

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 Tuesday, **July 6, 2021**

1. CALL TO ORDER

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

2. OPENING PRAYER - Father Yves Geffrard, Notre Dame Catholic Mission

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 June 21, 2021 regular meeting.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve the minutes of the June 21, 2021 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. Presentation of Certificate of Completion of the Florida League of Cities Leadership Academy 1 to Commissioner Curtis Johnson, Jr.

7. LETTERS TO COMMISSION

- a. Letter from Clara Beckley thanking Fort Pierce Police Officers Troy Carter, Shayne Stokes, Cory Bernardini and Angelo Tsaousis for their benevolence while providing her with assistance.

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.

There were no public comments.

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 the Agenda.

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

Passed

10. **MISCELLANEOUS REPORTS**

11. **CONSENT AGENDA**

- a. Approval of travel for Commissioner Curtis Johnson, Jr. to attend the Florida League of Cities conference in Orlando, Florida in the total amount of \$1,303.76.
- b. Approval of travel for Mayor Hudson to attend the Florida League of Cities Conference in Orlando, Florida in the total amount of \$1,337.78.
- c. Approval of travel for Commissioner Curtis Johnson, Jr. to attend the National Conference on Preventing Crime being held in Orlando, Florida on August 25-27, 2021 in the total amount of \$896.50.
- d. Approve Amendment Employment Contract and position description with Linda Cox, City Clerk effective July 6, 2021.
- e. Approval of Employment Agreement with Nicholas Mimms, City Manager effective July 6, 2021
- f. Approval of a twelve (12) month Lease Agreement between the City of Fort Pierce and the Woods Family Limited Partnership II, for 7 parcels along Seaway Drive to provide additional parking for the public.
- g. Approve request to enter into a Lighting, Maintenance, and Compensation Agreement with FDOT for a term of 7-years.
- h. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$328.01 against 712 N 22nd Street, Fort Pierce, FL, Parcel ID# 2404-709-0050-000/7 owned by Eleanor Virgile, by waiving the interest and penalties in the amount of \$159.58, leaving a **balance due of \$168.00 payable in 60 days**.
- i. Approve staff recommendation in response to request to reduce demolition fees in the amount of \$9,444.88 against 712 N 22nd Street, Fort Pierce, FL, Parcel ID# 2404-709-0050-000/7 owned by Eleanor Virgile, by waiving the interest, penalties and a portion of the administrative costs in the amount of \$5,323.68, leaving a **balance due of \$4,121.20 payable in 120 days**. (The applicant is asking to waive interest, penalties, administration fees and a portion of the hard costs in the amount of \$6,444.88 leaving a balance due of \$3,000.00, 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 \$1,368.40 against 712 N 22nd Street, Fort Pierce, FL, Parcel ID# 2404-709-0050-000/7 owned by Eleanor Virgile, by waiving the interest, penalties and a portion of the administrative costs in the amount of \$936.54, leaving a **balance due of \$431.86 payable in 60 days**. (The applicant is asking to waive the interest, penalties and almost all the administration fees in the amount of \$1,030.40 leaving a balance due of \$338.00 payable in 60 days, which requires

the item be pulled from the Consent Agenda with a direct vote of the City Commission.)

- k. Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$11,518.51 against TBD Avenue G, Fort Pierce, FL, Parcel ID# 2404-814-0019-000/1 owned by Victoria E Young, by waiving the interest, penalties and a portion of the administrative costs in the amount of 5,943.55, leaving a **balance due of \$5,574.96 payable in 60 days.** (The applicant/proposed buyer Kaleel Coker, is asking to waive interest, penalties, administrative fees and portion of the hard costs in the amount of \$9,018.51 leaving a balance due of \$2,500.00 payable in 60 days, 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 lot clearing fees in the amount of \$3888.98 against 1130 Avenue F, Fort Pierce, FL, Parcel ID# 2404-443-0033-000/7 owned by BCAG LLC, by waiving the interest, penalties and a portion of the administrative costs in the amount of \$2,364.59, leaving a **balance due of \$1,524.39 payable in 30 days.**
- m. Approve opioid litigation, Purdue Pharma Bankruptcy Settlement Plan.

Commissioner Curtis Johnson, Jr. requested that items 11 d, e, and f be pulled for comment.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve items 11a, b, c, g, h, i, j, k, l, and m of the Consent Agenda.

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

Passed

As to item 11d Commissioner Curtis Johnson is in support of the approval of Amended Employment Contract.

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

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

Passed

As to item 11e Commission Curtis Johnson is in support of salary increase for City Manager Nick Mimms. Both Commissioner Perona and Commissioner Jeremiah Johnson are in support of the proposed employment agreement. It was suggested that a more formal evaluation process with measurable outcomes be considered in the future.

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

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

Passed

As to item 11 f Commissioner Curtis Johnson expressed pleasure with the partnership.

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

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

Passed

12. PUBLIC HEARINGS

- a. Legislative Hearing - Ordinance 21-017 - extending the territorial limits of the City of Fort Pierce, to include six (6) properties at or near 2261 Peters Road in Fort Pierce, Florida. SECOND READING

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

ORDINANCE NO. 21-017

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE SIX (6) PARCELS AT OR NEAR 2261 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. SECOND READING

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance No 21-017.

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

Passed

- b. Legislative Hearing - Ordinance 21-019 establishing a registration program for vacation rentals, including standards, rules and enforcement. FIRST READING

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

ORDINANCE NO. 21-019

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CREATING CHAPTER 22, ARTICLE X – SHORT TERM AND VACATION RENTAL REGULATIONS; ESTABLISHING STANDARDS AND REGULATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Presentation:

City Clerk Linda Cox presented proposed Vacation Rental Ordinance. Staff recommends

- Rental unit registration shall be required of each individual unit.
- Pool and Rental Unit inspections will not be required by the City; any inspections would be conducted by the state.
- All other standards and requirements along with the enforcement of such as summarized in the task force findings are included.
- Registration Fee should be \$250.00 per unit annually with the elimination of the inspections.
- One Code Enforcement Officer funded by the registration fee to ensure proactive enforcement of requirements and identifying unregistered rental units.

Commission questions for staff:

Mayor Hudson inquired how the fee cost was established and if this accomplishes proactive enforcement, and the role the City Clerk's office plays. Linda Cox responded that the model for vendor permitting was the guide for establishing the fee, but the fee may not completely fund a code enforcement officer, and the City Clerk's office would facilitate issuance of vacation rental registration exclusively; eliminating dwelling rental conditional use.

Commissioner Curtis Johnson, Jr. requested clarification on line 238, commercial events, if all staff recommendations had been included in the ordinance, he expressed concern with the restrictive language in line 391, regarding emergency situations, and concerns with exterior postings. Mrs. Cox referred to the definition of commercial events, explained that the proposed ordinance contains staff recommendations, and addressed the restrictive language.

Commissioner Perona requested explanation of the current conditional use process and the cost for comparison purposes. Mrs. Cox explained the current process for conditional use and the cost as an average \$700 according to the Planning Department.

Commissioner Jeremiah Johnson inquired if St. Lucie County Tax Collector has established updates for vacation rentals, is line 482 the standard for applications and included in proposed fee; what licenses renew on 09/30, and is the non renewal language in lines 487-493 required. Mrs. Cox stated she is unaware if St. Lucie County Tax Collector has made changes, and that renewals run concurrent with Business Tax Receipts.

Mayor Hudson opened the public hearing.

Tiffany Wright-Ofiemu – Against exterior posting, landline and one-hour response requirement. Believes current holders should be grandfathered.

Scott McAllister- In favor of \$250 registration fee.

Lisa Cataline- Against property management company in St. Lucie County, rather consider distance. In favor of enforcement for fees.

Tara Marchisello- Against exterior posting. Concerns with noise verbiage.

Richard Riohoff- Against landline requirement.

Nick Danaluk- Believes current holders should be grandfathered and would like no other regulations other than DBPR. Against curfews, noise restrictions, and 24/7 availability.

Dave Underhill- Would like fees to cover possible legal cost against the City.

Mike Nole- Against the inclusion of leash laws and \$250 fee.

David Hicks- Would like enforcement of rules, fees, and a liability insurance requirement.

Kris Einstein- Believes grandfathering has been lost and cannot be regulated.

Deborah Underhill- Against exterior posting. In favor of proposed registration fee.

Susan Baker- Against exterior posting. Believed current holders should be grandfathered.

Shawn Dufalt- Against proposed regulations. Believes current holders should be grandfathered.

Larry Winter- Would have liked the task force to consider the City of Largo's ordinance. Believes current holders should be grandfathered.

Michelle Danaluk- Believes the City does not have the right to regulate.

Travis Burton- Posed concern with grandfathering, one-hour response may cause harassment, and would like proximity rather than residency.

Chris Gardner- Would have like current vacation rental owners considered.

Mayor Hudson closed the public hearing.

Comments from the Commission:

Commissioner Jeremiah Johnson is in favor of the removal of 310-315.

Commissioner Curtis Johnson inquired to what is lost or gained from the conditional use process to the proposed change. In addition, he has concerns with distance requirement for property management and noise.

Attorney Sweeney commented that the proposed ordinance will allow for more applicants. Forbearance or deferment may be a policy decision by the Commission for current holders.

Commissioner Perona commented that the proposed Ordinance is meant to streamline the current conditional use process. The property management company requirement must be sensible.

Mayor Hudson asked Linda Cox to elaborate on the task's forces determination for property management response location. Additionally, asked to clarify the use of tents. Mrs. Cox explained that the St. Lucie County residency requirement is a hold-over from conditional use requirement.

City Manager Nick Mimms suggested if we have existing ordinances, they should be referenced. Attorney Sweeney referenced that existing code would protect the City.

Commissioner Perona directed the question to Mr. Mimms if the \$250 registration fee will cover the cost of a new code enforcement officer. He also requested prior to second reading code enforcement refer to possible amendments. Mr. Mimms explained that it will not, but the City will determine how to fund it.

Commissioner Jeremiah Johnson inquired as to the requirement for 14-17 and 19. Commissioner Curtis Johnson expressed concern with the language for 19 in section 22-506.

Attorney Sweeney commented that the language in 19 is proactive but questions the ability to enforce.

Mrs. Cox summarized the amendments requested by the Commission as follows:

Line 91-93 - Noise definition will match current code and reference the Noise Ordinance.

Lines 206-237 regarding noise regulations are deleted.

Lines 246-261, will be modified to reference existing code only.

Line 271 regarding evacuation will change the word posting to declaration.

Lines 310-315 regarding exterior positing is deleted.

Line 374, the management company being required to be in St. Lucie County is deleted.

Lines 487-493 regarding renewal extension is deleted.

Mr. Mimms expressed the desire to have City Staff go over the proposed revisions prior to the second reading.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 21-019 as amended.

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

Passed

- c. Legislative Hearing - Ordinance 21-020 - Text Amendment to Section 125-187: "Use Table" in order to allow for Dwelling Rentals to be permitted by right in every zoning district. FIRST READING

POSTPONED

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to postpone item 12 c until the July 19, 2021 Regular Meeting.

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

Passed

- d. Legislative Hearing - Ordinance 21-021 modifying the existing vendor code to eliminate the requirement for a Vendor Permit, Application and the payment of the fee as a result of the preemption by Florida Statute 509.102. FIRST READING

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

ORDINANCE NO. 21-021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 22, ARTICLE VIII, "VENDORS, SOLICITORS AND CANVASSERS", SECTIONS 22-358 THROUGH 22-440 DELETING ALL REFERENCES AND REQUIREMENTS FOR AN APPLICATION, PERMIT OR A FEE; CLARIFYING GENERAL REGULATIONS; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Presentation: City Clerk Linda Cox presented a brief summary of the proposed Ordinance eliminating Vendor Permit, Application, and payment as a result of Florida Statute 509.102 preempting our ability to regulate.

Mayor Hudson opened the public hearing.

Michelle Danaluk

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance No 21-021.

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

Passed

13. CITY COMMISSION

- a. Resolution 21-R34 appointing Caleta Scott to the Fort Pierce Housing Authority Board.

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

RESOLUTION NO. 21-R34

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE MAYOR'S APPOINTMENTS AS **COMMISSIONER OF THE HOUSING AUTHORITY** OF THE CITY OF FORT PIERCE; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 21-R34

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

Passed

- b. Resolution 21-R35 appointing Megan Dirsu-DuBois to the Arts and Culture Committee as Commissioner Perona's appointee.

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

RESOLUTION NO. 21-R35

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 21-R35.

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.

**Kris Einstein
Tiffany Wright- Ofiemu
Michelle Longarzo-Danaluk
Chris Gardner**

15. COMMENTS FROM THE CITY MANAGER

- a. Reports

City Manager Mimms provided the itinerary for the July 12, 2021 Conference Agenda/Budget Workshop.

Attorney Pete Sweeney has no comments.

City Clerk Linda Cox notified the Commission that the advertisement for new City Attorney has been placed.

16. COMMENTS FROM THE COMMISSION

Commission Thomas Perona commented on the excellent fourth of July celebration. He asked the Commission to prepare for replacement of the utility board member, and District 1 next year and 2 the following year.

Commissioner Curtis Johnson, Jr. encouraged the public to get involved with board appointment. He echoed Mayor Hudson's appointment to the Housing Authority Board. In addition, he commented on the Closing the Gap grant received by the city and the positive outcome of the fourth of July engagement that he participated in.

Commissioner Jeremiah Johnson conveyed his discouragement with the FPUA meeting and would like to see change.

Mayor Linda Hudson indicated that the FPUA may be unaware that they are not meeting expectations.

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 9:57 **pm**

ATTEST:

CITY CLERK

MAYOR COMMISSIONER