

MINUTES OF A REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, HELD IN THE CITY HALL COMMISSION CHAMBERS, 100 NORTH U.S. #1, FORT PIERCE, FLORIDA, AT 4:30 P.M. ON MONDAY, APRIL 18, 2022.

1. CALL TO ORDER

Mayor Hudson called the April 18, 2022 Regular Meeting of the City Commission to order at 4:30 P.M.

2. OPENING PRAYER - Pastor Craig Bridgers with The Crossing Community Church

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

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

Staff Present: City Clerk Linda Cox
City Manager Nicholas Mimms
City Attorney Tanya Earley

5. APPROVAL OF MINUTES

- a. Approval of Minutes from the April 04, 2022 Regular Minutes

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Thomas Perona to approve the minutes of the April 04, 2022 Regular Meeting.

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

Passed

6. PROCLAMATIONS

7. LETTERS TO COMMISSION

- a. "Great job and superior experience at the Sunrise Theatre," from Roberta Cleary, who drove from Orlando to Fort Pierce for the Mike DelGuidice & Big Shot performance on Saturday, March 19th. "Keep it going!"
- b. Barbara Zaloom sent an email thanking Jacolby Washington, Solid Waste Division Manager, for providing exceptional customer service.

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve the Agenda as set.

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

Passed

9. **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.

No comments

10. **MISCELLANEOUS REPORTS**

11. **CONSENT AGENDA**

- a. Postponed from 4/4/2022 - Approve staff recommendation in response to request to reduce lot clearing fees in the amount of \$9,002.31 against 1004 Avenue G, Fort Pierce, FL, Parcel ID# 2404-821-0001-000/4, owned by Leroy Belonce, by waiving the interest, penalties and a portion of the administrative costs in the amount of \$5,656.58, leaving a **balance due of \$3,345.73 payable in 60 days.**
- b. Approval of the Community-Wide Council recommendation for PY 2021-2022 Public Service Agency (PSA) Grant Awards in the amount of \$26,935.
- c. Approve recommendation from Arts and Culture Advisory Board to issue a Call to Artist for Sculptures at City Hall.
- d. Approval of FEMA Hazard Mitigation Grant Agreement modification #2 for the North 17th Street (Orange Ave to Ave D) Drainage Improvements Project.
- e. Approval of Impact Fee Mitigation Agreement and Covenant between City of Fort Pierce and Blue McNeil Two, LLC for Blue Sky Landing Phase II.
- f. Letter of Support to Congressman Brian Mast for the Boys and Girls Club Lighthouse Teen Development Center funding request.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Arnold Gaines to approve the consent agenda.

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

Passed

12. **PUBLIC HEARINGS**

- a. Quasi-Judicial Hearing - Conditional Use Approval to allow certain uses proposed for the redevelopment of the former Orange Blossom Mall now owned and occupied by the current owner, Prime Rock Energy Capital as the Renaissance Business Park. The subject property is located at 4100 and 4200 Okeechobee Road. More specifically at Parcel Control Number: 2418-431-0001-000-0 and 2418-442-0001-000-4.

City Clerk Linda Cox introduced the Conditional Use Approval to allow certain uses proposed for the redevelopment of the former Orange Blossom Mall.

Mayor Linda Hudson asked all present to listen carefully to what City Attorney Tanya Earley would read regarding Quasi-Judicial Hearings as they apply to subsequent Quasi- Judicial Hearings tonight. Tanya Earley, City Attorney, reviewed the quasi-judicial hearing rules and procedures.

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines-no
Commissioner Curtis Johnson Jr.- no
Commissioner Jeremiah Johnson-yes
Commissioner Thomas Perona- no
Mayor Hudson-no

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Vennis Gilmore, Senior Planner, presented the Conditional Use Approval to allow certain uses proposed for the redevelopment of the former Orange Blossom Mall now owned and occupied by the current owner, Prime Rock Energy Capital as the Renaissance Business Park. The subject property is located at 4100 and 4200 Okeechobee Road. More specifically at Parcel Control Number: 2418-431-0001-000-0 and 2418-442-0001-000-4.

The proposed Conditional Use application adheres to the requirements of the City Land Development Code and guidelines of the City's Comprehensive Plan and does not appear to adversely affect the public health, safety, convenience, and general welfare. Therefore, Staff recommends APPROVAL of the requested application with the following conditions:

1. The subject Conditional Use approves only those requested uses in the subject staff report and site plan that require Conditional Use Approval. Those permitted by right do not require Conditional Use Approval.
2. The subject Conditional Use Approval is limited to Phase 1. Future Phases will require a separate Site Plan (Development and Design) Approval.
3. No later than 180 days after the date of the City Commission hearing approving the Conditional Use, the applicant shall complete improvements to the landscaping in the existing landscape islands within the applicant's property located at the entrances to the mall and along the ring road surrounding the mall. Such landscaping improvements shall be completed in accordance with landscape plans submitted to the City and approved by City staff prior to installation and shall only use landscaping materials in compliance with the current City code. If such landscaping is not completed on or prior to the foregoing deadline, no further certificates of occupancy shall be issued for applicant's property, until such landscaping is completed.

Questions of Staff:

Commissioner Gaines inquired if this would continue as the Supervisor of Elections headquarters. Mr. Gilmore deferred that question to the applicant.

Commissioner Curtis Johnson asked for clarification of the microbrewery as there is currently a school as a tenant. Mr. Gilmore explained that the Planning Board recommended removal because it is not allowed in the declaration of covenants. The applicant has stated that with the conditional use and site plan presented before the Commission the property owner may consider changing their declaration of covenants.

Mayor Hudson inquired if the applicant is eligible to apply for conditional use if the planning board has denied it currently, and has the building been secured for flooding. Mr. Gilmore explained that applicant could come before the Commission for approval of conditional use and site plan and that the building has been secured for flooding.

Commissioner Perona inquired if landscaping will be used to identify this parcel from the storage facility, and if the parking is exclusive that parcel. Mr. Gilmore explained that the landscaping for the storage facility is not included because it is separate from this property owner therefore not allowed to include it in the plan, and that parking is based on the parcel.

Commissioner Jeremiah Johnson inquired on the code for conditional use of medical and/or educational facilities, if planning consider proximity to educational facilities, was the landscaping a requirement as it is an improvement overall and requested an explanation of condition three (3). Mr. Gilmore deferred the question of code to the applicant but explained the landscaping was determined by the owner with condition three (3) rewritten to protect the City's code.

Applicant Questions of Staff:
None

Questions of Applicant:

Applicant representative Lee Dobbins, Dean and Mead Law Firm, presented the applicants' goal of obtaining a list of conditional uses so that the property owner and tenants can manage without returning to the City. The property owner has a declaration of covenants describing what is allowed use. The microbrewery is a hypothetical as there is no tenant, but the property owner would like the use if there were future interest.

Mike O'Neil, applicant, explained that the office of the Supervisor of Elections plans to stay.

Commissioner Gaines commented that the location is perfect for the office of the Supervisor of Election due to its location.

Commissioner Curtis Johnson expressed concerns with the changes to the area designated for the office of the Supervisor of Elections, specifically parking during election, and if the school would remain if a brewery were introduced. Mr. O'Neil referenced the site plan and changes made to accommodate office and loading spaces and that the school will be relocated because the goal is not to put a brewery near the school.

Commissioner Perona requested clarification on the parking configuration and inquired if both owners agreed to amend the declaration of covenant does one owner have majority vote. Mr. O'Neil clarified that parking is shared, all the islands will be redone, and new irrigation will be installed. Mr. Dobbins explained that both parties must agree to any covenant changes.

Mayor Hudson requested clarification on the goal of the applicant concerning conditional use. Mr. Dobbins explained the applicant requesting a list of permitted uses to avoid returning for additional conditional uses.

Commissioner Jeremiah Johnson inquired if the number of square feet of the site plan is less than the approval and is the addition of a restaurant or microbrewery typical for this type of configuration. Mr. Dobbins confirmed that the square footage is less than the approval based on the site plan from the original declaration of covenants. Mr. O'Neil explained that the original site plan accounted for more space which would have been practical for a mall but not the presented business space and restaurant out parcels are typical.

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

Commissioner Curtis Johnson commented that he has concern with the addition of a microbrewery and re-purposing of the office of the Supervisor of Elections.

Mayor Hudson commented that the Supervisor of Elections is working with the applicant, and the reconfiguration may encourage early voting.

Commissioner Gaines expressed concern with the microbrewery but believes it is best to address the concern when a tenant is introduced.

Commissioner Perona applauded the applicants re-purposing of the mall and agrees that the addition of a microbrewery should be addressed if there is an interested tenant.

Commissioner Jeremiah Johnson commented that he likes the list of conditional use options, the inclusion in the owner's declaration to address fumes and the adaptive reuse of the space.

Commissioner Curtis Johnson inquired of Commissioner Jeremiah Johnson if he is in favor of moving forward with all uses included the microbrewery. Commissioner Jeremiah Johnson commented that he is in favor of moving forward with all uses including the microbrewery because the owner's declaration of covenants.

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Thomas Perona to approve the Conditional Use Application with three (3) conditions without the addition of the microbrewery.

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

NAY: Commissioner Jeremiah Johnson

Passed

- b. Quasi-Judicial Hearing - Site Plan (Development and Design Review) Approval to construct a 10,300 square foot warehouse and office building with associated site improvements on a 1.51-acre parcel of unimproved land. The subject property is located at 3621 US Highway 1. More specifically located at Parcel Control Number: 2434-601-0025-000-5.

City Clerk Linda Cox introduced the Site Plan (Development and Design Review) Approval to construct a 10,300 square foot warehouse and office building with associated site improvements on a 1.51-acre parcel of unimproved land.

Mayor Linda Hudson reminded all present of the quasi-judicial hearing rules and procedures read by City Attorney Tanya Earley

Mayor Linda Hudson called the proceeding to order.

City Clerk Linda Cox confirmed the City complied with the advertisement and notice requirements.

Mayor Linda Hudson inquired with the Commission regarding ex-parte communications and asked City Clerk to call the roll:

Commissioner Arnold Gaines-no

Commissioner Curtis Johnson Jr.- no

Commissioner Jeremiah Johnson-no

Commissioner Thomas Perona- no

Mayor Hudson-no

City Clerk Linda Cox swore in those wanting to speak during this Quasi-Judicial hearing.

Staff Presentation:

Vennis Gilmore, Senior Planner, presented the Site Plan (Development and Design Review) Approval to construct a 10,300 square foot warehouse and office building with associated site improvements on a 1.51-acre parcel of unimproved

land. The subject property is located at 3621 US Highway 1. More specifically located at Parcel Control Number: 2434-601-0025-000-5.

The proposed Site Plan (Development Review and Design Review) application adheres to the requirements of the City Land Development Code and guidelines of the City's Comprehensive Plan and does not appear to adversely affect the public health, safety, convenience, and general welfare. Therefore, Staff recommends APPROVAL of the requested application with the following conditions:

1) Pursuant to City Code Section 123-66. (d) -Tree protection and mitigation, a final Tree Mitigation Plan shall be approved by staff prior to the issuance of a Building Permit.

2) A certified letter of completion by a landscape architect and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.

Questions of Staff:

None

Applicant Questions of Staff:

None

Questions of Applicant:

Mark Landsman, Engineering Design and Construction and Kiernan Casey, applicant were available for questions.

Commissioner Curtis Johnson inquired of the applicant's plans for the site. Mr. Casey explained that the proposed plan is warehouse storage space with an office front.

Mayor Hudson inquired if the site would have various tenants in a warehouse space. Mr. Casey explained that is accurate all service-oriented businesses.

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 the Site Plan (Development and Design Review) with two (2) conditions.

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

Passed

- c. Legislative Hearing - Ordinance 22-012 Amending Section 12-6, Election Districts by amending the election district boundary following the 2020 U.S. Census. FIRST READING

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

ORDINANCE NO. 22-012

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE; AMENDING CHAPTER 12, ELECTIONS, SECTION 12-6, ELECTION DISTRICTS, BY AMENDING THE BOUNDARY BETWEEN ELECTION DISTRICT 1 AND ELECTION DISTRICT 2; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Curtis Johnson commented that there was a slight discrepancy between the US Census numbers and what was presented and wants the public to know that it will be addressed with the US Census and the City.

Mayor Hudson commented that she read the explanation, had a conversation with the consultant, and advised anyone who planned to speak based on the previous information would reference the memo attached to the agenda.

Commissioner Gaines commented that he has seen the memo for both options, but there is a part of the community that still is conflicted with the numbers.

Commissioner Perona commented that redistricting is a complex and intricate issue, but a decision must be made to level the playing field. He applauded Commissioner Gaines for requesting the second workshop.

Commissioner Curtis Johnson echoed the comments of Commissioner Perona and clarified that this does not do away with single member districts.

Commissioner Jeremiah Johnson commented that district realignment is the job to ensure each district is properly represented, and thanked Commissioner Gaines for requesting the second workshop.

Mayor Hudson opened the public hearing.

Reginald Sessions – Against
Mario Wilcox – Against

Mayor Hudson closed the public hearing.

Mayor Hudson commented that she compared the previous and current alternative one and the percentages are almost equal.

Commissioner Curtis Johnson commented that what is proposed does not change or dilute the population percentages and to do nothing is unacceptable.

Commissioner Jeremiah Johnson echoed Commissioner Curtis Johnson's sentiment that to do nothing is unacceptable and after having conversations with the consultant he finds option one acceptable.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to approve Ordinance No. 22-012.

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

NAY: Commissioner Arnold Gaines

Passed

13. CITY COMMISSION

- a. Discussion of the unsolicited proposal provided by Aqualia regarding the relocation of the island water reclamation facility at the request of Commissioner Curtis Johnson.

Commissioner Curtis Johnson introduced the representative from Aqualia to provide additional understanding regarding the relocation of the island water reclamation facility.

Eva Arnaiz Garcia, Aqualia was available for questions regarding their proposal for relocation of the island water reclamation facility.

Commissioner Curtis Johnson requested a general overview of Aqualia's proposal, and are they involved in the partnership currently. Ms. Garcia explained that Aqualia is willing to assist the City and FPUA from financing to facility maintenance in a smaller space and shorter time frame of completion, and they

are not currently involved in a partnership with the City or FPUA.

Commissioner Gaines inquired of rate changes at completion of the project. Ms. Garcia explained that during construction there would be no increase but would require increase at completion.

Commissioner Jeremiah Johnson inquired if Aqualia had met with the FPUA, or seen the fee structure because the community needs to know what cost it will incur.

Commissioner Perona expressed that he was impressed with the proposal from Aqualia but wants to ensure support of FPUA and their plan moving forward knowing that Aqualia is still an option.

Commissioner Curtis Johnson explained that he wanted a full understanding of what part Aqualia could play.

Commissioner Person commented that a rate proposal is necessary from Aqualia to make a fair comparison.

Commissioner Curtis Johnson commented that transparency from all partners is important to make an informed decision.

Commissioner Gaines commented that he would like to see rate information from Aqualia and compare with those of FPUA.

Commissioner Jeremiah Johnson commented that we know the current proposed rates and must explain that to the community.

Mayor Hudson explained that this decision is beyond numbers and a comparison of the pros and cons would be helpful in the decision-making process.

City Manager Nick Mimms commented that he recalled there was a request by Aqualia to FPUA, and he was not aware that information was provided because Aqualia cannot produce the information requested by the Commission without FPUA's numbers.

Commissioner Jeremiah Johnson inquired had the FPUA board spoken about providing information to Aqualia.

Mayor Hudson commented that she was not aware if the FPUA had spoken and that it was important that the community know every opportunity was explored.

Commissioner Curtis Johnson expressed his appreciation for the discussion.

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.

Jon Nolli
Will Goulet
Gian Maleki
Gregory Welling
Lance Marinor
Jonathan Alfred
Maxwell Rudd
Greg Espinall
Noah Ross
Amanda Delgado

Anna Bach
Bob Lynch
Raymundo Santian
Madison Clark
George Desjardis
Jennifer Ragin
Connie Delair
David Underhill
Donn Wonderling
James Clasby
Aaron Freed
Lydia Wilde
Mark Hueter

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms commented that the City's Strategic Plan was released today and is attached to the agenda, the Annual Report was released showing a decrease in crime of 46.1% over the last six years.

City Clerk Linda Cox - No comments

City Attorney Tanya Earley- No comments

a. Reports

16. COMMENTS FROM THE COMMISSION

Commissioner Gaines attended Mia Morrisons event and commended her on her speech; the YMCA started swimming lesson for children at \$5 for an eight-week program and plans to speak with City Attorney Tanya Earley regarding the ordinance affecting Pierced Cider.

Commissioner Perona commented that the Edgartown community needs to spearhead an ordinance change but understands the need for balance as Fort Pierce is changing he would like to know why Commissioner Gaines was against the redistricting ordinance and would like specific reasons why he is against or for an additional option, and applauded participants in the Boston Marathon. Commissioner Jeremiah Johnson commented that he remembers the drive for change in Edgartown and echoed residents need to push for the ordinance change.

Commissioner Gaines commented that the reason he voted against Ordinance No. 22-012 because he preferred alternative two based on the percentages.

Mayor Hudson commented she followed the ordinance pertaining to Edgartown because it was not purely business nor residential and that there needs to be compromise, the City has no control over the train sounding as it is for safety purposes, and feels redistricting option one is objective and data driven.

Commissioner Curtis Johnson commented that he believes there is a pathway for compromise in Edgartown, would like to acknowledge that City Manager Nick Mimms was honored by the Treasure Coast Haitian American Chamber of Commerce as was Sarah Smith, Mayor Hudson was recognized as the Hometown Hero by the Florida League of Cities, and thanked the Commission for their support and the ability to debate.

Commissioner Jeremiah Johnson commented that he will be visiting with the Hibiscus Park Neighborhood Association and provide an update to the redistricting process, Project Lift is in the news for their youth outreach projects, addressed the ordinance pertaining to Edgartown as there are many elements to be mindful of moving forward, referenced the importance of the waste

management facility and FPUA's efforts, and would like a discussion of the impact of upcoming changes.

17. ADJOURNMENT

Immediately following adjournment, please move toward the doors and exit the chambers. This allows for the safe and courteous exit of all persons, and those on the dais. Conversations after the meeting should be held outside of chambers, in the foyer or elsewhere, but not in the commission chambers where lights will be out as soon as the chambers are empty.

Mayor Linda Hudson adjourned the meeting at 7:48 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER