

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:30 P.M. ON MONDAY, **DATE**

**1. CALL TO ORDER**

Mayor Hudson called the February 16 , 2021 Regular Meeting of the City Commission to order at 4:30 PM.

**2. OPENING PRAYER - Pastor Craig Cramer, Westside Church**

**3. PLEDGE OF ALLEGIANCE**

**4. ROLL CALL**

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

Absent: Commissioner Rufus Alexander

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

Motion was made by Commissioner Curtis Johnson Jr ; seconded by Commissioner Jeremiah Johnson to excuse Commissioner Rufus Alexander from the Ferbruary 16 , 2021 Commission Meeting.

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

Passed

**5. APPROVAL OF MINUTES**

- a. Approval of minutes from the February 1, 2021 Regular meeting.

Motion was made by Commissioner Thomas Perona , seconded by Commissioner Jeremiah Johnson, to approve the minutes from the February 01, 2021 Regular Meeting.

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

Passed

**6. PROCLAMATIONS**

- a. Arbor Day Proclamation being received by the Keep Fort Pierce Beautiful Board.
- b. Hazel Hoylman Proclamation

**7. LETTERS TO COMMISSION**

- a. Email from Susie DeVito, Construction Superintendent for Bent Creek, thanking Susan Keller, Permit Specialist, Building Department for her outstanding customer service.
- b. Voice message from Tony Schauer with Treasure Coast Auto Auction complimenting the integrity of Code Enforcement Officer Heather Debevec who found their lost dealer tag and returned it.

**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.

Dr. Julie Kittams , 11 a,b,and c

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

City Manager Nick Mimms introduced a request to consider a letter seeking substantive safety improvements and measures be implemented on Indian River Drive. This request will be addressed at 13D.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the agenda as amended.

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

Passed

**10. MISCELLANEOUS REPORTS**

- a. Presentation by Jonathan Paul, AICP, Principal of NUE Urban Concepts regarding the development of a Mobility Plan and establishing innovative funding sources such as Mobility Fees and Tax Financing districts.

Mr. Paul provided a presentation on the future vision for community movement with mobility fees. The mobility fee is a version of the road-way impact fee. The intent of mobility fees is to replace transportation concurrency, proportionate share, and road impact fees. Mobility fee payments are paid by new development to offset its impact to the transportation system. The purpose is moving people and providing choices. These choices include walking, cycling, transit, micro mobility and low speed vehicles, shared mobility, and motor vehicles. Mr. Paul provided examples of how to implement a mobility fee based on plans from St. Augustine and Bradenton. Additionally, he provided examples of mobility options. Mr. Paul introduced Complete Streets, increased mobility through means other than typical auto. This option allows the city to collect fees and determine how they will use them as opposed to county use.

Consensus was to seek a scope of work from Mr. Paul to continue exploration of this option for the city.

- b. First Quarter Financial Report

b. The Finance Director prepares and presents to the City Commission and Citizens a quarterly report on the financial status of the different funds of the City. The financial report for the period ending December 31, 2020, encompasses General, Marina, Solid Waste, Golf Course, Sunrise Theatre, Building & Code, and Urban Redevelopment Funds. The financial book shows comparative information for the first quarters of FY 2020 and 2021.

Johnna Morris, Finance Director introduced the financial report for the period ending December 31, 2020. According to the fund evaluation report, all funds are performing as expected with the exclusion of the golf course and The Sunrise Theatre. The financial position sheet indicates where funds are lacking. Solid Wastes resources are in the negative, with an appropriation of \$712,000 to fund the budget. The golf course is lagging at \$23,821, and the Sunrise Theatre at \$151,700. Mrs. Morris explained the city is on target with the grant funds. After significant discussion regarding the future of the Sunrise Theatre, its funding, structure and future operations, consensus was to schedule a special workshop to more fully discuss the situation.

## 11. CONSENT AGENDA

- a. Approve amendments to the Interlocal Agreement between the City of Fort Pierce and St. Lucie County regarding the continued operations of the animal shelter located at 100 Savannah Road.
- b. Approval of a lease between the City of Fort Pierce and the Sunrise Humane Society for the lease of the animal shelter located at 100 Savannah Road, for a term of one (1) year with four (4) automatic renewals.
- c. Approval of the service agreement between the City of Fort Pierce and the Sunrise Humane Society for shelter and care of all domestic animals impounded by Animal Control or dropped off by residents from within the City of Fort Pierce, for a term of one (1) year with four (4) automatic renewals.
- d. Approve request to reduce the Building Department lien in the amount of \$154,850.00 against 135 N 15th Street, Fort Pierce, FL 34950 - Parcel ID Number: 2409-510-0012-000/4, owned by JBM Property Management LLC, 694 Terrace Dr., Paramus, NJ 07652 to \$1,600.00.
- e. Approval of a twelve (12) month Lease Agreement between the City of Fort Pierce and Fort Pierce Resorts, LLC, for certain parcels along Indian River Drive, that are being utilized to provide additional parking spaces for the public.
- f. Approval of emergency requests to contract with EXCELL Caulking & Waterproofing, Inc. of Hollywood Florida to provide exterior waterproofing to include stucco repair, caulking, sealing, and painting of City Hall in an amount not to exceed \$298,770.00.
- g. Approve License Agreement No. DACW17-3-21-0001 between Department of the Army and the City of Fort Pierce granting the city the ability to install, use, repair and maintain a concrete walkway/maintenance tract, lights, benches and trash receptacles on the South Jetty for a period of 5 years with an opportunity to renew.
- h. Approve award of Bid No. 2021-004, Street Sweeping Services to USA Services of Florida, Inc. in an amount not to exceed \$145,152.00.

Commissioner Perona pulled item 11b.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve consent agenda items 11 a, c, d, e, f, g, and h.

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

Passed

As to item 11b, Commissioner Perona commented that this is the final piece of the puzzle and Dr. Kittams and her reputation and services is just what the city needs.

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

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

Passed

## 12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Application for Site Plan and Design Review submitted by property owner, FLF Crossroads Industrial I LLC and Representative Schmidt Nichols, to construct a warehouse development that will be approximately 1,133,000 square feet in size on a property located within the Crossroads Industrial Park in Fort Pierce, FL. The property is zoned Commercial Parkway Zone (CP-1). Parcel ID: 2325-122-0002-000-3.

City Clerk Linda Cox introduced a request for review and approval of an application for Site Plan and Design Review submitted by property owner, FLF Crossroads Industrial I LLC and Representative Schmidt Nichols, to construct a warehouse development that will be approximately 1,133,000 square feet in size on a property located within the Crossroads Industrial Park in Fort Pierce, FL.

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 Curtis Johnson Jr– yes.

Commissioner Jeremiah Johnson - yes.

Commissioner Perona - 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: Planner Brandon Creagan, sworn, provided an overview of the development for Crossroads Industrial Park East of Ford Turnpike and South of Okeechobee Road in two different site plans. Staff is recommending approval with 1 condition, as it is consistent with surrounding uses and zoning. The proposed plan is consistent with the City Code and Comprehensive Plan; does not adversely affect the public health safety, convenience, and general welfare.

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

1. The applicant shall provide architectural up lighting along the facades of the building(s) facing I-95 and the Florida Turnpike. The same architectural lighting shall be provided along the north façade of the building(s) in the areas not utilized for bay doors/loading. The applicant shall provide details of the lighting program at the time of building permit review

Planning Staff also suggested:

1. After a minimum of six (6) months of full operation of this project site, the applicant should update the trip generation, trip distribution and level of service to verify the assumptions provided as part of this traffic study at the time of approval. If discrepancies are detected, the updated study should provide mitigation measures if needed. The updated study should be submitted to St Lucie County for review.
2. The Airborne Mountain Bike Club shall be able to maintain their club and trails within the South Florida Water Management (SFWMD) District Conservation Easement per their existing agreements with either SFWMD and or the property owner.

Commission questions for Staff: . Commissioner Jeremiah Johnson questioned if the applicant had objections to the (2) suggestions. Mr. Creagan advised the applicant had no objections. Commissioner Jeremiah Johnson also inquired if and why the parking changed by 100 parking stalls. Mr. Creagan advised that one building will occupy more of the site and that the applicant is over parked based on the International Traffic Engineers Guide.

Applicant questions for Staff : none

Applicant presentation: Josh Nichols of Schmidt Nichols of Schmidt Nichols provided an overview of the Silverman Group including the company's operations. Mr. Nichols

provided highlights of existing projects and relationships as well as elaborated on proposed building site plans.

Mr. Pete Tesch with St Lucie EDC explained the Economic Impact Analysis and the quality sustainable jobs coming to the city.

Commission questions for Applicant: none

Public comment: none

Mayor Hudson closed the public hearing.

Comments by the City Commission: none

Motion was made by Commissioner Thomas Perona , seconded by Commissioner Curtis Johnson , Jr. to approve item 12a.

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

Passed

- b. 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) SECOND READING (Adoption Hearing)

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

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.

Mayor Hudson opened the public hearing.

Brad Currie, EDC, willing to answer any questions from the Commission.

Mayor Hudson closed the public hearing.

Motion was made Commissioner Jeremiah Johnson , seconded by Commissioner Curtis Johnson , Jr. to approve Ordinance No 20-031.

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

Passed

- c. Legislative 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). SECOND READING

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

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.  
SECOND READING

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Thomas Perona , seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance 20-032.

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

Passed

- d. Legislative Hearing - Ordinance 21-002 Amending Chapter 109 of the Code of Ordinances, Floodplain Management Ordinance. SECOND READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA BY AMENDING **CHAPTER 109 OF THE CODE OF ORDINANCES ENTITLED "FLOODPLAIN MANAGEMENT,"** TO PROVIDE CRITERIA FOR ACCESSORY STRUCTURES AND AGRICULTURAL STRUCTURES IN FLOOD HAZARD AREAS; TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the public hearing.  
Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Curtis Johnson, Jr. to approve Ordinance 21-002.

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

Passed

### 13. CITY COMMISSION

- a. Resolution 21-R14 Accepting the proposal of Capital One Public Funding, LLC to refinance the City's \$8,655,200 Stormwater Revenue Refunding Note Series 2016 and authorizing the execution and delivery of a Loan Agreement.

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

A RESOLUTION OF THE CITY OF FORT PIERCE, FLORIDA ACCEPTING THE PROPOSAL OF CAPITAL ONE PUBLIC FUNDING, LLC TO PURCHASE THE CITY'S NOT TO EXCEED \$9,000,000 **STORMWATER REVENUE REFUNDING NOTE, SERIES 2021,** THE PROCEEDS OF WHICH WILL BE APPLIED TO PREPAY \$8,420,000 PRINCIPAL AMOUNT OF THE CITY'S OUTSTANDING STORMWATER UTILITY SYSTEM REFUNDING REVENUE NOTE, SERIES 2016 AND PAY THE COSTS OF ISSUING THE 2021 NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE LENDER TO SECURE THE REPAYMENT OF THE 2021 NOTE; PROVIDING FOR THE PAYMENT OF THE 2021 NOTE FROM THE CITY'S STORMWATER REVENUES ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE 2021 NOTE, AND THE SECURITY THEREFOR AND THE PREPAYMENT OF A PORTION OF THE 2016 NOTE; AUTHORIZING THE EXECUTION AND DELIVERY OF OTHER DOCUMENTS IN CONNECTION WITH THE 2021 NOTE AND THE PREPAYMENT OF A PORTION OF THE 2016 NOTE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution 21-R14

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

Passed

- b. Resolution 21-R15 appointing members to the Sunrise Theatre Advisory Board.

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **CERTIFYING THE APPOINTMENT AND REAPPOINTMENT OF MEMBERS TO THE SUNRISE THEATER ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Jeremiah Johnson asked the Commission to considering postponing the vote until after special meeting based on the outcome of April's grant decision.

Motion was made by Commissioner Jeremiah Johnson , seconded by Commissioner Thomas Perona to postpone Resolution 21-R15.

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

Passed

- c. Submittal of applications to serve as a Fort Pierce Business Owner representative on the Keep Fort Pierce Beautiful Board.

This item will be on the next Agenda for vote.

- d. **ADD ON ITEM:** Letter to Board of County Commissioners of St. Lucie County requesting and supporting traffic-calming measures on Indian River Drive.

Jack Andrews, City Engineer explained the need for the City Commission to support planned efforts for calming measures on Indian River Drive.

Motion was made by Commissioner Thomas Perona , seconded by Commissioner Jeremiah Johnson to approve item 13d.

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

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.

None.

#### 15. **COMMENTS FROM THE CITY MANAGER**

City Manger Nick Mimms has no comments.  
City Attorney Peter Sweeney has no comments.  
City Clerk Linda Cox has no comments.

#### 16. **COMMENTS FROM THE COMMISSION**

Mayor Linda Hudson suggested the Commission consider appointing replacements for the positions left vacant in the absence of Commissioner Alexander. Commissioner Peona will serve on the TDC. Commissioner Curtis Johnson, Jr. will serve on the Fire Board. Mayor Hudson will serve on the Council on Aging. Once Commissioner Alexander returns, he will resume his seats on these boards. Mayor Hudson also brought attention to the 24<sup>th</sup> Anniversary if the Farmers Market, Saturday February 20<sup>th</sup>.

Commissioner Jeremiah Johnson inquired about the reconstruction efforts to Indian River

Drive specifically Seaway to Ave A.

Commissioner Curtis Johnson Jr brought attention to the Lincoln Park Seniors vaccine event the weekend of February 20<sup>th</sup> at the recreation center on Ave M and 13<sup>th</sup> Street. Commissioner Curtis Johnson will also lead an effort in Lincoln Park for the Great American Clean Up. Coach Fenn and Pastor Lee were highlighted for Black History Month.

Commissioner Thomas Perona expresses his appreciation for Keep Fort Pierce Beautiful and its community efforts.

**17. ADJOURNMENT**

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

Mayor Linda Hudson adjourned the meeting at **7:38**

ATTEST:

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CITY CLERK

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MAYOR COMMISSIONER