

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 6:30 P.M. ON MONDAY, **AUGUST 17, 2020**

1. CALL TO ORDER

Mayor Hudson called the August 17, 2020 Regular Meeting of the City Commission to order at 6:30 PM.

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

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Mayor Linda Hudson; Commissioner Rufus Alexander; Commissioner Jeremiah Johnson; Commissioner Thomas Perona; Commissioner Reginald Sessions

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

Commissioner Alexander was present by telephone.

5. APPROVAL OF MINUTES

- a. Approval of Minutes from August 03, 2020 Regular Meeting.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve the minutes from the August 03, 2020 Regular Meeting.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions
Passed

6. PROCLAMATIONS

- a. Women's Equality Day Proclamation being received by Linda Ford Gallup

7. LETTERS TO COMMISSION

- a. Letter from Gilbert E. Hyatt, III, President & Qualifier and Gilbert E. Hyatt, IV, Vice President of Gil Hyatt Construction in appreciation of the consistently pleasant and professional conduct of the following employees of the Building Department: Elizabeth Beck, Cristobal Bossano, Guillenno Carbonell, Shaun Coss, Cesar Flores, Kevin Grant, Paul Julin, Susan Keller, Kristie Kirstein, Tim Little, Ed Roseberry, Ed Smith, Paul Thomas and Kim West.

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.

Dennis Murphy, Item 11b.

9. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

10. MISCELLANEOUS REPORTS

- a. Third Quarter Financial Report

Director of Finance Johnna Morris provided an overview of the FY20 Third Quarter Financial Report. Ms. Morris summarized the Fund Evaluation Report for the General, Marina, Solid Waste, Golf Course, Sunrise Theatre, and Building and Code Funds. Ms. Morris reported on the General Fund projected shortages and overages for FY19-20. The City of Fort Pierce will apply for reimbursement of costs associated with COVID-19 through the CARES Act. Ms. Morris included a summary report on the FPRA.

11. CONSENT AGENDA

- a. Approval of Specific Authorization No. 2 to Culpepper & Terpening, Inc (C&T) in an amount not to exceed \$62,970.00. Pending City Attorney approval.
- b. Approval of request to reduce demolition fees in the amount of \$38,241.68 against 2152 S Jenkins Road, Fort Pierce, FL, Parcel ID Number 2418-333-0002-000-6 owned by BGDN, LLC, 1820 Avenue K, Brooklyn, NY 11230. In accordance with previously established policy, staff recommends the approval to waive the costs for interest, penalties, and fees leaving a balance due of \$21,827.00 payable in 30 days. However, applicant is requesting a waiver of all charges \$38,241.68, which requires a direct vote by Commission.

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

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

12. PUBLIC HEARINGS

Any Public Comment on these items, if not being offered in person, should be submitted by noon on the day of the meeting using the Sworn Public Comment Form which is available on the city's website at: <http://www.cityoffortpierce.com/DocumentCenter/View/8741/Sworn-Public-Comment-for-Public-Hearings>

- a. Presentation and Public Hearing for the 2019-2020 Community Development Block Grant (CDBG) Program with CARES Act (CV) Amendment

Grants Administration Manager Caleta Scott provided a presentation on the 2019 Action Plan which is the fourth of five years under the Consolidated Plan for program years 2016–2020. The plan is amended to include the CARES Act funding. The community is informed through public presentations, hearings, advertising, and social media. The original Action Plan includes economic development, public services, improvements to public facilities, owner-occupied housing rehabilitation assistance and neighborhood revitalization. The amendment includes expansion of the original plan to include the CARES Act funding for COVID-19 relief through small business grants, COVID-19 testing coordination, food distributions and relief supplies, emergency housing assistance, and program administration.

Mayor Linda Hudson opened the public hearing. Seeing no one, Mayor Hudson closed the public hearing.

- b. Quasi-Judicial Hearing for a Conditional Use Approval for an elevated dune crossover seaward of the Coastal Construction Control Line (CCCL) at 618 S Ocean Drive for private beach access

City Clerk Linda Cox introduced the application for Conditional Use for an elevated dune crossover seaward of the Coastal Construction Line (CCCL) at 618 S. Ocean Drive for private beach access.

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 Alexander - none.
Commissioner Johnson - none.
Commissioner Perona - none.
Commissioner Sessions - none.
Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

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

Staff presentation:

Planning Director Jennifer Hofmeister provided an overview of the proposed Conditional Use with New Construction of an elevated dune crossover seaward of the CCCL located at 618 South Ocean Drive. Ms. Hofmeister presented slides showing the Future Land Use, Zoning and Site Plan to further describe the property. The Department of Environmental Protection has approved this plan for seaward construction. One Hundred Fifty-Five (155) notices were sent to adjacent property owners: four (4) returned in favor and four (4) in opposition. The Planning Board has recommended approval of this application.

Staff recommends approval subject to one (1) condition:

1. Obtain the approval of the Florida Department of Environmental Protection for construction activities seaward of the Coastal Construction Control Line before construction activities can commence.

Commission questions for Staff:

A similar dune crossover at an adjacent property was approved by the City Commission last year.

Applicant presentation:

Lois Edwards, with RD Environmental Consultants as Applicant Representative, sworn was present and available to answer any questions.

Commission questions for Applicant: None.

Public comment: None.

Mayor Hudson closed the public hearing.

Comments by the City Commission: None.

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

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Quasi-Judicial Hearing for a Conditional Use Approval with no new construction for a Vacation Rental located at 1361 Binney Drive submitted by the applicant, Michelle Longarzo, for the property owner, Dana France.

City Clerk Linda Cox introduced the application for Conditional Use with no new construction for a Vacation Rental located at 1361 Binney Drive, submitted by the applicant, Michelle Longarzo, for the property owner, Dana France.

Mayor Hudson called the public hearing to order and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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 Alexander - none.
Commissioner Johnson - none.
Commissioner Perona – yes.
Commissioner Sessions - none.
Mayor Hudson – none.

Mayor Linda Hudson opened the public hearing.

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

Staff presentation:

Planning Director Jennifer Hofmeister provided an overview of the proposed application for Conditional Use with no new construction for a vacation rental located at 1361 Binney Drive. Ms. Hofmeister provided slides showing the location, future land use and zoning maps. The applicant is seeking approval to operate a vacation rental offering lodging for less than six (6) months with a minimum rental period of two (2) days.

One hundred thirty (130) notifications were mailed to adjacent property owners with two (2) returned in favor and fifteen (15) opposed. Planning Board recommends approval.

Staff recommends approval subject to six (6) conditions:

- 1) The property manager for the dwelling rental shall be available at all times to resolve complaints or violations of city code. Said manager shall reside in St. Lucie County and shall be registered with the City of Fort Pierce.
- 2) Guide booklets (available from Code Enforcement) shall be provided to renters regarding local rules and public service resources, to minimize conflicts.
- 3) The applicant shall file for and obtain St. Lucie County and City of Fort Pierce Business Tax Licenses within thirty (30) days of issuance of a license from the Florida Department of Business & Professional Regulation.
- 4) There shall be a limitation of no more than no two (2) vehicles per unit.
- 5) The City of Fort Pierce Business Tax License number shall be included on all advertising.
- 6) Pursuant to City Code Section 22-62(b)(4) Sidewalks. In order to provide continual access for pedestrians, sidewalks and sidewalk linkages shall be required to be provided by the property owner or permit applicant, when plans are submitted for condition use applications or pay a payment into the city sidewalk fund pursuant to City Code Section 22-62(g).

Commission questions for Staff:

Commissioner Perona inquired about the reason for opposition by neighbors. Ms. Hofmeister stated that most of the notifications returned in opposition were out of concern for a potential change of character for the neighborhood. Commissioner Johnson inquired about the driveway apron along Binney Drive. Ms. Hofmeister stated that driveways must meet the standard conditions of the City Engineering requirements including the apron. Mr. Mimms added that the property owner is responsible for the maintenance of their driveway and apron up to the connection to a city roadway.

Applicant presentation:

Michelle Longarzo, Applicant Representative, sworn was present. Ms. Longarzo is concerned with consistency in approvals and conditions and, objects to any condition being required regarding the driveway and does not feel an applicant should be responsible for paying fees or costs for the notification mail to neighboring property owners. Ms. Longarzo referred to Opine 179 regarding conditional use permits and does not agree that a vacation rental is a substantial change of use. Ms. Longarzo further stated that vacation rental owners are protected under Hale vs. Hinkle and that under informal Opine 8079 sprinklers and other conditions should not be imposed.

Dana France, Applicant, sworn, was present. Ms. France purchased the property approximately two years ago and has invested a lot of money into improving this property which in turn, has improved the City of Fort Pierce by enhancing tourism. Ms. France does not agree with adding a sidewalk because there is one across the street.

Commission questions for Applicant: None.

Public comment: None

Mayor Hudson closed the public hearing.

Comments by the City Commission:

Commissioner Perona inquired of the City Attorney if the City of Fort Pierce has the authority to impose these conditions on this application. City Attorney Peter Sweeney stated that there is provision that is "in the best interest of the community" for any condition as long as it is reasonably tailored to what the conditional use is. Ms. Hofmeister stated that there is a driveway provision, and this is a "conditional use" and not permitted by right. The State of Florida regulates the duration and location of vacation rentals. The city can impose conditions that are in the best interest of the health, welfare and safety of the city.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Item 12c with staff conditions except that condition 6 is substituted with "The Property Owner will construct a driveway apron" consistent with City Code instead of the sidewalk condition.

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

NAY: Commissioner Rufus Alexander, Commissioner Reginald Sessions

Passed

- d. Quasi-Judicial Hearing for a Conditional Use Approval with no new construction for a Vacation Rental located at 1218 S. 11th Street submitted by the applicant, Michelle Longarzo, for the property owner, Raul Arenas.

City Clerk Linda Cox introduced the application for Conditional Use with no new construction for a Vacation Rental located at 1218 S. 11th Street submitted by the applicant, Michelle Longarzo, for the property owner, Raul Arenas.

Mayor Hudson called the public hearing to order and reminded the Commission and Public that this proceeding is a Quasi-Judicial Hearing and that City Attorney Peter Sweeney has read the legal requirements into the record.

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 Alexander - none.

Commissioner Johnson - yes.

Commissioner Perona - yes.

Commissioner Sessions - yes.

Mayor Hudson - yes.

Mayor Linda Hudson opened the public hearing.

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

Staff presentation:

Planning Director Jennifer Hofmeister provided an overview of the proposed application for Conditional Use with no new construction for a vacation rental located at 1218 S. 11th Street. Ms. Hofmeister provided slides showing the location, future land use and zoning maps. The applicant is seeking approval to operate a vacation rental offering lodging for less than six (6) months with a minimum rental period of two (2) days.

Sixty-five (65) notifications were mailed to adjacent property owners with zero (0) returned in favor and one (1) opposed. Planning Board recommends approval.

Staff recommends approval subject to five (5) conditions:

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

Commission questions for Staff: None.

Applicant questions for Staff:

Michelle Longarzo, Applicant Representative, sworn objects to condition 4 regarding the number of vehicles allowed on site. Ms. Hofmeister explained that this is a condition imposed by the Planning Board with the support of the City Commission and was added as a standard condition to single family homes.

Applicant presentation:

Michelle Longarzo, Applicant Representative, sworn was present. Ms. Longarzo reiterated her opposition to condition 4 regarding the number of vehicles per site. Ms. Longarzo stated the property owner will comply with conditions 1, 2, 3, and 5 and remains opposed to condition 4. Ms. Longarzo does not feel home rule applies. Ms. Longarzo read into the record a term from binding arbitration Opine 179 as well as the informal interpretation Opine 8079 regarding constitutional use of property.

Commission questions for Applicant:

Commissioner Johnson explained that stormwater holding is different for commercial transient business such as hotels. Bringing transient traffic to a single-family residence can possibly affect the health, safety and welfare of neighboring residences.

Public comment:

City Clerk Linda Cox read a sworn statement in opposition of the application based on safety concerns from Michael and Pamela Culley into the record.

Mike Menard, sworn, opposed to the application. As a licensed architect, he indicated that based upon the floor plan provided, the bathroom size and fire alarm locations appear to be inconsistent with the Florida Building Code. Luca Fontaine Bradley, sworn, opposed to the application based upon traffic concerns.

Kia Fontaine, sworn, opposed to the application based upon a change to the neighborhood character.

Michelle Longarzo, sworn, supports application.

Mayor Hudson closed the public hearing.

Comments by the City Commission:

Mayor Hudson participates in a civics discussion with students at Dan McCarty Middle School. The students have raised concerns about having to walk along 1th Street in the road because there are no sidewalks. Mayor Hudson agrees that having transient traffic would not be appropriate at this location. Commissioner Perona is concerned that the floor plan submitted by the applicant has a discrepancy with the floor plan on the St. Lucie County Tax Assessor's record. If a three-bedroom home was modified to four bedrooms and it was not properly permitted, the inhabitants are at risk for their health, safety, and welfare. Commissioner Alexander is concerned with public safety if automobiles need to be parked on the street because the driveway is inadequate to accommodate the number of visitors

City Attorney Peter Sweeney explained that the City of Fort Pierce has a valid ordinance regarding vacation rentals. The ordinance has not been declared unconstitutional or illegal. State legislation prevents a municipality from regulating duration or location of a vacation rental.

Commissioner Johnson heard competent substantial evidence in the public comment from a professional with first-hand knowledge of the neighborhood regarding the health, safety, and welfare of the public.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Thomas Perona to disapprove Item 12d.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- e. Legislative Hearing - Ordinance 20-016 Establishing the Bent Creek Community Development District. SECOND READING

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

ORDINANCE NO. 20-016

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ESTABLISHING THE BENT CREEK COMMUNITY DEVELOPMENT DISTRICT, PURSUANT TO CHAPTER 190, FLORIDA STATUTES; PROVIDING FOR THE NAME, POWERS AND DUTIES; PROVIDING FOR DESCRIPTION AND BOUNDARIES; 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.

Mr. Brian Nolan, Applicant Representative, sworn, was present. It is the developer's intention to move forward with the streetscape and light bank planning for the existing and future phases. Mr. Nolan further stated that existing homeowners and HOA's will not be assessed any fees associated with the Community Development District (CDD).

Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Ordinance 20-016.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Thomas Perona, Commissioner Reginald Sessions

NAY: Commissioner Jeremiah Johnson

Passed

- f. Legislative Hearing - Ordinance 20-019 adopting 2020 Fort Pierce Redevelopment Plan Update and providing for an extension of operational timeframe. SECOND READING

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

ORDINANCE NO. 20-019

AN ORDINANCE OF THE CITY OF FORT PIERCE, ADOPTING THE COMMUNITY REDEVELOPMENT PLAN UPDATE FOR THE FORT PIERCE REDEVELOPMENT AGENCY; PROVIDING FOR AN EXTENSION OF THE COMMUNITY REDEVELOPMENT AGENCY'S OPERATIONAL TIMEFRAME, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ORDINANCES OR PARTS THEREOF IN CONFLICT. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 20-019.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- g. Legislative Hearing - Ordinance 20-008 amending the City's Comprehensive Plan to include revisions to the Future Land Use Element Subsection B, Commercial, to require the uses within the Central Business District (CBD) to have mixed-uses which may include commercial / retail, allow for single-family residential as part of those mixed-use developments, expand the range of office and retail uses which may be permissible. SECOND READING

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

ORDINANCE NO. 20-008

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; AMENDING THE CITY'S COMPREHENSIVE PLAN TO INCLUDE REVISIONS TO THE FUTURE LAND USE ELEMENT SUBSECTION B, COMMERCIAL, TO REQUIRE THE USES WITHIN THE CENTRAL BUSINESS DISTRICT (CBD) TO HAVE MIXED USES WHICH MAY INCLUDE COMMERCIAL / RETAIL, ALLOW FOR SINGLE-FAMILY RESIDENTIAL AS PART OF THOSE MIXED-USE DEVELOPMENTS, EXPAND THE RANGE OF OFFICE AND RETAIL USES WHICH MAY BE PERMISSIBLE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 20-008.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- h. Legislative Hearing - Ordinance 20-009 changing the home occupation use in the Central Commercial (C-4) zoning district from a prohibited use to a conditional use; permitting mixed uses to be constructed as individual buildings or developments in the Central Commercial (C-4) zoning district, both vertically and horizontally; changing duplex, detached house, and townhouse uses in the Central Commercial (C-4) zoning district from prohibited uses to conditional uses; defining the utilization of home occupations located on parcels within the central business district (CBD) Future Land Use designation. SECOND READING

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

ORDINANCE NO. 20-009

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA, RELATING TO BASIC ZONING DISTRICTS, ALLOWED USES, AND SUPPLEMENTARY REGULATIONS, CHANGING THE HOME OCCUPATION USE IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT FROM A PROHIBITED USE TO A CONDITIONAL USE; PERMITTING MIXED USES TO BE CONSTRUCTED AS INDIVIDUAL BUILDINGS OR DEVELOPMENTS IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT, BOTH VERTICALLY AND HORIZONTALLY; CHANGING DUPLEX, DETACHED HOUSE, AND TOWNHOUSE USES IN THE CENTRAL COMMERCIAL (C-4) ZONING DISTRICT FROM PROHIBITED USES TO CONDITIONAL USES; DEFINING THE UTILIZATION OF HOME OCCUPATIONS LOCATED ON PARCELS WITHIN THE CENTRAL BUSINESS DISTRICT (CBD) FUTURE LAND USE DESIGNATION; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Rufus Alexander to approve Ordinance 20-009.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- i. Legislative Hearing - Ordinance 20-011 seeking a Future Land Use Map Amendment for eight (8) properties generally located at or near 322 North 2nd Street from Industrial (I) to Central Business District (CBD). SECOND READING

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

ORDINANCE NO. 20-011

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; FUTURE LAND USE MAP AMENDMENT FOR EIGHT (8) PROPERTIES GENERALLY LOCATED AT OR NEAR 322 NORTH 2ND STREET FROM INDUSTRIAL (I) TO CENTRAL BUSINESS DISTRICT (CBD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 20-011.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- j. Legislative Hearing - Ordinance 20-017 abandoning all City right-of-way passing through or lying within two parcels of land bound By A.E. Backus Avenue to the north, North Indian River Drive to the east, Avenue B to the south, and North 2nd Street to the west. SECOND READING

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

ORDINANCE NO. 20-017

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, ABANDONING ALL CITY RIGHT-OF-WAY PASSING THROUGH OR LYING WITHIN TWO PARCELS OF LAND BOUND BY A.E. BACKUS AVENUE TO THE NORTH, NORTH INDIAN RIVER DRIVE TO THE EAST, AVENUE B TO THE SOUTH, AND NORTH 2ND STREET TO THE WEST, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING.

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Jeremiah Johnson to approve Ordinance 20-017.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- k. Legislative Hearing - Ordinance 20-018 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. SECOND READING

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

ORDINANCE NO. 20-018

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. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Thomas Perona to approve Ordinance 20-018.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- l. Legislative Hearing - Ordinance 20-012 rezoning ten (10) properties generally located at or near 322 North 2nd Street from Light Industrial (I-1) for eight (8) parcels and Central Commercial (C-4) for two (2) parcels to Planned Development (PD). SECOND READING

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

ORDINANCE NO. 20-012

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; REZONING TEN (10) PROPERTIES GENERALLY LOCATED AT OR NEAR 322 NORTH 2ND STREET FROM LIGHT INDUSTRIAL (I-1) FOR EIGHT (8) PARCELS AND CENTRAL COMMERCIAL (C-4) FOR TWO (2) PARCELS TO PLANNED DEVELOPMENT (PD); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. SECOND READING

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve Ordinance 20-012.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- m. Legislative Hearing - Ordinance 20-021 - extending the territorial limits of the City of Fort Pierce, to include a 1.50 acre unaddressed parcel abutting 3280 South 25th Street in Fort Pierce, Florida. FIRST READING

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

ORDINANCE NO. 20-021

AN ORDINANCE EXTENDING THE TERRITORIAL LIMITS OF THE CITY OF FORT PIERCE, FLORIDA, TO INCLUDE A 1.50 ACRE UNADDRESSED PARCEL ABUTTING 3280 SOUTH 25TH STREET 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. FIRST READING.

Planner Brandon Creagan provided an overview of the proposed ordinance for the annexation of a parcel attached to 3280 South 25th Street. Mr. Creagan provided a Site Aerial Map, Future Land Use Map and Zoning Map to

further identify the parcel. As proposed, the annexation meets the standards of the City's Comprehensive Plan, specifically Policy Section 1.11 regarding annexations.

Planning Staff recommends approval with the Future Land Use Designation of RL and Zoning of R-1.

Mayor Hudson opened the Public Hearing. Seeing no one, Mayor Hudson closed the Public Hearing.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Reginald Sessions to approve Ordinance 20-021.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

13. CITY COMMISSION

- a. Resolution No. 20-R38 establishing Community Response Department fees.

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

RESOLUTION NO. 20-R38

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; ESTABLISHING ANIMAL CONTROL FEES, TEMPORARY SIGN PERMIT FEE, AND CODE ENFORCEMENT ADMINISTRATION FEES; AND PROVIDING FOR AN EFFECTIVE DATE

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Reginald Sessions to approve Resolution 20-R38.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- b. Resolution 20-R39 appointing a member to the Planning Board.

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

RESOLUTION NO. 20-R39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OF A MEMBER TO THE CITY PLANNING BOARD; PROVIDING FOR AN EFFECTIVE DATE.

City Clerk Linda Cox advised the City Commission that this at-large seat was held by Mr. O'Connell who is not seeking re-appointment. Ballots were distributed to the City Commission

Commissioner Alexander –	Marcia Baker
Commissioner Johnson –	Al Bernetti
Commissioner Perona –	Marcia Baker
Commissioner Sessions –	Marcia Baker
Mayor Hudson -	Al Bernetti

Motion was made by Commissioner Reginald Sessions, seconded by Commissioner Rufus Alexander to approve Resolution 20-R39 and appoint Marcia Baker, At Large to the City of Fort Pierce Planning Board.

AYE: Mayor Linda Hudson, Commissioner Rufus Alexander, Commissioner Jeremiah Johnson, Commissioner Thomas Perona, Commissioner Reginald Sessions

Passed

- c. Discussion and/or direction regarding the Mayor and Commission appointees to the Police Community Advisory Committee that have terms expiring on 9/3/2020; will members be reappointed or shall we seek additional applications.

Mayor and Commission appointees to the Police Community Advisory Committee have terms which are set to expire on September 03, 2020. A resolution for appointment or reappointment will be made at the next meeting.

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.

Tim Gunther
Michelle Longarzo

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms has provided the City Commission with the City Manager COVID-19 update. At the food and school supplies distribution at Percy Peek Gymnasium, one randomly selected family was given a brand-new laptop computer. We have had wonderful community collaboration with our partners. It was a rewarding experience for the employee's and volunteers to bring joy to the children and families of our community. The City of Fort Pierce will continue to be conservative and are aiming to meet all the strategic objectives.

City Attorney Peter Sweeney had no further comments.

City Clerk Linda Cox provided the following Budget Hearing dates: September 14, 2020. The First Reading will be September 21, 2020, and the Second Reading will be at a special meeting on September 28, 2020. Ms. Cox reminded the City Commission that starting in September the new times for the City Commission meetings will come into effect.

16. COMMENTS FROM THE COMMISSION

Commissioner Alexander is concerned that people are not social distancing or wearing their masks in public despite the facial mask mandate.

Commissioner Perona mentioned that school starts next week, be safe everyone. Please vote!

Commissioner Sessions Please vote!

Commissioner Johnson stated that there are many opportunities with the CARES Act Funding. Human Resources for St. Lucie County has had some creative programs including information technology such as Microsoft Teams.

Mayor Hudson reported that the Florida League of Cities had it's first virtual General Session. Councilwoman Jolien Caraballo from Port St. Lucie was elected as the Second Vice President who is the first person from the Treasure Coast to be elected to office in the Florida League of Cities. Tomorrow is the day that the Tennessee Legislature ratified the 19th Amendment 100 years ago to allow women the right to vote. Please exercise your right to vote! Please complete your Census. The Census due at the end of September is extremely important for the community.

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 **9:49PM**

ATTEST:

CITY CLERK

MAYOR COMMISSIONER