

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, APRIL 19, 2021.

1. CALL TO ORDER

Mayor Linda Hudson called the meeting to order at 4:31p.m.

2. OPENING PRAYER - Commissioner Jeremiah Johnson

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

5. APPROVAL OF MINUTES

- a. Approval of the minutes from the April 5,2021 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes from the April 5, 2021 regular meeting.

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

Passed

6. PROCLAMATIONS

- a. Sexual Assault Awareness Month Proclamation being received by Mindi, Fetterman, CEO and founder of The Inner Truth Project.

7. LETTERS TO COMMISSION

- a. Sheriff Ken Mascara thanking Anne Satterlee, Marketing Director at the Sunrise Theatre for providing tickets to "first responders" requested by the show promoter to the H2O Project Hall and Oates performance at the Sunrise Theatre on March 5th.

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.

Joe Basso, 12c
Vincent Marcellino, 12c

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

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

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

Passed

10. **MISCELLANEOUS REPORTS**

- a. Presentation and acceptance of City Audit on all funds for fiscal year ended September 30, 2020, as prepared by DiBartolomeo, McBee, Hartley & Barnes, P.A

City Manager, Nick Mimms, explained that the City Audit on all funds for fiscal year ending September 30, 2020 has been completed.

Mark Barnes of DiBartolomeo, McBee, Hartley & Barnes, P.A made a presentation and explained that the audit went very well. They conducted the audit virtually after staff scanned all required documents. He explained the Citywide balance sheet, and the cash increased by 3.6 Million and the long-term debt decreased by 9 Million. He mentioned that the City did a fantastic job reducing the debt.

11. **CONSENT AGENDA**

- a. Review and approval of an amendment to the Interlocal Agreement with St. Lucie County regarding Ilous Ellis Park renovation project.
- b. Approval of Memorandum of Understanding between the City of Fort Pierce and the Khalil Mack Foundation for a public private partnership for site improvements at Ilous Ellis Park.
- c. Approval of travel for Commissioner Curtis Johnson, Jr. to attend FLC Institute for Elected Municipal Officials in Tampa, FL from May 6 through 9th, 2021 in the total amount of \$953.82.
- d. Approve request to purchase a Ford Transit-350 Cargo Van for the Fort Pierce Police Department in the amount of \$69,598.71 with awarded grant funds that requires no match.
- e. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$6,099.32 against 1202 N13th Street, Fort Pierce, FL, Parcel ID# 2404-801-0066-000/5 owned by 2nd Generation Building Corp., by waiving the interest, penalties and administrative costs in the amount of \$2,947.64 leaving a **balance due of \$3,151.68 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$6,099.32, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.
- f. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$7,746.84 against 1006 Avenue H, Fort Pierce, FL, Parcel ID# 2404-818-0001-000/4 owned by 2nd Generation Building Corp., by waiving the interest, penalties and administrative costs in the amount of \$3,551.87 leaving a **balance due of \$4,194.97 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$7,746.84, which requires the item to be pulled from the Consent Agenda with a direct vote of the City

Commission.)

- g. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$4,351.32 against 3106 Avenue C, Fort Pierce, FL, Parcel ID# 2408-123-0014-000/7 owned by 2nd Generation Building Corp., by waiving the interest, penalties and administrative costs in the amount of \$2,728.82 leaving a **balance due of \$1,622.50 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$4,351.32, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- h. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$3,748.92 against 3108 Avenue C, Fort Pierce, FL, Parcel ID# 2408-123-0013-000/0 owned by 2nd Generation Building Corp., by waiving the interest, penalties and administrative costs in the amount of \$2,278.92 leaving a **balance due of \$1,470.00 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$3,748.92, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- i. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$2,120.02 against 1215 Avenue F, Fort Pierce, FL, Parcel ID# 2404-823-0009-000/6 owned by Eulene Nelson, by waiving the interest, penalties and administrative costs in the amount of \$770.02 leaving a **balance due of \$1,350.00 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$2,120.02, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- j. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$11,680.80 against 1218 Avenue E, Fort Pierce, FL, Parcel ID# 2404-823-0012-000/0 owned by Khader Mohammed and Saika S Siddiqui, by waiving the interest, penalties and administrative costs in the amount of \$8,830.29 leaving a **balance due of \$2,850.51 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$11,680.80, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- k. Approve staff recommendation in response request to reduce demolition fees in the amount of \$21,363.14 against 1215 Avenue F, Fort Pierce, FL, Parcel ID# 2404-823-0009-000/6 owned by Eulene Nelson by waiving the interest, penalties and administrative costs in the amount of \$7,427.14 leaving a **balance due of \$13,936.33 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$21,363.14, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- l. Approve staff recommendation in response to request to reduce demolition fees in the amount of \$16,052.44 against 3106 Avenue C, Fort Pierce, FL, Parcel ID# 2408-123-0014-000/7 owned by 2nd Generation Building Corp., by waiving the interest, penalties and administrative costs in the amount of \$9,287.44 leaving a **balance due of \$6,765.00 payable in 60 days**. (The proposed buyer, Vincent Marcellino, is asking to waive all fees in the amount of \$16,052.44, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.)
- m. Approve request to reduce the Building Department lien in the amount of \$2,350.00 against 217 N 10th Street, Fort Pierce, FL 34950 - Parcel ID Number: 2409-520-0004-000/6, owned by Ermith Lazare, 3406 Menendez Ave., Fort Pierce, FL 34950 to \$1,232.74 payable within 6 months.
- n. Approval of Specific Authorization No. 3 in an amount not to exceed \$143,000 for professional engineering services to be provided by Captec Engineering, Inc.

- o. Approve execution of SFWMD Indian River Lagoon Grant Agreement No. 4600004355 in the amount of \$1,320,000 which will provide 90% of the construction funding for a project identified as Georgia Avenue Basin Water Quality Improvements.

Commissioner Perona pulled items k and l.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Consent Agenda a, b, c, d, e, f, g, h, i, j, m, n, o.

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

Passed

As to item k and l, Commissioner Perona explained that he would like to waive 50% balance due.

Commissioner Jeremiah Johnson asked the Code Enforcement Manager, Peggy Arraiz to provide details of the costs. Ms. Arraiz provided the breakdown.

Mr. Mimms explained that the company requesting the reduction of fees has done work in the Lincoln Park Community. He also mentioned that the company representatives have been to the CRA Advisory Committee meetings in addition to the FPRA Board meetings. The company has demonstrated that they are capable of satisfactory construction work in the Lincoln Park Community.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. as to item k, to waive 50% of the staff recommended balance due of \$13,936.33 payable in 60 days.

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

Passed

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson as to item l, to waive 50% of the staff recommended balance due of \$6,765.00 payable in 60 days.

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

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 21-011 Amending Chapter 103, Article II, Administrative Amendments to the Florida Building Code, 7th Edition (2020).
SECOND READING

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

ORDINANCE NO. 21-011 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING CHAPTER 103, ARTICLE II, OF THE CODE OF ORDINANCES ENTITLED "BUILDING CODE"; PROVIDING FOR ADOPTION OF LOCAL ADMINISTRATIVE AMENDMENTS TO THE FLORIDA BUILDING CODE (FBC), 7TH EDITION (2020); CORRECTING CODIFICATION ERRORS OF LOCAL TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE

DATE.SECOND READING

Paul Thomas, Building Official, explained that this local ordinance is to establish permitting procedures for mobile homes. They have established the standards from Florida Department of Transportation. These standards will make sure that the mobile homes are constructed, repaired, and inspected to FDOT standards. This ordinance will provide clarification for contractors that need to do work in the City.

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 No. 21-011.

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

b. Public Hearing for the 2021-2024 Local Housing Assistance Plan (LHAP)

Caleta Scott, Grants Administration Manager, provided information regarding the public hearing. She mentioned that this public hearing follows a 30-day public comment period for the 2021-2023 LHAP for the State Housing Initiatives Partnership (SHIP) program and includes strategies the City will undertake should the City receive funding from Florida Housing Finance Corporation (FHFC) over the next three (3) program years. The LHAP is due to FHFC on May 2, 2021.

The SHIP program requires local governments to submit a Local Housing Assistance Plan every three years. The LHAP describes the methods (housing strategies) by which they will expend the SHIP funds allocated to the jurisdiction. Generally, the LHAP is submitted once every three years and covers three fiscal years funding, 2021-2022, 2022-2023, 2023-2024.

She also explained that at the April 14, 2021 Communitywide Council meeting, the board, serving as the Affordable Housing Advisory Committee, approved the AHAC Report, which outlines the incentive strategies to facilitate affordable housing.

She also informed the Commission that the SHIP Program opens on May 3, 2021. The applications will be available on the City's website or they can be emailed by contacting the Grants Administration. Department.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

No action was necessary for this item.

c. Continuation from March 15, 2021 - 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.

Linda Cox re-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.

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.

Further, as this is a continued hearing of a previous quasi-judicial hearing, the presentation will be limited to additional research on the previously presented testimony, documentary evidence or information. Any attempt to introduce testimony, evidence or information that is outside the scope of the prior presentation will be considered irrelevant and should be disregarded during any deliberations.

Mayor Linda Hudson called the proceeding to order.

Linda Cox confirmed that 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 – Yes

Mayor Linda Hudson opened the public hearing.

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.

There was no staff presentation.

Mr. Sweeney explained that the applicant can only present new information. If the applicant presents anything outside of that, it would be outside of the commission's deliberations.

The applicant, Michelle Longarzo, presented some of the concerns that were previously stated by the City Commission. She presented a safety inspection report for the property located at 1577 Thumb Point Dr. According to City Code, visiting animals do not need to register with the City. Ms. Longarzo asked why Thumb Point is different then the rest of the City. There should be no difference from a residence on Granada Street or Faber Court. City Commissioners were also concerned with what activities the guest would do while visiting Fort Pierce.

Data from St. Lucie County Tourism determined that visitors want to relax, unwind, and go to the beach. Another concern was that the City does not get any tax money from short term rentals. Ms. Longarzo explained that the City receives indirect tax dollars by them spending money. This property will not be run as a hotel. It is zoned to be a Dwelling Rental in a residential neighborhood. Concerns regarding noise will be addressed with the City noise ordinance. Short term rental issues could be addressed by contacting the property manager directly or submitting it to See Click Fix. She explained that the Florida Attorney General ruled that zoning may not be used to prohibit vacation rentals.

Mayor Hudson asked what the procedures are once the renter has vacated. Ms. Longarzo explained a deep cleaning is done by her or a qualified cleaning company.

Commissioner C. Johnson asked if they she could refund fees or cancel the reservation if she feels that the home or condo is not the right fit for the renter. She explained that yes, she could refund.

Commissioner Perona asked about insurance coverage. Ms. Longarzo explained that a home is required to have their regular insurance policy. If something were to happen Airbnb and VRBO have insurance policies in place to cover any liability that may occur.

Commissioner J. Johnson asked questions about the zoning of this property and other properties that were on her illustration. He also asked if the applicant would be willing to accept future changes made to the short-term rentals. Ms. Longarzo said that in her opinion, that would not be fair and would not agree.

Mayor Hudson opened the public comments.

Jerry Walters – Against approval
Irving Shafer – Against approval
Ross Crittenden – Against approval
Glynda Cavalcanti – Against approval
Terry Shafer – Against approval
Timothy Bankston – Against approval
Todd Steffas – Against approval
Joe Ghiotti – Against approval
Vern Meyer – Against approval
Larry Winter – Supports approval
Frank Salino – Supports approval
Jonathan Joseph – Supports approval
Ryan Crotty – Against approval
Michael Lawlor – Against approval
David Underhill – Against approval
Rick Reed – Supports approval
Jacquelyn Peter – Against approval

City Clerk Linda Cox read sworn statements from the following individuals:

Sally Griffith – Against approval
Gary Hickman – Against approval
Mike Nole – Supports approval
Shawn Dufault – Supports approval

Rebuttal from the applicant: Michelle Longarzo stated that the Fort Pierce Building and Police Departments as well as the Fort Pierce Utilities Authority had no concerns or opposition for this short-term rental. She also mentioned that she is a Superhost and Premier Host which explains that they are doing a great job with attending to the needs of the renters.

Susan Baker, the property owner, address the fallen sign on her property regarding the public hearing. She mentioned that there was a storm and that the wind caused it to fall. It is not her responsibility. She mentioned that she purchased the property and that the neighbors told her that they don't want her kind in the neighborhood. A few weeks after moving in, a neighbor came to the house with a basket of bananas. She said that this incident was probably for

racial intimidation.

Mayor Hudson closed the public hearing.

Mayor Hudson asked if the property is sold, will the conditional use stay with the property. Mr. Sweeney agreed.

Commissioner J. Johnson spoke regarding the testimony that he heard about the concerns of the road widths, pedestrian connectivity or lack of connectivity.

Mayor Hudson mentioned that the concerns that she heard was with the streets and the lack of sidewalks. The other concern was the minimal number of street lights. These are both safety issues. She stated that this short term rental is a business. This is not a typical home based business. It is a commercial business in a neighborhood. She is glad that a task force has been created because too much time and energy is being spent by the applicant and by the City. She mentioned that this property is in the CRA and one of the main goals is to preserve neighborhoods.

Commissioner Perona asked Ms. Sweeney to remind the Commission of Competent substantial evidence. Mr. Sweeny explained that Competent substantial evidence is evidence in which will establish a substantial basis from which the fact at issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issues to be decided. It is evidence a reasonable mind could accept as having probative weight and adequate to support legal conclusion.

Commissioner C. Johnson explained that he stayed in an Airbnb over the past weekend. He stated that there were no sidewalks in that neighborhood. There were no issues with the stay at that property. He does not find competent substantial evidence to deny this application.

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

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

NAY: Commissioner Jeremiah Johnson, Mayor Linda Hudson

Failed

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to table the meeting for 15 days until the next City Commission meeting scheduled for May 3, 2021.

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

Passed

- d. Quasi-Judicial Hearing for a Conditional Use Approval with no new construction located at 1801 Plover Avenue submitted by the property owner, J&J PSL Investments, LLC and the applicant, Michelle Longarzo for Conditional Use Approval to operate a Vacation Rental with a rental period of 30 days or less. The property is located at 1801 Plover Avenue and is zoned Single-Family Intermediate density zone (R-2). PCN:2401-501-0042-000-5.

Linda Cox introduced the application for a Conditional Use Approval with no new construction located at 1801 Plover Avenue submitted by the property owner, J&J PSL Investments, LLC and the applicant, Michelle Longarzo for Conditional Use Approval to operate a Vacation Rental with a rental period of 30 days or less. Plover Avenue and is zoned Single-Family Intermediate density zone (R-2). 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 – 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 was made by the Planning Director, Jennifer Hofmeister and Rebecca Guerra. 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 always available 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.

Commissioners had no questions for staff.

Applicant questions for Staff: Michelle Longarzo, inquired of Planning Director Jennifer Hofmeister if she had any reports of competent substantial evidence that would prevent this from being rented. Mrs. Hofmeister said that she did not have any reports. Ms. Longarzo also asked if staff was recommending approval. Mrs. Hofmeister confirmed that staff was recommending approval.

The applicant, Michelle Longarzo, presented some of the concerns that were previously stated by the City Commission. She presented a safety inspection report for the property. According to City Code, visiting animals do not need to register with the City. City Commissioners were also concerned with the activities the guest would do while visiting Fort Pierce. Data from St. Lucie County Tourism determined that visitors want to relax, unwind, and go to the beach. Another concern was that the City does not get any tax money from short term rentals. Ms. Longarzo explained that the City receives indirect tax dollars by them spending money in the City. This property will not be run as a hotel. It is zoned to be a Dwelling Rental in a residential neighborhood. Concerns regarding noise will be addressed with the City noise ordinance. Short term

rental issues could be addressed by contacting the property manager directly or submitting it to See Click Fix. She explained that the Florida Attorney General ruled that zoning may not be used to prohibit vacation rentals. The costs for the applicant is about \$1,100 in fees. It is very frustrating for the applicant. She explained that Mr. Jonathan Joseph has property rights. He has the right to exclude people from renting his property. He has the right to acquire, possess, and protect his property.

Commission questions for Applicant:

Commissioner J. Johnson had questions regarding the Technical Review Committee He also asked questions about corporate by laws. He asked if the City's bylaws are different than the bylaws of a Homeowners Association. Ms. Longarzo said that the City's corporate bylaws cannot violate constitutional rights. He also asked if property managers are required to be licensed real estate agents. Ms. Longarzo said no, not if its private.

Mayor Linda Hudson opened the public comments.

Public comment:

David Underhill – Against approval
Irving Shafer – Against approval
Vicki Roger – Against approval
Paul Bloust – Against approval
Robert Jenkins – Against approval
Eugene Cochran – Against approval
Tim Banks – Against approval
Larry Winter – Supports approval
Michael Lawlor – Against approval
Glynda Cavalcanti – Against approval
Eddy Jones – Against approval
Dave Gross – Against approval
Deborah Underhill - Against approval
Vern Meyer- Against approval
Terry Schafer – Against approval
Andrea Lawlor – Against approval
Susan Baker – Supports approval
Denise Jenkins – Against approval
Calise Godfrey Monet - Against approval

City Clerk Linda Cox read sworn statements from the following individuals:

Sally Griffith – Against approval
Lauren Steinburg – Against approval
Mike Nole - Supports approval
Anita Shannon – Against approval

Rebuttal from the applicant: Michelle Longarzo objected to all the people coming forward. She explained that that none of them are expert witnesses. None of them had a factual report providing and information. She mentioned that if there was flooding, the citizens should contact Public Works and or Fort Pierce Utilities Authority.

Jonathan Joseph, the property owner, explained that the fire hydrant is not a problem rather a safety feature. He also addressed the lighting on Plover Ave. He mentioned that there are two streetlights on Plover Avenue and that the entire area of his home is very well lit. He mentioned that he will not tolerate being offended by anyone of these neighbors. He mentioned that the neighbors are intending to intimidate, harass, and discriminate against him.

Mayor Hudson closed the public hearing.

Comments and deliberation from the City Commission

Mayor Hudson and Commissioner C. Johnson asked if this property was in a

homeowner's association. Commissioner Perona mentioned that he lives in the Surfside Association. He explained that the property owners East and West of A1A belong to a private beach association. It is not a homeowner's association.

Mr. Sweeney informed the Commission to not make a decision based on Deed restrictions. Deed restrictions are not a purview of the City Commission.

Mayor Hudson explained that she drove down Plover Avenue and that it is a very narrow street. She mentioned that the City's ordinance on short term rentals was approved in 2001 and that the City can approve or deny a conditional use. She also stated that she is not against short term rentals. The City has approved them in the past. She stated that she wants visitors to come to Fort Pierce. However, this is not an appropriate place for the short-term rental.

Commissioner J. Johnson also reiterated having an ordinance in place prior to 2011 allowing them to make a decision on a conditional use. He also spoke regarding the flooding from the rainstorm and said that was a challenge for the City of Fort Pierce. He mentioned that the road is 19 ½ feet wide was measured by some of the citizens that testified. He explained that after listening to testimony, in his opinion 1801 Plover Avenue is not the right place for a short-term rental.

Commissioner C. Johnson said that he has studied and learned about conditional use. He said that he has seen the commission approve short term rentals. He understands that both sides are very passionate. He is trying his best to interpret the law. He understands that this can cause confusion and litigation. He knows that the City has assigned a task force and he knows that the City will get this process right. He said that the basis for his denial is going to need Competent substantial evidence to deny it and he does not see it.

Commissioner Perona stated that Plover Avenue is in bad condition and that he has contacted the City Engineer regarding the roads conditions. He also stated that Plover Avenue is on the top of the list of roads that need repair. He said that Plover Avenue is one of the most deplorable roads that is on South Hutchinson Island. He understands that the City is responsible to fix it. Once the City gets the capital, it will be repaired. However, it may be a long time from now.

Motion was made by Commissioner Curtis Johnson, Jr., to approve item 12d conditional use with staff conditions.

Motion died for lack of second.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to deny conditional use application 12d. The Competent substantial evidence that supports the denial is that Plover Avenue is unsafe and on a list of deteriorated roads.

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

NAY: Commissioner Curtis Johnson, Jr.

Passed

- e. Quasi-Judicial Hearing - Application for Conditional Use with No New Construction submitted by property owner, Andres Guarnizo and Santiago Suhail and applicant, Michelle Longarzo, to operate a Vacation Rental with a rental period of 30 days or less located at 1507 Faber Court. The property is zoned Single-family Intermediate Residential Zone (R-2). Parcel ID: 2401-605-0057-000-8.

Linda Cox introduced the application for Conditional Use with No New Construction submitted by property owner, Andres Guarnizo and Santiago Suhail and applicant, Michelle Longarzo, to operate a Vacation Rental with a rental period of 30 days or less located at 1507 Faber Court. The property is zoned Single-family Intermediate Residential Zone (R-2).

Mr. Sweeney explained that this application has an intervenor that has requested a continuance. The applicant would have to agree to the continuance. Gary Oldehoff, the applicant stated that he does not want a continuance.

Clay Yates, the attorney representing, Terry Shafer, Irving Shafer, and Glynda Cavalcanti expressed his request for a continuance of this hearing to a later date. The reasons that he stated was that the City created a task force to address the complex and difficult issues presented with short term rentals in residential neighborhood. Another reason is because the Florida Legislature is currently considering bills that could affect the City Commission's decision.

Commissioner J. Johnson asked Mr. Yates how long he wanted to postpone. Mr. Yates said 30 days. Commissioner J. Johnson also asked the applicants, Mr. Oldehoff. He indicated that this request is just pushing it off into the future. There is no basis for a continuance. He explained that this application meets all the criteria of the ordinance and they agree to all the staff conditions. They will not agree to a continuance.

Commissioner J. Johnson also indicated that the Florida Legislature would be adjourned in two weeks. Their decisions could help make this decision easier.

Commissioner Perona explained that the task force is not going to have a decision or procedures in place in 30 days. Mr. Mimms confirmed that the recommendation from the task force will be in coming before the Commission in June. If the task force recommendations were accepted, the formal approvals would not come until September or October. Commissioner Perona also mentioned that it is difficult when there are only four members to the Commission. Mayor Hudson agreed that it is becoming difficult and of great concern to continue to operate without the fifth member of the Commission.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to continue until the May 17, 2021 Commission meeting.

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

13. CITY COMMISSION

a. Resolution 21-R18 Declaring Certain Property as Surplus

Linda Cox, City Clerk, introduced the Resolution, read by title only, into the record. Resolution No. 21-R-18

RESOLUTION NO. 21-R18 - A RESOLUTION DECLARING CERTAIN PROPERTIES OWNED BY CITY OF FORT PIERCE TO BE SURPLUS TO CITY OF FORT PIERCE NEEDS, DESCRIBED AS 706 NORTH 20TH STREET; AND 1620 AVENUE E, AND AUTHORIZING CITY STAFF TO DISPOSE OF SAID PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE V, SECTION 2-425 OF CITY OF FORT PIERCE CHARTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Mimms explained that staff has determined that properties located at 706 N 20th St and 1620 Avenue E are surplus properties. These properties do not have a municipal use. He is requesting the designation of surplus and then the subsequent disposition of the properties.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson motion to approve Resolution No. 21-R-18.

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

Passed

- b. Resolution 21-R24 Appointing Chad Ingram to the Communitywide Council.

Linda Cox, City Clerk, introduced the Resolution, read by title only, into the record. Resolution No. 21-R-24

RESOLUTION NO. 21-R24 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF MEMBERS TO THE COMMUNITYWIDE COUNCIL; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 21-R24, appointing Chad Ingram.

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.

Vern Meyer
Susan Baker
Jonathan Joseph
Michelle Longarzo Danaluk
Timothy Banks
Mike Lawlor
David Underhill

15. COMMENTS FROM THE CITY MANAGER

- a. Report

Mr. Mimms explained that City staff is doing a great job. He informed the Commission that the City signed a deal with the Khalil Mack Foundation today. Through the foundation, Khalil Mack has donated \$500,000 to upgrade Ilois Ellis Park in the Lincoln Park neighborhood. The upgrades to the park will be done by the City and St. Lucie County. The upgrades will probably include renovated concession stands, new playground, shade awnings above the bleachers, and upgraded parking.

He also mentioned that the Commission approved the execution of the South Florida Water Management District Grant Agreement in the amount of \$1,320,000. This grant will provide 90% of the construction funding for a project identified as the Georgia Avenue Basin Water Quality Improvements. This project helps protect the Indian River Lagoon.

He also mentioned that the 2021 Strategic Plan Update is attached.

16. COMMENTS FROM THE COMMISSION

Commissioner Perona stated that it was a tough night. He also said that the short-term rental task force is not the answer that residents will be thrilled with, however, it will be a way to deliver more consistent decisions that can regulate and oversee the decisions.

Commissioner J. Johnson also said that the task force is an important part of the future for the short-term rentals. However, there is an election in 2022 and the City should look into a Short-Term Rental ballot initiative. He wants the voters to decide how they would like to proceed with these issues.

Commissioner C. Johnson said that the Commission will need to do a lot of work and research themselves. They will have to engage the community and have to make tough decisions. He agrees that the Commission cannot rely solely on the task force. The task force committee is providing the Commission recommendations. The City must set standards for Fort Pierce. Other communities that he has visited have standards. The City of Fort Pierce has mixed standards and people are finding a loophole in the standards. The Commission must work together. They will have to make tough decisions and they must have other options available to avoid the issues they had tonight.

Mayor Hudson agreed with Commissioner C. Johnson and said that there is a lot of work to be done. However, this is an issue that most municipalities are dealing with all over the state and that the City is going to have to come up with the best solution.

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 Hudson adjourned the meeting at 10:25p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER