

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, **March 15,2021**

1. CALL TO ORDER

Mayor Hudson called the March 15, 2021 Regular Meeting of the City Commission to order at 4:30 pm

2. OPENING PRAYER - Pastor Delores Williams, God's Kingdom Station House of Prayer Inc.

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 March 15 ,2021 Regular Meeting.

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

5. APPROVAL OF MINUTES

- a. Approval of the Minutes from the March 2, 2021 Special Closed Meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve minutes of the March 2, 2021 Special Closed Meeting.

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

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. Email from Charlene Adair and Carole Mushier commending Mike Reals, Public Works Director, Keith Roberts, Streets Division Manager and Jack Andrews, City Engineer for exceeding their expectations in responding to a request for installation of no parking signs along Gulfstream.
- b. Email from Ian M. Coyle, Livingston County Administrator, complimenting the City for an excellent website with citizen friendly features, robust reporting, cool strategic plan and legislative agenda.

- c. Email from Mary Murphy, Business Services Consultant, CareerSource Reseach Coast, complimenting Caleta Scott, Grants Administration Manager and Kaitlyn Ballard, Community Resource Specialist, on their leadership of the 6th Annual City of Fort Pierce Job Fair, which contributed to a successful event and generated new partnerships with other local municipalities for their agency.

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

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

NONE

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve, and set the agenda.

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

Passed

10. MISCELLANEOUS REPORTS

- a. Arts and Culture Advisory Board Recommendation - City Hall Sculpture

Presentation by Juneann DeGraw of the Arts and Culture Advisory Board. During the February 11, 2021 Advisory Board meeting the board recommended the placement of the Exodus. Donated by The Hayes Sculptural Foundation, Exodus will be placed in the concrete pad west of City Hall.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve placement of Exodus on the west side of City Hall.

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

Passed

11. CONSENT AGENDA

- a. Approve grant award for 1807 Avenue D, to property owner Sharon Robinson for Bo's Crab Shack, in the amount of up to \$5000.00, as an eligible recipient under the Way to Grow Lincoln Park Historic Avenue D Business District Small Business Commercial Facade Grant Program.
- b. Approve contract with L&S Enterprises, LLC, as a single source purchase, to replace light fixtures along S. Ocean Drive for an amount not to exceed \$163,740.00.
- c. Approval of transfers to cover a funding shortage to address the issue for the Sunrise Theatre in the amount of \$225,000.00 from Solid Waste and \$225,000.00 from FPRA.

- d. Approval of authorization for staff to enter into contractual negotiations with highest ranked proposer for RFP 2021-010 - Scooter Share Program.

Mayor Hudson pulled 11 b
Commissioner Perona pulled 11 d

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve 11 a and 11 c.

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

Passed

As to 11 b, Mayor Hudson inquired if the upgraded lighting is turtle friendly. Mike Reals, Public Works Manager, clarified that the lighting is safe for turtles.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve item 11 b.

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

Passed

As to 11 d, Commissioner Perona inquired about the process, and direction if the Commission approves entering into contract negotiations. Shyanne Harnage, Communications and Economic Development Manager, provided a brief overview of the Scooter Share Program, the RFP Summary, and the impact to the City of Fort Pierce.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve item 11 d.

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

Passed

12. PUBLIC HEARINGS

- a. Quasi-Judicial Hearing - Review and approval of an application for Subdivision (Final Plat), submitted by property owner, Neill Farms FP, LLC & applicant/representative David Baggett of Engineering, Design, and Construction, Inc, to subdivide 74.19 acres of land at or near the east side of South Jenkins Road, approximately 1,000 feet south of State Road 70 in Fort Pierce, FL. The properties are zoned Planned Development (PD). Parcel ID: 2419-323-0001-000-1, 2419-323-0002-000-8, 2419-701-0001-000-1, 2419-311-0002-000-1, 2419-313-0001-010-3, 2419-314-0002-000-0, 2419-313-0002-000-7, 2419-313-0001-000-0.

City Clerk Linda Cox introduced the application for Final Plat submitted by property owner, Neill Farms FP, LLC & applicant/representative David Baggett of Engineering, Design, and Construction, Inc.

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– no.

Commissioner Jeremiah Johnson - no.

Commissioner Perona - no.

Mayor Hudson – no.

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, presented the request for approval of the final plat at Avalon Crossing. Staff recommends approval as the Preliminary Plat was approved by the City Commission on September 16, 2019. The subject request will allow the development of a residential subdivision known as Avalon Crossing containing 303 platted lots consisting of single family dwelling units and duplexes. This subdivision will be platted in phases and this request is for phase one of the development, which will be 153 lots.

The plat is consistent with Chapter 221 of the City Code, the Comprehensive Plan, and the approved Planned Development Plan, and does not adversely affect the public health, safety, convenience, and general welfare.

Commission questions for Staff: None

Applicant questions for Staff: None

Applicant presentation: David Baggett was available for questions.

Commission questions for Applicant: None

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

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve it 12 a

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

Passed

- b. Quasi-Judicial Hearing - Application for a Conditional Use with No New Construction submitted by property owner, John and Jackie Ellis Readler, and applicant, Jane Land, McCurdy & Co., for Conditional Use Approval to operate a Dwelling Rental for less than six (6) months with a minimum rental period of 31 days. The property is located at 1182 Binney Drive, Unit B and is zoned Hutchinson Island Medium Density Residential (R-4A).
Parcel ID: 2401-501-0300-010-1

City Clerk Linda Cox introduced the application for a Conditional Use with No New Construction submitted by property owner, John and Jackie Ellis Readler, and applicant, Jane Land, McCurdy & Co., for Conditional Use Approval to operate a Dwelling Rental for less than six (6) months with a minimum rental period of 31 days.

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. – no.
Commissioner Jeremiah Johnson - no.
Commissioner Perona - no.
Mayor Hudson – no.

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 Conditional Use for 1182 Binney Dr. unit B. Staff recommends approval with four conditions.

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall open a St. Lucie County Tourism Development Tax Account and obtain a State Sales Tax Identification number.
4. There shall be a limitation of no more than two (2) vehicles per unit.

Commission questions for Staff: Commissioner Jeremiah Johnson requested clarification that the unit is a duplex with side B used as the rental and side A for the property manager. In addition, Commissioner Johnson asked if there was adequate parking. Mrs. Hofmeister confirmed that side B would be used for the vacation rental and A occupied by the property manager. She also stated that there is adequate parking.

Commissioner Thomas Perona inquired as to consequences of violations. Mrs. Hofmeister advised if a violation is reported to Code Enforcement and not rectified the applicant would be required to go before the Special Magistrate and could possibly lose the Conditional Use.

Commissioner Jeremiah Johnson inquired of the location for connectivity and accessibility. Mrs. Hofmeister affirmed that the property is located on the NE side of Binney and is accessible.

Mayor Linda Hudson opened the public hearing.

Applicant questions for Staff and presentation: Jane Land had no questions and was available to answer questions.

Public comment

Michelle Longarzo – In support of 12 B

Edith Jones – Inquired how to report violations to the unit.

City Clerk Linda Cox clarified that a no charge Business Tax receipt is issued for the purpose of registration of the property manager.

Mayor Hudson closed the public hearing.

Mayor Hudson reintroduced Planning Director to answer question posed by Edith Jones. Mrs. Hofmeister explained several options to report code violation. These include reporting to Planning, City Clerk, online with SeeClickFix, and contact the police department if after normal business hours.

Comments by the City Commission:

Commissioner Curtis Johnson Jr. encouraged the use of SeeClickFix to report violations throughout the city.

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

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

Passed

- c. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owner, Susan Baker, and applicant, Michelle Longarzo, for Conditional Use Approval to operate a Dwelling Rental with a rental period of 30 days or less. The property is located at 1577 Thumb Point Drive and is zoned Single-Family Intermediate density zone (R-2).
Parcel ID: 2401-605-0105-000-0.

City Clerk Linda Cox introduced the application for Conditional Use with No New Construction submitted by property owner, Susan Baker, and applicant, Michelle Longarzo, for Conditional Use Approval to operate a Dwelling Rental with a rental period of 30 days or less.

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.– no.

Commissioner Jeremiah Johnson - yes.

Commissioner Perona - yes

Mayor Hudson – yes.

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.

Mayor Linda Hudson opened the public hearing.

Staff presentation: Planning Director Jennifer Hofmeister, sworn, began by clarifying a misstatement during the Planning meeting on code violations for the property. Mrs. Hofmeister was asked by a Board Member if the property had code violations. At the time she answered no because the violations had been satisfied prior to the meeting. The proposed use presents the provision for short-term lodging accommodations to the general public, representing a limited commercial use that is compatible with the surrounding neighborhood, and is

generally consistent with the City's Land Development Code and Comprehensive Plan with appropriate restrictions. Therefore, Staff recommends APPROVAL with the following five (5) conditions:

1. The property manager for the vacation rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
2. Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
3. The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.
4. There shall be a limitation of no more than no two (2) vehicles per unit. On-street parking is prohibited.
5. The City of Fort Pierce Business Tax License number shall be included on all advertising.

Commission questions for Staff: None

Mayor Linda Hudson opened the public hearing.

Applicant questions for Staff: Michelle Longarzo, inquired of Planning Director Jennifer Hofmeister if Planning recommends approval, are there reasons preventing the Conditional Use of the property, which areas are not allowed to rent in the ordinance, and is there any competent substantial evidence presented that may prevent the use as short term rental. Mrs. Hofmeister stated that Planning had recommended conditional use; vacation rentals are prohibited in zoning classifications E1 and E2 , and there was no evidence presented preventing the use for short term rental.

Applicant presentation: Michelle Longarzo, property manager, presented that the applicant has property rights under the law to rent the property and denies any evidence that property cannot be used as a vacation rental. Additionally, applicant agrees with the five conditions provided by the Planning Department. Mrs. Longarzo presented the benefit of vacation rentals to tourism and the demographics of most renters.

Commission questions for Applicant:

Commissioner Curtis Johnson Jr. inquired as to how many guests had she declined as a property manager. Mrs. Longarzo stated that she had declined no guest as of current.

Commissioner Jeremiah Johnson inquired if applicant is willing to comply with condition 4, regarding parking, and can the condition be accommodated, is there connectivity, and are these applications compatible with single family residential as laid out by the City. Mrs. Longarzo replied that the applicant is willing to comply with condition 4 and can accommodate for it, there are no sidewalks for connectivity, and she believes that applications for single family residential are compatible with what has been laid out by the City. Commissioner Jeremiah Johnson also inquired if Mrs. Longarzo is contracted with clients, to which she responded that she was not.

Mayor Linda Hudson opened the public hearing.

Public comment:

David Hicks- Against Approval
Lieser Hicks- Against Approval
Timothy Bankston- Against Approval
Jerry Walters- Against Approval
Eric Petit- Against Approval
Glynda Cavacanti- Against Approval
Terry Shaffer- Against Approval
Ross Crittendon- Against Approval
Urban Shaffer- Against Approval
Jonathan Joseph-For approval
Kristy Estes- For approval

Larry Winter- For approval
Clarence Jones -For approval
Todd Stuffous - Against Approval
Gary Hickman- Against Approval
Daniel McCormick - Against Approval

Mayor Hudson closed the public hearing.

Comments by the City Commission:

Commissioner Perona expressed as a neighbor he understands the comments of the public. He addressed to Planning and Attorney Pete Sweeney the legalities of the matter regarding competent substantial evidence. Attorney Pete Sweeney presented Resolution 19-R35 which outlines and defines competent substantial evidence.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve 12 c with five staff conditions.

AYE: Commissioner Curtis Johnson, Jr., Commissioner Thomas Perona

NAY: Commissioner Jeremiah Johnson, Mayor Linda Hudson

Failed

After discussion and the indication that Commissioner Alexander is expected to return soon, the Commission considered postponing the item to have time to gather information and have a full board.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Thomas Perona to continue this item to April 19, 2021.

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

Passed

- d. Legislative Hearing - Ordinance 21-003- Text amendment to Chapter 28, Creation of Special Use Permit. FIRST READING

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

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 28, ARTICLE II OF THE CODE OF ORDINANCES ENTITLED "PARKS AND RECREATION"; AMENDING SECTION 28-31(26) – PROHIBITED ACTIVITIES; AMENDING SECTION 28-36 TO ADD SPECIAL USE PERMIT REQUIRED; AMENDING SECTION 28-37 – APPLICATION FOR SPECIAL USE PERMIT; AMENDING SECTION 28-38 – STANDARDS FOR ISSUANCE OF SPECIAL USE PERMIT; AMENDING SECTION 28-39 – ADMINISTRATION OF SPECIAL USE PERMIT APPLICATION; AMENDING SECTION 28-40 – APPEAL OF DENIAL OF SPECIAL USE PERMIT; AMENDING SECTION 28-41 – DUTIES OF PERMITTEE; AMENDING SECTION 28-42 – INTERFERENCE; AMENDING SECTION 28-43 – REVOCATION OF PERMIT; AMENDING SECTION 28-44 – DISCRIMINATION PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson opened the public hearing.

Staff presentation: Mike Reals, Public Works Director and Charlene Adair Parks Advisory Committee , provided an overview of final draft of the Ordinance.

Commission questions for Staff:

Commissioner Curtis Johnson Jr inquired would someone be precluded from demonstrating in any park. Mrs. Adair explained that all parks are included.

Commissioner Jeremiah Johnson inquired of the routing of permitting. Mr. Reals explained the process begins with Riverwalk staff and Public Works for review.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 21-003.

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

Passed

- e. Legislative Hearing - Ordinance 21-004 - extending the territorial limits of the City of Fort Pierce, to include two (2) properties at or near 2398 Peters Road in Fort Pierce, Florida. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.
Ordinance 21-004

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE TWO (2) PARCELS AT OR NEAR 2398 PETERS 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.

Staff presentation: Planner Brandon Creagan presented an overview of approval of annexation. Staff recommends approval of the annexation as it meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning staff recommend approval.

Commissioner Jeremiah Johnson inquired if anything else is attached to this annexation. Staff confirmed there is future land use application in Planning and development review in the TRC stage.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance No 21-004.

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

Passed

- f. Legislative Hearing - Ordinance 21-005 seeking a Future Land Use Map Amendment for a property located at 2564 South Kings Highway from Mixed Use (MXD) to General Commercial (GC) FIRST READING

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

Ordinance 21-005

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 A PARCEL GENERALLY LOCATED AT OR NEAR 2564 SOUTH KINGS HIGHWAY FROM CITY OF FORT PIERCE MIXED USE (MXD) TO CITY OF FORT PIERCE GENERAL COMMERCIAL (GC); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Staff presentation: Planner Brandon Creagan presented future land use map amendment and zoning atlas map amendment. Staff recommends approval of the request, as it is consistent with surrounding Future Land Uses and Zoning and is consistent with Section 125-136 of City Code and the Comprehensive Plan. It does not adversely affect the public health, safety, convenience and general welfare. The Planning Board/Local Planning Agency voted 7-0 to recommend approval of the request.

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 by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 21-005.

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

Passed

- g. Quasi-Judicial Hearing - Ordinance 21-006 rezoning a property located at 2564 South Kings Highway from Residential Single Family, 2 du/ac (E-2) to General Commercial (C-3). FIRST READING

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

Ordinance 21-006

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING A PARCEL GENERALLY LOCATED AT OR NEAR 2564 SOUTH KINGS HIGHWAY FROM CITY OF FORT PIERCE RESIDENTIAL SINGLE FAMILY 2 UNITS PER ACRE, E-2 TO CITY OF FORT PIERCE GENERAL COMMERCIAL, C-3; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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- no.

Commissioner Jeremiah Johnson - no.

Commissioner Perona - no.

Mayor Hudson - no.

Mayor Hudson indicated the Quasi-Judicial proceedings procedures remained in effect. No one requested they be read again.

Mayor Linda Hudson called the proceeding to order.

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 zoning atlas map amendment. Staff recommends approval of the request as presented.

Commission questions for Staff: None

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve item 12 g Ordinance 21-006.

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

Passed

- h. Legislative Hearing - Ordinance 21-007 Text Amendment of Chapter 4 and Chapter 125 to amend the minimum distance requirements for the consumption of alcoholic beverages on or off-premises and to make properties with C-6 Zoning eligible to obtain an alcoholic beverage license. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record. Ordinance 21-007

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, PART II, CODE OF ORDINANCES; SUBPART A, GENERAL ORDINANCES; CHAPTER 4, ALCOHOLIC BEVERAGES; SECTION 4-6 AREAS FOR SALE OF ALCOHOLIC BEVERAGES - DISTANCE RESTRICTIONS ESTABLISHED FOR CONSUMPTION ON- OR OFF-PREMISES TO REDUCE OR ELIMINATE MINIMUM DISTANCE REQUIREMENTS FOR RESTAURANTS, BAR/LOUNGES, AND NIGHTCLUBS, ELIMINATING DISTANCE RESTRICTIONS FOR PROPERTIES FRONTING CERTAIN ROADWAYS, AND PROVIDING FOR THE SUBSEQUENT ESTABLISHMENT OF RELIGIOUS INSTITUTIONS OR SCHOOLS WITHIN 500 FEET OF AN EXISTING LICENSED VENDOR OF ALCOHOLIC BEVERAGES; AMENDING CHAPTER 125, SUBSECTION 125-401 AREAS FOR SALE OF ALCOHOLIC BEVERAGES - DESIGNATED, TO ALLOW FOR PROPERTIES IN THE MARINE COMMERCIAL ZONE (C-6) TO SELL ALCOHOLIC BEVERAGES; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Rebeca Guerra Assistant Planning Director, presented text amendment to Chapters 4 and 125 regarding sales of alcoholic beverages. Both staff and Planning Board recommend approval.

Commissioner Jeremiah Johnson inquired if item c and d of Text Amendment where presented previously.

Commissioner Curtis Johnson Jr. questions the impact to homeowners who may be affected by hours of service.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance No 21-007.

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

Passed

- i. Legislative Hearing - Ordinance 21-008 Text Amendment of Chapter 125 to facilitate the construction of duplexes on nonconforming lots as well as clarify and correct the maximum density allowed in certain zoning districts. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.
Ordinance 21-008

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, PART II - CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT ORDINANCES, CHAPTER 125 - ZONING, SECTION 125-70 - NONCONFORMING LOTS, TO ALLOW FOR DUPLEXES TO BE CONSTRUCTED; AMENDING CHAPTER 125, SUBSECTION 125-193(A) SINGLE-FAMILY MODERATE DENSITY ZONE (R-3), TO PROVIDE CLARIFICATION AS TO THE RESIDENTIAL PURPOSE OF THE ZONE AS WELL AS THE DENSITIES PERMITTED CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN, AMENDING SUBSECTION 125-243(E) TO PROVIDE FOR CLARIFICATION OF DENSITIES PERMITTED CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

Staff presentation: Rebeca Guerra, Planning, presented Text Amendment chapter 125 to modify three sections to facilitate construction of duplexes on nonconforming lots, as well as clarify and correct zoning in certain districts. Both Staff and Planning Board recommend approval.

Commissioner Jeremiah Johnson inquired about the older lot sizes.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Ordinance No 21-008.

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

Passed

- j. Legislative Hearing - Ordinance 21-009 - Final Budget Amendment of the General Fund 2019-2020 Budget. FIRST READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.
Ordinance 21-009

AN ORDINANCE AMENDING THE 2019-20 BUDGET OF THE CITY OF FORT PIERCE, FLORIDA BY INSERTING THEREIN A SCHEDULE ATTACHED HERETO AND DESIGNATED AS THE 2019-20 FINAL BUDGET AMENDMENT. THE SAID SCHEDULE PROVIDES FOR THE INCREASES AND/OR DECREASES IN REVENUES AND APPROPRIATIONS IN THE GENERAL FUND, AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Director Johnna Morris, presented an amended budget.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance No 21-009.

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

Passed

- k. Legislative Hearing - Ordinance 21-010 - Impact Fee Moratorium within Urban Infill and Redevelopment Area. FIRST READING.

City Clerk Linda Cox introduced the Ordinance, read by title only, into the record.
Ordinance 21-010

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A MORATORIUM ON THE IMPOSITION AND COLLECTION OF CITY IMPACT FEES FOR A PERIOD OF SIX (6) MONTHS WITHIN THE BOUNDARIES OF THE CITY'S DESIGNATED URBAN INFILL AND REDEVELOPMENT AREA REQUIRED BY SECTIONS 113-8, 113-15 THROUGH AND INCLUDING 113-19 OF THE CITY CODE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms and Building official Paul Thomas spoke on the Impact Fee moratorium incentive.

Commissioner Thomas Perona inquired on the impact of discontinuing the incentive.

Commissioner Curtis Johnson Jr. inquired is there a balance of Commercial and residential in FBRA boundaries, and how long is the moratorium.

Commissioner Jeremiah Johnson wanted to determine where both the County and City Impact Fees would go.

Paul Thomas sees strong movement towards commercial development and explains that residential gains are coming from corporations. He believes the intended purpose has been served.

City Manager Nick Mimms explained how the impact fees are distributed.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance No 21-010 for a time period of six months.

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

Passed

13. CITY COMMISSION

- a. Approval of 2019-20 Final Budget Amendments for Grant Funds: CDBG, SHIP and Grant Administration

Director of Finance Johnna Morris expressed that grant budgets are being amended to the actual numbers, which decreased.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve 2019-20 Final Budget Amendments for Grant Funds.

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.

Larry Winters
Susan Baker
Michelle Longarzo
Jonathan Joseph

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms reported that he had spoken with Commissioner Rufus Alexander and that he sounded great and was looking forward to his return. In addition, he and Commissioner Curtis Johnson Jr were present at the opening of two new business over the weekend helped by the Way to Go Program. The State of Florida has partnered with the City of Fort Pierce to open a vaccination facility at 903 S 21st, no appointment required from 9 am to 7 pm seven days a week. City Manager Mimms also provided information on the likelihood that the City may receive funds from the American Rescue Plan to assist with infrastructure in response to the Pandemic.

City Attorney Peter Sweeney has no comments.
City Clerk Linda Cox has no comments.

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson Jr.: Happy about the partnership with the State of Florida on the vaccination center. Thanks to Public Works in the American Clean Up. Attended the grand opening of two business. He expressed sadness for the loss of Major Mike Flynn.

Commissioner Thomas Perona: Acknowledged the loss of Major Mike Flynn. He remarked on the success of the American Clean Up.

Commissioner Jeremiah Johnson: Applauded the dedication of the Public Works employees on the Great American Clean Up. Commissioner Jeremiah Johnson explained how Major Mike Flynn was respected in the Community.

Mayor Linda Hudson Commented on the outcome of the Great American Clean Up

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 9:38

ATTEST:

CITY CLERK

MAYOR COMMISSIONER