. Commissioner Alexander is concerned that the annexations are not moving north and northwest. Annexations are being handled on a parcel-by-parcel basis as well as voluntary annexations until we can move forward with the County.

Commissioner Perona thanked Public Works for great holiday decorations. The Parking Committee study, when presented, will change Fort Pierce. All businesses and those in the community who have parking concerns should be reading this study and commenting to the Parking Committee. Commissioner Perona welcomed Commissioner C. Johnson to the City Commission.

Commissioner Curtis Johnson commented that today was very special having participated in the swearing-in ceremony. Commissioner C. Johnson looks forward to the day when the city is not divided into districts but is one city and will work hard to create equity among all boundaries of Fort Pierce. We need to accelerate the process of growth within the city. Commissioner C. Johnson wanted to acknowledge the community who has rallied around and supported the Bell family in the aftermath of the tragic fire. Commissioner C. Johnson is also concerned about COVID-19. Commissioner looks forward to working with the City Commission to make sure that we have vision, leadership, and community engagement. On Wednesdays from 10:00 am – 1:00 pm Commissioner C. Johnson will be available for Open Door. Please call to schedule an appointment to engage!

Commissioner Jeremiah Johnson echoes the welcome and looks forward to working with Commissioner C. Johnson. Regarding the See-Click-Fix, Commissioner J. Johnson would like to see the analytics. City Manager Nick Mimms stated that the City is averaging less than two days to acknowledge and approximately seven days to close a request. Commissioner J. Johnson suggested perhaps individual Commissioner town hall-style meetings in conjunction with the Police Community Advisory Committee to help engage the community with ideas and suggestions especially for those who do not have the technological means to do a survey. Mayor Hudson also suggested focus groups.

Mayor Hudson also welcomed Commissioner Curtis Johnson. Mayor Hudson inquired if there would be a Martin Luther King parade. City Clerk Linda Cox said the parade committee meeting will be on December 14, 2020.

**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 **9:13 PM**.

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR COMMISSIONER