

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, **July 19,2021**

1. CALL TO ORDER

Mayor Hudson called the July 19, 2021 Regular Meeting of the City Commission to order at 4:30 PM.

2. OPENING PRAYER - Pastor Amos Adhemar, Fort Pierce Haitian United Methodist Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

Absent: Commissioner Rufus Alexander

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

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to excuse Commissioner Alexander as a letter of retirement was received. Staff was asked to finalize the retirement arrangements by September 7, 2021.

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

Passed

5. APPROVAL OF MINUTES

- a. Approval of minutes from the July 6, 2021 regular meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve the minutes from the July 6, 2021 Regular Meeting.

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

Passed

6. PROCLAMATIONS

- a. POSTPONED. Presentation of Home Rule Hero Award to Mayor Hudson by Councilwoman Caraballo, Treasure Coast Regional League of Cities, and brief presentation on Home Rule and Advocacy efforts.
- b. Treasure Coast Waterway Cleanup Week Proclamation being received by Justin Beard and Robert Mac Keen of Derecktor.

7. LETTERS TO COMMISSION

- a. Letter from Scott Coats expressing his sincere gratitude to acting Sergeant John Fasanello and Officer Clifford Gray for their assistance and information during a difficult and emotional time.

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

Commissioner Jeremiah Johnson requested an item be added as 13 f regarding the memo received from Assistant City Attorney Tanya Earley regarding the arrest of a current member of the Fort Pierce Utilities Board.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Curtis Johnson, Jr. to approve, and set the agenda as amended.

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

10. MISCELLANEOUS REPORTS

- a. Added: Representative Dana Trabulsy Update on 2021 Legislative Session

Representative Dana Trabulsy provided an update on the 2021 Legislative Session. She is happy to report that \$191 million dollars was allocated to the City of Fort Pierce, including the FPUA project providing lower income sewer infrastructure received \$900 thousand dollars, \$10.6 million to IRSC for the WorkForce Development Training Complex, \$1,3 million for Guardian for New Futures Wrap Around Services expansion, and \$30 million for African American Cultural project grants. Representative Trabulsy was recently appointed to the Florida Council on the Social Status for Black Men and Boys. She stressed the importance of good dialogue.

Commissioner Curtis Johnson, Jr. challenged the legislature to reach out to local elected officials as well, and asked for insight into the upcoming legislative session.

Commissioner Thomas Perona expressed appreciation for concern and connection to the community.

Commissioner Jeremiah Johnson expressed appreciation for the efforts made this session.

Mayor Hudson expressed willingness to provide budget information and how the legislature may impact it, and thanked Representative Trabulsy for her hard work.

Representative Trabulsy is working toward the addition of level 2 background screenings for summer camp, and Film Florida rebates rather than incentives in the next legislative session.

- b. Florida Municipal Power Agency (FMPA) Update by Jacob Williams, General Manager and CEO

Jacob Williams, General Manager and CEO of the Florida Municipal Power (FMPA) presented the goals for the FMPA and FPUA, including affordable electricity. FPUA's power cost adjustment is the lowest since 2004 which directly impacts the community. Treasure Coast Energy Center in 2022 will see lower cost energy, reduced emissions, local jobs supporting the community, and local control of utilities.

Commissioner Perona inquired if there is a comfort on the supply of natural gas and stabilization of its price, and is there concern. Mr. Williams explained that with Florida using 75% natural gas there is concern. The three major pipelines are more robust, and prices are being managed by contract and prepaying.

Commissioner Curtis Johnson inquired as to why the focus is natural gas and not more directed toward solar. Mr. Williams explained that natural gas is more cost-effective. Solar is becoming more cost-effective but can not always be captured. There must be a balance.

Commissioner Jeremiah Johnson inquired if solar extends the life of natural gas plants. Mr. Williams explained that solar power reduces peaking, and reduces come where and tear on units.

Mayor Hudson commented that FPUA has managed storm hardening effectively.

- c. Presentation of the rebranding of the public transit system by St. Lucie County staff.

Murriah Dekle, Transit Division Director, and Cathi Petagno, Transit Senior Program Specialist presented the rebranding of the public transit system. Marni Roberts, Bowstern Marketing Communication, participated by phone and introduced Area Regional Transit (ART).

Commissioner Jeremiah Johnson thanked the transit department for their hard work on developing (ART). Commissioner Curtis Johnson inquired as to how one would request additional bus stops, coverings and signs. Mrs. Dekle explained that an update and review is provided yearly to the Florida Department of Transportation. Not every location is appropriate, and must meet certain requirements and planning regarding adding or changing stop locations.

Commissioner Perona commented on the thought given to the name ART and how it fits Fort Pierce. Mayor Hudson reiterated Commissioner Perona's sentiments.

- d. Presentation by Melaine George, Sunrise Theatre Advisory Board Member of a Specialized Area of a Public Facility

Melanie George presented the objectives, overview, and criteria for naming a specialized area within the Sunrise Theatre as the Earl Frank Little Mezzanine or possibly the theater lobby. A series of events will honor Mr. Little and raise funds. The Commissioners are in support of the naming using the naming process. Mike Reals, Public Works Director explained that the Commission would make a public call for submissions, and receive the submissions which would be given to the Parks Advisory Committee for review. The submissions that meet criteria would be presented during a Conference Agenda then come back before the Commission to make a decision.

Mayor Hudson inquired of Mr. Reals how the process could be expedited. City Manager Nick Mimms expressed that the proposed dates would not be met; they will move forward with the required process.

Commissioner Curtis Johnson requested that recommendation be made and presented to the Advisory Board expeditiously and adjustments made to the proposed dates. Consensus was to move forward with the process.

11. **CONSENT AGENDA**

- a. Approve Request to enter into a 48 month lease agreement with John Deere for golf course equipment effective October 1, 2021.

- b. Approval of Memorandum of Understanding between the City of Fort Pierce and the Kiwanis Club for a public private partnership for site improvements at Jaycee Park.

Commissioner Perona requested item 11 b be pulled for comment.

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

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

Passed

As to item 11b, Commissioner Perona explained that in partnership with the Kiwanis Club, the City of Fort Pierce will provide improvements to Jaycee Park. The Kiwanis Club is managing the project and reaching out to other clubs for support. Commissioner Jeremiah Johnson confirmed that the procurement process will be followed. Commissioner Curtis Johnson commended the Kiwanis Club and Commissioner Perona on their hard work as did Mayor Hudson.

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

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

Passed

12. PUBLIC HEARINGS

- a. Presentation and Public Hearing on the Draft 2021-2025 Five-Year Consolidated Plan and the Draft 2020 Annual Action Plan.

Sheila Wise, Grants Administration, presented the Consolidated Plan HUD requirements, plan goals, priorities and stakeholders. In addition, the 2020 annual action plan allocated funds totaling \$605,453 with \$129,000 for economic development, \$68,000 for public services, \$55,836 improvements for playgrounds, parks and public facilities, \$50,000 to owner occupied housing assistance, \$180,000 neighborhood revitalization, and \$120,617 for program administration.

Mayor Hudson opened the public hearing.

Seeing no one, she closed the public hearing.

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

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

The Mayor and Commissioners discussed various parts of the updated ordinance seeking clarification and discussing issues and concerns, including maximum occupancy, local phone service, parking, noise ordinance language, fireworks, domesticated animals, the one (1) hour requirement for responses to complaints, specific advertising requirements, and the good neighbor brochure.

Mayor Hudson inquired if a code officer will be available 24/7. Mr. Mimms explained the fees may need to be revisited but if the Commission directs enforcement, City Staff will make provisions to make an on-call enforcement

available.

Mayor Hudson opened the public hearing.

Michelle Longarzo Danaluk-opposed

Eugene Cochran-opposed these are business not STR's

Richard Rylott- line 395 one- hour response is impossible, issue with 175 emergency lighting, and 91 should reference code.

Larry Winters- feels the Ordinance is unrealistic.

Mark DeRosa- feels ordinance is unrealistic.

Susan Baker - has issues with STR time.

Dave Cummings - there is no applicable code for enforcement.

Dave Hicks - opposes STR's, is for property inspection, and has issues with occupancy load.

Rusty West - opposes one hour rule.

Lisa Cataline- regarding section 22-506, some communities do not have designated parking.

Katherine McClure - supports ordinance.

Gary Dietz- supports \$250 fee, concerned with line 395, believes ordinance should be listed on MLS instead of Good Neighbor Brochure.

Charlene Adair - supports code recommendations.

Anthony Gambardella- concerned with the impact this will have on public policy.

Mayor Hudson closed the public hearing

Commissioner Curtis Johnson asked that page 6, line 311 be amended to add digital or hard copy; he also expressed concern with occupancy load in line 84.

Mayor Hudson inquired will the adoption of the current ordinance will it replace the conditional use; Attorney Sweeney stated that tonight is the first reading of the conditional use ordinance and the second reading would result in the final change on August 2, 2021; he recommended an effective date of the short-term rental ordinance as of August 3, 2021.

Mrs. Cox recommended a link to the Good Neighbor Brochure in place of the specific advertising requirements. Mrs. Arriaz agrees with the City Clerks recommendation for the addition to the Good Neighbor Brochure.

Commissioner Curtis Johnson referenced line 179, parking designation and how this requirement would be enforced. He also requested information on how the current conditional use holders would apply with the new ordinance. City Clerk Linda Cox recommended that a document could be provided if there is no designated parking. She also explained that the conditional use and the proposed ordinance are not dependent on one another as to the grandfather argument. Commissioner Jeremiah Johnson further explained that attempting to keep zoning is a violation of the current law.

Commissioner Perona reminded the public that the proposed document can be fine-tuned as needed in the future.

City Clerk Linda Cox summarized the proposed adjustments to the ordinance.

Line 178 - as to local phone, remove "in the main level common area of the rental unit."

Line 188, - add "unless documentation is provided demonstrating that there are no assigned parking spaces."

Line 311 - allow for a hard or digital copy of the agreement.

Lines 454 through 460 - remove items 1 through 5 and add a sentence stating advertisement shall include a link to the Good Neighbor Brochure provided by the City of Fort Pierce.

Line 569 - Change effective date to August 3, 2021.

Commissioner Jeremiah Johnson posed the question to Attorney Sweeney if there is substantial deviation from the original presentation to the current, thereby requiring another second reading. Attorney Sweeney responded that it does not and this may proceed.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 21-019 as amended.

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

Passed

- c. 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. SECOND READING

City Clerk Linda Cox introduced the Ordinance, read by title only, into 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. 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 Curtis Johnson, Jr. to approve Ordinance No 21-021.

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

Passed

- d. POSTPONED FROM 7/6/2021 MEETING 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

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

ORDINANCE NO. 21-020
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA CHAPTER 125, ARTICLE IV, SECTION 125-187, AMENDING THE USE TABLE TO ALLOW DWELLING RENTALS TO BE PERMITTED BY RIGHT IN EVERY ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Rebeca Guerra, Assistant Planning Director, presented the Text Amendment to Section 125-187 " Use Table allowing for Dwelling Rentals to be permitted by right in every zoning district.

Commissioner Jeremiah Johnson inquired as to what challenges could be presented within industrial areas. Jennifer Hofmeister, Planning Director responded that there may be more restrictions and requirements for the property owner. Many municipalities allow dwelling within industrial areas.

Mayor Hudson made note that there could be potential problems with the proposed permitting on Indian River Drive.

Mayor Hudson opened the public hearing

Michelle Longarzo Danaluk- the City lost its ability to grandfather.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Thomas Perona to approve Ordinance No 21-020.

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

Passed

- e. Legislative Hearing - Ordinance 21-022 - extending the territorial limits of the City of Fort Pierce, to include three (3) properties at or near 3171 Morning Dew Lane, 3051 South 25th Street, and 2503 Edwards Road in Fort Pierce, Florida. FIRST READING

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

ORDINANCE NO. 21-022 - AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE THREE (3) PARCELS AT OR NEAR 3171 MORNING DEW LANE, 3051 SOUTH 25TH STREET, AND 2503 EDWARDS 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, 2022; 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. FIRST READING.

City Planner Brandon Creagan presented a summary of the voluntary application for annexation of 3 parcels with future land use designation of medium density residential, zoning designation of planned development. Staff recommends approval because the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

Commissioner Jeremiah Johnson inquired if the parcel has construction approval to which Mr Creagan responded that it does.

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 Ordinance No 21-022.

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

Passed

- f. Legislative Hearing - Ordinance 21-023 - extending the territorial limits of the City of Fort Pierce, to a property at or near 186 Melton Drive in Fort Pierce, Florida. FIRST READING

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

ORDINANCE NO. 21-022 - AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE THREE (3) PARCELS AT OR NEAR **3171 MORNING DEW LANE, 3051 SOUTH 25TH STREET, AND 2503 EDWARDS 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, 2022; 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. FIRST READING

City Planner Brandon Creagan presented a summary of the voluntary application for annexation of 3 parcels with future land use designation of medium density residential, zoning designation of planned development. Planning Staff recommends approval of the proposed annexation because the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

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 Thomas Perona to approve Ordinance No 21-023.

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

Passed

- g. Legislative Hearing - Ordinance 21-024 - extending the territorial limits of the City of Fort Pierce, to include four (4) properties at or the northeast corner of King Orange Drive and Mura Drive in Fort Pierce, Florida. FIRST READING

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

ORDINANCE NO. 21-024 - AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE FOUR (4) PARCELS AT OR NEAR THE NORTHEAST CORNER OF **KING ORANGE AND MURA DRIVE 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, 2022; 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. FIRST READING

Senior Planner Brandon Creagan presented a summary of a voluntary application for annexation of four parcels along with a future land use designation of high density residential and zoning designation of high density residential at the

northeast corner of King Orange Dr. and Mura Dr. As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations. Planning Staff recommends approval of the proposed annexation. The Planning Board at their meeting on June 14, 2021, voted 7-0 to recommend approval of the request as presented.

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 21-024.

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

Passed

- h. Quasi-Judicial Hearing - Ordinance 21-025 REZONING OF NINE (9) PARCELS LOCATED AT OR NEAR 2496 SOUTH KINGS HIGHWAY FROM SINGLE FAMILY, 2 DU/ACRE (E-2) AND GENERAL COMMERCIAL (C-3) TO COMMERCIAL PARKWAY (CP-1). FIRST READING

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

ORDINANCE NO. 21-025 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING OF NINE (9) PARCELS LOCATED AT OR NEAR 2496 SOUTH KINGS HIGHWAY FROM SINGLE FAMILY, 2 DU/ACRE (E-2) AND GENERAL COMMERCIAL (C-3) TO COMMERCIAL PARKWAY (CP-1); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

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.

City Planner Brandon Creagan presented the rezoning of nine parcels at or near 2496 South Kings Highway. Staff recommends approval based upon the following:

- 1) Consistent with surrounding Future Land Uses and Zoning
- 2) The request is consistent with the proposed development that is currently going through the City Development Review process.
- 3) Consistent with Section 125-136 of City Code & the Comprehensive Plan
- 4) Does not adversely affect the public health, safety, convenience and general welfare

The Planning Board at their meeting on June 14, 2021, voted 7-0 to recommend approval of the request as presented.

There were no questions of staff.

Jeff Irvani, JHI Consulting Engineers, applicant representative appeared and was available for questions. There was no other public comment.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Ordinance No 21-025.

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

Passed

- i. Quasi-Judicial Hearing - Ordinance 21-026 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; MODIFYING THE HARBOUR ISLE PLANNED DEVELOPMENT TO REVISE THE PREVIOUSLY APPROVED MASTER PLAN FOR PROPERTY GENERALLY LOCATED AT 835 SEAWAY DRIVE. FIRST READING

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

ORDINANCE NO. 21-026 - AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; MODIFYING THE HARBOUR ISLE PLANNED DEVELOPMENT TO REVISE THE PREVIOUSLY APPROVED MASTER PLAN FOR PROPERTY GENERALLY LOCATED AT 835 SEAWAY DRIVE; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. FIRST READING

Mayor Hudson called the proceedings to order and reminded everyone that the quasi-judicial rules still apply.

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:

City Planner Brandon Creagan presented ordinance modifying the Harbour Isle Development located at 835 Seaway. Staff Recommends approval of the request based upon the following:

- 1) Consistent with surrounding Future Land Uses and Zoning
- 2) Consistent with Section 125-136 of City Code & the Comprehensive Plan
- 3) Kimley-Horn reviewed the traffic study as part of the TRC review and determined that the adjacent impacted roadway has sufficient capacity available to support the proposed project trips and will operate acceptably upon project buildout.
- 4) Does not adversely affect the public health, safety, convenience and general welfare

Commission questions for Staff:

Commissioner Jeremiah Johnson inquired as to the location of the loading zone. Mr. Creagan showed on the site plan the location of the loading zone and outdoor seating areas in response to questions, and clarified that there is no additional traffic impacts.

Mayor Linda Hudson opened the public hearing.

David Baggett, Engineering Design Construction, appeared on behalf of the applicant to answer any questions. Mayor Hudson inquired of the fast-food establishment which will occupy the space, and the hours of operation. Mr. Baggett informed the Commission that Dunkin Donuts will occupy the space and will service during standard hours.

Commissioner Perona inquired if any access areas had been changed, to which Mr. Baggett replied no they have not.

Mayor Hudson invited the public to speak on this item.

Annette Rudd inquired about the fast-food establishment previously determined to be Dunkin Donuts.

Michelle Longarzo Danaluk expressed concerns with the impact of seasonal traffic and the functionality of the roundabouts.

Mayor Hudson closed the public hearing.

Comments from the Commission:

Commissioner Perona believes there will be impact to the traffic on Seaway, but it is manageable.

Commissioner Jeremiah Johnson thanked the applicant for addressing the impact to the City.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Ordinance No 21-026.

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

Passed

- a. Resolution 21-R36 establishing vacation rental registration fee.

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

RESOLUTION NO. 21-R36 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING BY RESOLUTION THE **ANNUAL VACATION RENTAL REGISTRATION FEE**; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hudson finds \$600 is an acceptable registration fee.

Commissioner Perona questions who should be responsible for enforcement cost. He believes the \$400 range is acceptable for registration fee.

Commissioner Curtis Johnson would like elaboration on enforcement and its cost. Mr. Mimms explained that \$250 will not fund an additional code enforcement officer which is estimated to be \$100,000. It will take a department to enforce the ordinance and that there are many facets to consider, not just enforcement.

Attorney Sweeney suggested modifying the effective date of the Resolution.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Resolution No 21-R36 with modification of registration fee from \$250 to \$600 and with an effective date of August 3, 2021 and that it be reviewed for the next two years every six months.

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

Passed

- b. Resolution 21-R37 authorizing the issuance of Fort Pierce Redevelopment Agency Redevelopment Revenue Refunding Bonds, Series 2021, in the aggregate principal amount not to exceed \$26,000,000, and authorizing the Mayor to execute all necessary documents.

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

RESOLUTION NO. 21-R37 - A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AUTHORIZING THE ISSUANCE BY THE FORT PIERCE REDEVELOPMENT AGENCY OF NOT TO EXCEED \$26,000,000 IN AGGREGATE PRINCIPAL OF REDEVELOPMENT REVENUE REFUNDING BONDS, SERIES 2021, IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms presented a summary of the savings to the FPRA and the City of Fort Pierce of over one million dollars, with an interest rate of 1.33 percent with no change to the maturation date.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No 21-R37.

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

Passed

- c. Resolution 21-R38 appointing Tanya Earley as Interim City Attorney effective upon the resignation of Peter J. Sweeney.

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

RESOLUTION NO. 21-R38 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, DESIGNATING AN INTERIM CITY ATTORNEY; PROVIDING FOR AN EFFECTIVE DATE.

City Manager Nick Mimms presented the recommendation for additional compensation in the amount of three thousand dollars per month during her term as Interim City Attorney be added to the resolution.

Attorney Sweeney believes the compensation increase is appropriate.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Resolution No 21-R38.

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

Passed

- d. Submittal of applications to serve on the Civil Service Appeals Board.

Linda Cox, City Clerk, indicated this item would come back to the next meeting for a vote.

- e. Submittal of applications to serve on the Keep Fort Pierce Beautiful Board.

City Clerk Linda Cox explained the appointment process and this item will come back to the next meeting for a vote.

- f. ADDED ITEM: Memo from Assistant City Attorney Tanya Earley regarding the arrest of a current member of the Fort Pierce Utilities Authority.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to remove Mr. Matthews as a member of the FPUA Board effective immediately for misfeasance based upon the information in the memo provided by Assistant City Attorney Earley.

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

Passed

Commissioner Jeremiah Johnson spoke on the memo provided by Assistant City Attorney Tanya Earley regarding the recent arrest, adjudication and pending case of Charlie Frank Matthews. He recommends removing Mr. Matthews, giving him a break from service, for misfeasance in office. Commissioner Perona is hopeful he will work to get himself better and take care of himself. Commissioner Curtis Johnson also expressed pain and disappointment in reviewing the information. He asked that Mr. Sweeney explain the various types of 'feasance' in office: misfeasance, malfeasance and nonfeasance. Mayor Hudson shared that it is the responsibility of the City regarding removal of an FPUA board member and not the FPUA; while the city must deal with the pattern of behavior, but he has performed as a good board member.

Upon removal, the City Commission will appoint a new board member, based upon Commissioner C. Johnson's recommendation, once an application is received and properly vetted.

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-Danuluk

15. COMMENTS FROM THE CITY MANAGER

a. Reports

City Manager Nick Mimms presented information from the Pandemic Response Impact Report. Over two thousand individuals were tested at a cost of \$120,000, \$114,000 was allocated to local business, residents received over \$271,000 in grants and \$121,000 was spent to address food insecurities. The City of Fort Pierce provided over 12,000 vaccines. He expressed his pride in the City and its employees.

City Attorney Peter Sweeney expressed his pleasure serving the City of Fort Pierce.

City Clerk Linda Cox -none

16. COMMENTS FROM THE COMMISSION

Commissioner Curtis Johnson Jr announced that the Community Engagement Series will continue with the Deputy County Administrator Alphonzo Jefferson on July 29 at 6:30 pm at Indian River State College. He thanked Attorney Sweeney for all his work.

Commissioner Jeremiah Johnson expressed that things are happening in the Treasure Coast. Thanked Attorney Sweeney for his hard work and leadership.

Commissioner Perona thanked the Commission for their hard work. He is encouraged to see parking on Seaway. Thanked Attorney Sweeney for his hard work.

Mayor Linda Hudson thanked Attorney Sweeney for his service.

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 **11:08**

ATTEST:

CITY CLERK

MAYOR COMMISSIONER