

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 6:00 P.M. ON MONDAY, **June 7, 2021.**

1. CALL TO ORDER

Mayor Hudson called the June 7, 2021 Regular Meeting of the City Commission to order at 6:00 PM.

2. OPENING PRAYER - Pastor Tim Willcox, First United Methodist Church of Fort Pierce

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 minutes from the May 17, 2021 meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the minutes of the May 17, 2021, meeting.

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

Passed

6. PROCLAMATIONS

- a. National Safety Boating Week Proclamation being received by Brandon Creagan
- b. Code Enforcement Officer's Appreciation Week
- c. National Garden Week Proclamation being received by the Garden Club of Fort Pierce.

7. LETTERS TO COMMISSION

- a. Letter from Donna Perrone thanking Police Officers Jasmine Mojica and Samantha Foster for their kindness and patience when they responded to a very difficult domestic situation.
- b. Letter from Charles Hayek thanking the following Public Works Department staff who contributed to the success of the 100th Anniversary Celebration for the opening of the Fort Pierce Inlet: Mike Reals, Tora Parker, Terry Martin, Henry Duhart, Larry Owens and Jerome Scott.

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.

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

Mayor Linda Hudson requested that a letter of support for St. Lucie County Clerk of Court's Grant Application seeking to digitize St. Lucie County official records and deed books from 1905 to 1960 be added as item 13a.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to set agenda as amended.

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

Passed

10. **MISCELLANEOUS REPORTS**

- a. Presentation of Boys & Girls Clubs of St. Lucie County activities update by Will Armstead, CEO

Mr. Armstead mentioned that since joining with Westside Church they have been able to serve more kids and families as well as bring in more partners including: Helping People Succeed, Arc, Safe Space, as well as a few more non-profit groups. In doing so, they are all helping the kids of St. Lucie County enjoy a safe environment for learning and growing. The Boys & Girls Clubs have a workforce readiness program that prepares teens for the work force with internships and jobs earning money. They are letting the teens decide what jobs they want to perform. Mr. Armstead introduced Mr. Jameirez Daniels who is the 2021 Boys & Girls Club youth of the year. Mr. Daniels pitched their shoe customization business in a Shark Tank business pitch event with the Albert Wilson Foundation and won the best non-profit business. Mr. Armstead mentioned the B&G Club was able to purchase a food truck that the teens run as a part of the Workforce Readiness Program.

11. **CONSENT AGENDA**

- a. Approve request to reduce Code Enforcement lien in the amount of \$27,000.00, against 1008 N 17th Street, Fort Pierce, FL 34950 - Parcel ID Number 2404-514-0007-000/3, owned by Maurice Shazier, 3106 Anderson Drive, Fort Pierce, FL 34946, to \$1,500.00 to be paid within 60 days.
- b. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$6,209.20 against 806 N 13th Street, Fort Pierce, FL, Parcel ID# 2404-442-0009-000/7 owned by Horizon Palms And Nursery Inc., by waiving the interest, penalties and a portion of the administrative costs in the amount of \$4,176.68, leaving a **balance due of \$2,032.52 payable in 30 days**. The applicant / proposed buyer, Vincent Marcellino, 8015 Plantation Lakes Drive, Port St. Lucie, FL 34986, is asking to waive all fees in the amount of \$6,209.20, which requires the item be pulled from the Consent Agenda with a direct vote of the City Commission.

- c. Approval of award of the South 5th Street Roadway Improvements construction contract to the low bidder, Dickerson Florida, Inc., in an amount not to exceed \$845,130.00.
- d. Request approval to award Johnson-Davis, Inc. authorization to proceed with construction of stormwater facilities at the south end of South 2nd Street in an amount not to exceed \$69,000.00.
- e. Acceptance of the resignation of Peter J. Sweeney, City Attorney, effective May 20, 2021.
- f. Acceptance of proposal from Slavin Management Consultants to conduct the professional search for the next City Attorney in an amount not to exceed \$23,753.75, including expenses.
- g. Approval of the Collective Bargaining Agreement covering the period of October 1, 2020 through September 30, 2023.
- h. Approval of procedure to nominate members from the Lincoln Park community to be honored by the placement of their name on a bronze plaque to be displayed in NW Pioneer Park

Commissioner Jeremiah Johnson pulled 11 e.
Mayor Linda Hudson pulled 11 h.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Consent Agenda items 11 a, b, c, d, f, and g.

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

Passed

As to 11e, Commissioner Jeremiah Johnson inquired about contract language regarding a 90-day notice of resignation as well as an effective date of the resignation. City Attorney Pete Sweeney stated the effective date is May 20th, 2021, that would make the 90-day mark as August 18th. He ensures the Commission that his office will be in the capable hands of Assistant City Attorney Tanya Earley should they wish for her to provide interim services. Mr. Sweeney respectfully requested that his last day of work be July 23rd, 2021; he will work with the Commission through their meetings in July. Commissioner Curtis Johnson requested that Ms. Earley meet with him at the previously scheduled weekly meetings along with Mr. Sweeney.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Consent Agenda item 11 e with updated resignation date of July 23rd, 2021.

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

Passed

As to 11 h, Mayor Linda Hudson would like to clarify that Mr. William Lyons died 1933 as well as the Means Court School was in the 1916 city directory, so it is at least that old.

Motion was made by Mayor Linda Hudson, seconded by Commissioner Curtis Johnson, Jr. to approve Consent Agenda item 11 h.

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

Passed

12. PUBLIC HEARINGS

- a. Public Hearing - PY 2018 & 2019 Consolidated Annual Performance and Evaluation Report (CAPER)

Sheila Wise, Grants and Reporting Specialist provided information regarding the Plan Year 2018 and 2019 Consolidated Annual Performance and Evaluation Report. Ms. Wise reported on the accomplishments and expenditures for the City's Community Development Block Grant (CDBG) program as required by the U.S. Department of Housing and Urban Development (HUD). The CDBG funded activities include housing rehabilitation, public services for low- and moderate-income households, economic development, public facilities, and infrastructure improvements in the City. The Plan Year 2018 CAPER covers October 1, 2018, through September 30, 2019, and the Plan Year 2019 CAPER covers October 1, 2019, through September 30, 2020.

Ms. Wise informed the Commission that the draft of the Plan Year 2018 and Plan Year 2019 CAPER reports are available for review until June 9th, 2021, on the City's website.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

- b. Quasi-Judicial Hearing - Review and approval of an application for Conditional Use with New Construction submitted by Property Owners, Richard and Diane Slater, and Representative, Michael A. Smith, to construct a single-family home that will be approximately 33 feet in height from FEMA Based Flood Elevation at 1629 Thumb Point Drive in Fort Pierce, FL. The property is zoned Single-Family Low Density (R-1). Parcel ID: 2401-700-0002-000-0.

Linda Cox, City Clerk, introduced the application for Conditional Use with New Construction submitted by Property Owners, Richard and Diane Slater, and Representative, Michael A. Smith, to construct a single-family home that will be approximately 33 feet in height from FEMA Based Flood Elevation at 1629 Thumb Point Drive in Fort Pierce, FL. The property is zoned Single-Family Low Density (R-1).

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. Finally, no one should approach any member of the City Commission on the Dioceses, City Clerk, or City Attorney during the hearing. If documents are to be given to the City Clerk please give them to the Sergeant at Arms, which are either of the two Police Officers in the Chamber.

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 - Yes.

Commissioner Perona – No.

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.

Staff presentation: Planner Vennis Gilmore, sworn, provided an overview of the application submitted by Richard and Diane Slater for Conditional Use with New Construction at 1629 Thumb Point Drive. The applicant is requesting an additional five feet for interior design that will put the structure at 33 feet in height above FEMA Based Flood Elevation. The height allowed without the Conditional Use is 28 feet.

Commissioner Jeremiah Johnson requested clarification on the shell driveway to ensure that it meets the conditions of the City design parameters for the connection to the road.

Commissioner Perona inquired about the code for single family homes and sidewalks, to which Jennifer Hofmeister, Planning Director, sworn, responded that the current code in the City of Fort Pierce for single family homes does not require sidewalks.

Applicant Presentation: Richard Slater, sworn, had nothing to add to the presentation. He clarified the driveway will be shell fragments, however there will be the required 25 foot concrete apron and then it will turn to the shell pieces. Mr. Slater also clarified that the total livable space of the home is approximately 2900 sq.ft.

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 12 b.

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

Passed

- c. Quasi-Judicial Hearing - Application for Site Plan and Design Review submitted by property owner, Smith Bros.Contracting Equipment Inc. and Representative Ahrens Companies Inc., to expand an existing building/site by 5,400 square feet for a Bobcat equipment retail sales business in Fort Pierce, FL. The property is zoned Light Industrial (I-1). Parcel ID: 2431-506-0005-000-8.

City Clerk Linda Cox introduced the Application for Site Plan and Design Review submitted by property owner, Smith Bros. Contracting Equipment Inc. and Representative Ahrens Companies Inc., to expand an existing building/site by 5,400 square feet for a Bobcat equipment retail sales business in Fort Pierce, FL. The property is zoned Light Industrial (I-1)

Mayor Hudson reminded everyone that the quasi-judicial procedures previously

explained by the City Attorney remained in effect.

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.

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

Staff presentation: Planning Director Jennifer Hofmeister, sworn, provided an overview of the Application for Site Plan and Design that was submitted by the Property Owner Smith Bros. Contracting Equipment Inc. and Representative Ahrens Companies Inc. She stated the applicant is requesting an expansion of 3,000 square feet to the existing building and 2,400 square feet for an equipment wash area that will have a roof cover west of the building, totaling 5,400 square feet of additional construction. Staff recommends approval of the request. The Planning Board did review this request at their meeting on April 12, 2021 and voted 7-0 to recommend approval of the request as presented.

Commissioner Jeremiah Johnson questioned if all staff had a chance to review the request and Mrs. Hofmeister ensured all staff had reviewed the request. Commissioner Johnson also asked if the wash area meets the city parameters as there is a canal near where this wash area is being built.

Applicant Presentation: Alejandra Molina-Jackson, Architect, sworn, responded to Commissioner Jeremiah Johnson's question of the wash area stating that there are swales to the south and east, and the wash area has its own water recycling system. Mr. Molina-Jackson stated indicated that the company washes the equipment as a part of the rental.

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 12 c

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

Passed

- d. Legislative Hearing - Ordinance 21-014 abandoning a portion of the Avenue B right-of-way, bound by A.E. Backus Avenue to the north, North 2nd Street to the east, Avenue A to the south, and the FEC Railroad to the west. FIRST READING

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

Ordinance 21-014 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF THE AVENUE B RIGHT-OF-WAY, BOUND BY A.E. BACKUS AVENUE TO THE NORTH; NORTH 2ND STREET TO THE EAST, AVENUE A TO THE SOUTH, AND THE FEC RAILROAD TO THE WEST; BEING APPROXIMATELY 65.00 FEET WIDE;** PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR

REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff presentation: Planning Director Jennifer Hofmeister, presented an overview of the Kings Landing proposal requiring the abandonment which was previously approved in August, 2020 and is being brought back at the request of the developer to ensure no issues with the title since a condition within the original ordinance were not met.

Commissioner Jeremiah Johnson inquired if the majority of the easement was in the FEC right of way and Ms. Hofmeister clarified the portion that is in the FEC right of way is the 65ft by 55ft portion on the west side of the property.

Mr. Sweeney stated the easement is independent of the ordinance, the ordinance is for abandonment only. City Clerk Linda Cox clarified that the easement will be on the consent agenda at the next meeting. City Attorney Pete Sweeney informed the Commission that the easement is not a request the City has made, but it is a request of FPUA.

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 12 d.

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

Passed

13. CITY COMMISSION

- a. ADDED ITEM: Letter of support for St. Lucie County Clerk of Court's Grant Application seeking to digitize St. Lucie County official records and deed books from 1905 to 1960.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve the letter of support.

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.

There were no comments from the public.

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms provided updated reports on the Fort Pierce 2021 Strategic plan, the Purchase Order report, and the Fort Pierce Recreation Center Vaccination Site. With the vaccination site being open, close to 12,000 people have been vaccinated since May 25th. The site will be closing June 18th. In the City Manager's report for the month of May, they highlighted the 100th year of the Fort Pierce Inlet with all the celebrations that went occurred. There will be a FPRA board meeting June 8th where they will be discussing Moore's Creek, negotiations with Fisherman's Wharf development, and the award of bid for 5 properties that were advertised through RFP, and the solicitation overview and marketing plan for the first floor of the Sunrise Center and the FPRA incentive program for commercial and residential properties.

Attorney Pete Sweeney has no comments.

City Clerk Linda Cox provided a reminder for the names for their nomination for the audit committee which was created at the last meeting. In addition, she noted she will be working with Mr. Mimms to contact Slavin Management Consultants who will be conducting the search for Mr. Sweeney's replacement.

Commissioner Perona added any vacations or time off request must go through the City Clerks office as the summer months will be busy.

a. Reports

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson, Jr. commented on his excitement about the One Fort Pierce pins and giving them out to recognize the outstanding citizens who are helping bring the community together.

Commissioner Jeremiah Johnson mentioned the need for the census data for the 2021 strategic plan action item for redistricting. He asked Mr. Sweeney to provide information for the commissioners about what has been ordered by a court with regard to districts. Commissioner Jeremiah Johnson also mentioned hearing from the community regarding any election items to be put on the 2022 election ballot.

Commission Thomas Perona thanked Mayor Linda Hudson for her effort in promoting Fort Pierce through the 100th year inlet celebration.

Mayor Linda Hudson mentioned schools out.

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 7:23 pm

ATTEST:

CITY CLERK

MAYOR COMMISSIONER