

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 5:05 P.M. ON MONDAY, AUGUST 15, 2022.

1. CALL TO ORDER

Mayor Hudson called the August 15, 2022, Regular Meeting of the City Commission to order at 5:05 P.M.

2. OPENING PRAYER - Pastor Jimmy Loyd with Fairlawn 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 August 01, 2022 Regular Meeting

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Thomas Perona to approve the minutes of the August 1, 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

8. ADDITIONS OR DELETIONS TO AGENDA AND APPROVAL OF AGENDA

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. 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.

Dr. Michael Grant, CEO of the Fort Pierce Athletic Academy, which works with gentleman from the ages of 18-23 to bridge the gap between high school and college athletics; introduced the 2022 Fort Pierce Sharks.

10. MISCELLANEOUS REPORTS

- a. Presentation of St. Lucie Public Schools top-scoring school district grades.

Dr. Jon Prince, Superintendent, St. Lucie County Schools, Lydia Martin, Chief Communications Officer, and Dr. Helen Wild, Deputy Superintendent and Chief Academic Officer, presented St. Lucie County School district grades and highlighted the top scoring schools.

11. CONSENT AGENDA

- a. Approval of Specific Authorization No. 5 in an amount not to exceed \$68,862.50 for construction engineering inspection (CEI) services relating to the Georgia Avenue Drainage Basin Water Quality Improvement construction project.
- b. Approval of the First Amendment to the Service Agreement for Shelter Administration and Animal Care to allow for the Sunrise Humane Society to contract with the City of Fort Pierce to provide management services at the shelter.
- c. Approve the Mutual Benefit and Use Agreement with True North Emergency Management, LLC., for Disaster Debris Monitoring Management and Consulting Services for the 2022 Hurricane Season.
- d. Approve the Mutual Benefit and Use Agreement with Ceres Environmental Services, for Emergency Debris Removal Services for the 2022 Hurricane Season.
- e. Approve the Mutual Benefit and Use Agreement with Ashbritt, Inc., for Emergency Debris Removal Services for the 2022 Hurricane Season.
- f. Approval to allocate \$100,000 of American Rescue Plan Act Funds for Utility Bill Assistance Program.

Commissioner Curtis Johnson pulled items 11b and 11f

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Jeremiah Johnson to approve item 11a, 11c, 11d and 11e.

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

Passed

As to item 11b

Commissioner Curtis Johnson commented that he had challenges with the language of the contract and the inclusion of an administrative employee of the City rather than the Sunrise Humane Society.

Commissioner Jeremiah Johnson commented that there was a challenge with the previous contractor which presented challenges because the City was indirectly involved but had a minimal decision-making. This agreement will provide an opportunity to have more decision-making.

Commissioner Perona commented that if funding is not received within sixty days, they will have to close their doors and that this contract will get them past the hurdles.

Commissioner Gaines inquired what the City's responsibility would be if they accept the hiring contract and the Sunrise Humane Society were to close in sixty days.

Peggy Arraiz, Director of Community Response explained that we need the Sunrise Humane Society, and this contract prevents the City having to take over the full responsibility of the shelter by providing the necessary management.

Commissioner Perona explained that this position is necessary as the Veterinarian has been handling many issues not just her designated responsibilities and could result in having to start all over again.

Commissioner Gaines expressed that he does not want to have to start the process again with another contractor but also wants to avoid issues that could arise with this hiring contract.

Mayor Hudson commented that she initially had concerns with management and understands the necessity of this, although concerns are still present.

Commissioner Curtis Johnson clarified that he believes in the concept but has concerns with a City employee managing employees of another organization, can the position be staffed in a timely manner, the staff count, and what will the organizational structure look like. Mrs. Arraiz explained that the hiring would take place timely, they would manage around fifteen employees, and they would follow standards set forth under the Sunrise Humane Society.

Commissioner Jeremiah Johnson commented that based on his experience that previously City Staff and St. Lucie County Humane Society worked in tandem, and that the management component is necessary.

Commissioner Gaines inquired who the employees would be employed by and report to. Mrs. Arraiz explained that they would report to the employee of the City but be employed by the Sunrise Humane Society, as this is a method used by many HOA's for the means of contracting and any issues would be brought before the board.

City Manager Nick Mimms commented that the person hired for this position shall not terminate, hire, or discipline any person; only make recommendations to the Sunrise Humane Society for those actions.

Commissioner Curtis Johnson commented that the language being used does not reflect what was stated by Mr. Mimms.

City Attorney Tanya Earley referenced page 5 of 7 which states that the manager can hire, supervise etc. but would make the consideration to the board for terminations and expressed that if something needs to be made clear in the language then an adjustment must be made.

Commissioner Gaines expressed that the language needs to be adjusted as clarified by City Manager Mimms.

Commissioner Curtis Johnson reiterated his concern with the language.

Commissioner Jeremiah Johnson commented that he has concern with the language being changed requiring the manager to go before the board to hire.

Commissioner Gaines commented that there is a concern with the language as it needs to be specific.

Mayor Hudson inquired of City Attorney Earley if the request for specific language was clear.

City Attorney Earley explained that she heard two separate concerns voiced, she referenced the specific passage and requested language recommendation. Commissioner Gaines and Commissioner Jeremiah commented on the specific language concerns to be adjusted by City Attorney Earley. Mrs. Earley received clarification on the specific wording recommendations.

Commissioner Curtis Johnson clarified his desire for the conversion, asked Commissioner Person to expound on the infusion of funds coming for the Sunrise Humane Society, and will reluctantly support, although he has concerns on the outcome. Commissioner Perona explained that the funds would be coming from this board of \$300,000 of which \$75,000 is allocated for the hiring of this new employee.

City Manager Mimms inquired if the Mayor Hudson would like City Attorney Earley to make the necessary revisions and bring in back before the Commission on the September 06, 2022, regular meeting.

Mayor Hudson inquired of Mrs. Arraiz if the hiring timeline would be affected. Mrs. Arraiz commented that it would not be affected.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Jeremiah Johnson to move item 11 b the September Regular Meeting.

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

Passed

As to 11f

Commissioner Curtis Johnson commented that he would like to increase the amount from \$100,000 to \$125,000 to accommodate the administration fee.

Commissioner Perona commented that he needs to determine if the additional funds requested were not already allotted elsewhere.

City Manager Nick Mimms commented that the additional \$25,000 requested would not affect the funds of the American Rescue Plan Act Funds.

Motion was made by Commissioner Curtis Johnson, Jr., seconded by Commissioner Arnold Gaines to approve the allocation of the American Rescue Plan Act Funds in the total of \$125,000.

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

Passed

City Manager Mimms explained that the funds will be administered by St. Lucie County.

12. PUBLIC HEARINGS

- a. Community Development Block Grant Annual Action Plan for Fiscal Year 2022-2023

Brittany Marinello, Grants Division Manager, presented the Community Development Block Grant Annual Action Plan for Fiscal Year 2022-2023.

- b. Quasi-Judicial Hearing - Review and approval of an application for Final Plat, submitted by Property Owner(s) Anthony Verderame (Neill Farms FP LLC) and Applicant, David Baggett PE, Project Manager (Engineering Design & Construction, Inc.), to subdivide approximately 24 acres of land (more or less) for The Avalon Crossing Planned Development (Phase II) located at or near 2790 S Jenkins Road in Fort Pierce, FL. The property is currently zoned Planned Development (PD). Parcel Control Numbers: 2419-702-0014-000-8, 2419-702-0015-000-5, 2419-702-0016-000-2, 2419-702-0017-000-9, 2419-702-0018-000-6, 2419-702-0019-000-3, 2419-702-0020-000-3.

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 review and approval of an application for Final Plat, to subdivide approximately 24 acres of land (more or less) for The Avalon Crossing Planned Development (Phase II) located at or near 2790 S Jenkins Road in Fort Pierce, FL. Staff recommends APPROVAL with one (1) condition:

The applicant will supply two (2) Mylars for appropriate signatures and then the plat is recorded with St. Lucie County Clerk of Courts in accordance with Florida State Statute 177.111.

Questions of Staff:

None

Applicant Questions of Staff:

David Baggett, Project Manager EDC, had no questions, and no presentation but thanked the Planning Department for their hard work.

Questions of Applicant:

Commissioner Jeremiah Johnson inquired of the construction phasing and if they are maintaining sediment control plans, storm water management and dewatering

plant. Mr. Baggett explained that all the site work is complete, utilities have been certified utilities and meeting all necessary requirements.

Mayor Hudson inquired if the project is near five-mile creek. Mr. Baggett explained that they are near the North St. Lucie Canal and out fall is constructed and certified.

Commissioner Curtis Johnson inquired on the total phase of new home number and if the community will be gated. Mr. Baggett explained that there will be 303 units in and that the community will not be gated.

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 application for Final Plat with one condition.

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

Passed

- c. Quasi-Judicial Hearing - Review and approval of an application for a Site Plan (Development and Design Review) approval to construct a 21,162 square foot building expansion to an existing Automobile Sales and Service Facility with associated site improvements at or near 3350 S US Highway 1, more specifically located at Parcel Control Number: 2427-801-0001-000-3.

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 review and approval of an application for a Site Plan (Development and Design Review) approval to construct a 21,162 square foot building expansion to an existing Automobile Sales and Service Facility with associated site improvements at or near 3350 S US Highway 1. Staff recommends APPROVAL of the requested applications with the following conditions:

1. A completion certification by a landscape architect, cost estimate, and landscape bond pursuant to City Code 123-6 shall be required before the Final Certificate of Occupancy is approved for the site.
2. Bicycle Parking (bike racks or lockers) shall be provided at a ratio of 1 space per every 10 parking spaces pursuant to City Code 125-315 (f)(1)(a).
3. Prior to the issuance of Building Permit approval, provide colored elevations to demonstrate that the proposed building conforms to the specifications of City Code 125-314, Design Review. Confirm that the architecture and color scheme of the new structure will match that of the existing structure.

4. Provide sidewalks and sidewalk connections along abutting ROW(s) per City Code Section 125-317 (b).

Questions of Staff:

Commissioner Jeremiah Johnson inquired if the color scheme mentioned in condition three (3) changes to the existing color. Mr. Gilmore explained that is correct.

Commissioner Perona inquired if there are sidewalks. Mr. Gilmore explained there are no sidewalks on the northern portion of Southland. Southland is a County road and requires payment in lieu of, but Planning recommends sidewalk connection.

Mayor Hudson opened the public hearing.

Questions of Applicant:

Bill Pittsley, Project Manager, MBV Engineering, has no questions of staff but clarified that there is an existing sidewalk on Southland Dr. on the property, they have provided an easement at the request of St. Lucie County, and a connection from that property to the sidewalk.

Mayor Hudson closed the public hearing.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to approve the application for a Site Plan (Development and Design Review) with four (4) conditions.

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

Passed

- d. Quasi-Judicial Hearing - Review and approval of an application for a Conditional Use with No New Construction submitted by applicant, Lindsay School of the Arts, to operate a private arts school with 3 classrooms for approximately 25-30 students at 515 Avenue A. Property is zoned General Commercial (C-3). Parcel ID: 2410-606-0005-000-0

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 - Yes

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 review and approval of an application for a Conditional Use with No New Construction submitted by applicant, Lindsay School of the Arts, to operate a private arts school with 3 classrooms for approximately 25-30 students at 515 Avenue A. Staff recommends APPROVAL of the subject Conditional Use.

Questions of Staff:

Commissioner Perona inquired of the process to turn a church into a school. Mr. Gilmore explained that there is a change of use, but this portion of the church was previously a school.

Questions of Applicant:
No applicant was present.

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

Motion was made by Commissioner Arnold Gaines, seconded by Commissioner Curtis Johnson, Jr. to approve the application for a Conditional Use with no new construction.

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

Passed

13. CITY COMMISSION

- a. Approval and acceptance of the FPUA FY2023 Annual Budget and FY2022 Amended Budget.

Javier Cisneros, Director of Utilities and Barbara Mika, Director of Financial Services presented the FPUA FY2023 Annual Budget and FY2022 Amended Budget.

Commissioner Perona commented that he is thrilled to hear the growth moving forward and being below the investor-owned utilities is part of the battle and the customer must be considered. Mr. Cisneros commented the focus is on efficiency to lower cost.

Commissioner Curtis Johnson inquired where the City is on the growth trajectory and was there an increase seen in the weatherization program. Mr. Cisneros commented that increasing customer base so that unit cost is lower, gas, water and wastewater are areas of growth and that the weatherization program had to be revisited because it was not done correctly. Additionally, they are looking to partner with the US IFUS to bring in supplement We Opt program reaching the homeowner and renters.

Commissioner Gaines commented on his concerns with communication to notify the community, addressing their concerns and growth and development. Mr. Cisneros commented that he hears the Commissions request for better communication with the community, and they have built a team to move in the right direction.

Commissioner Jeremiah Johnson commented on the FPUA three-point plan, thinks they are on the right track and would like consideration to be given to make investments into growth, development, and capital improvements. Mr. Cisneros addressed the capital improvement numbers and the opportunity with water and wastewater.

Mayor Hudson commented that the FPUA Board and staff are hearing and acting on growing the City.

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Jeremiah Johnson to waive the thirty-day period for disapproval and approve the FPUA FY2023 Annual Budget and FY2022 Amended Budget.

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

Passed

- b. Resolution 22-R29 appointing an at-large member of the Planning Board.

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

RESOLUTION NO. 22-R29

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.

Commissioner Perona – Anton Kreisl
Commissioner Curtis Johnson - KeAndrea Davis
Commissioner Arnold Gaines - KeAndre Davis
Mayor Hudson-Anton Kreisl
Commissioner Jeremiah Johnson – Anton Kreisl

Motion was made by Commissioner Thomas Perona, seconded by Commissioner Arnold Gaines to approve Resolution No. 22-R29 appointing Anton Kreisl to the Planning Board.

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

Passed

- c. Resolution 22-R30 appointing a member to the Police Officers Retirement Fund.

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

RESOLUTION NO. 22-R30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, CERTIFYING THE APPOINTMENT OR REAPPOINTMENT OF A MEMBER TO THE POLICE OFFICERS RETIREMENT FUND BOARD OF TRUSTEES; PROVIDING FOR AN EFFECTIVE DATE.

Motion was made by Commissioner Jeremiah Johnson, seconded by Commissioner Curtis Johnson, Jr. to approve Resolution No. 22-R30.

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

Passed

- d. Discussion and direction regarding the District 1 appointed seat on the Fort Pierce Utilities Authority Board currently held by Ms. Barbara Bennett with a term expiring 9/30/2022.

Discussion and direction regarding the District 1 appointed seat on the Fort Pierce Utilities Authority Board currently held by Ms. Barbara Bennett with a term expiring 9/30/2022.

City Clerk Linda Cox explained that this is the seat appointed by both District 1 Commissioners by mutual agreement to appoint someone, if unable to agree the Mayor would cast the deciding vote.

Mayor Hudson inquired if Ms. Bennett is serving a shorter term.

Commissioner Perona clarified that Ms. Bennett is still eligible for two four-year terms.

Commissioner Curtis Johnson commented he has been very happy with Ms. Bennett and confident she will continue to do great work for the community.

Commissioner Gaines concurred with Commissioner Curtis Johnson.

Mayor Hudson commented that she has learned a lot in her time on the board.

Commissioner Perona commented that the board is very diverse and that the District 1 Commissioners have made an excellent choice.

City Clerk Linda Cox commented that this will come back before the Board in the form of a Resolution.

14. COMMENTS FROM THE PUBLIC

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.

There were no comments.

15. COMMENTS FROM THE CITY MANAGER

City Manager Nick Mimms- Public Works will be presenting another Lunch and Learn hosted by Facilities Maintenance at Means Court and would like to invite the FPUA to participate with the topic of homeownership and maintenance, meeting with the Director of the Housing Authority this week to iron out the agenda for the joint meeting August 29th, meeting with the IRSC doctor and president on the future of the main campus, and St. Lucie County on the American Rescue Plan dollars for the September 6, 2022 Regular Meeting.

City Clerk Linda Cox – Thanked the City Clerk Staff for their work in her absence.

City Attorney Tanya Earley – No comments

16. COMMENTS FROM THE COMMISSION

Commissioner Perona expressed that there are 57 days to the community build in Jaycee Park and is requesting community volunteers October 11-16th. Commissioner inquired if there is an age group because this could benefit Seniors in need of community service hours. Commissioner Perona explained there are certain requirements based on age, but they are welcomed.

Commissioner Gaines commented that he enjoyed the Florida League of Cities conference and learned a lot.

Commissioner Jeremiah Johnson commented that he enjoyed the Florida League of Cities conference, would like an update to the short-term rental ordinance and inquired on the parking issues with St. Lucie County.

Commissioner Perona commented that all lawsuits have been terminated and closed regarding short term rentals and request that it be revisited.

City Manager Mimms commented that he will finalize a letter to the County Administrator and inform him of the need for a meeting.

Commissioner Perona commented that two thirds of the meeting was on this topic.

City Attorney clarified that no lawsuits have been settled regarding short term rentals.

Commissioner Curtis Johnson, Jr. expressed that he enjoyed the Florida League of Cities conference, school is back in, and a monumental step was made to assist the community.

Mayor Hudson commented that the FPUA are part of the fabric of the community and early voting is taking place.

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 8:17 p.m.

ATTEST:

CITY CLERK

MAYOR COMMISSIONER